

Annexure - A
CAT - 32

Circuit CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD Lucknow.

INDEX-SHEET

CAUSE TITLE 679 75 OF 1937.

Name of the Parties Beant Ram

Versus.

Union of India.

Part A, B & C

S.No.	DESCRIPTION OF DOCUMENTS	PAGE
A1	General Index	1
A2	Order sheet-	3
A3	Judgement on - 2-12-88	6
A4	Application on behalf of the Applicant Dt. 25-11-88	2
A5	Application on behalf of the Respondent Dt. 21-10-88	7
A6	Writ Petition	10
A7	Affidavit of support of the Petitioner	2
A8	Staff Notice Dt. 28.5.79	2
A9	Notice Dt. 21-9.79	2
A10	Memorandum - Dt. 26.12-79 " 19.2.80. " 24.4.80.	6
A11	Application for interim relief -	4
A12	Counter Affidavit to oppose admission of the writ Petition.	6
A13	Staff Notice dt. 21.9.79	2
A14	Rejoinder - Affidavit	12

A15 - Rejoinder - Affidavit in Reply - 13 So (5).

A16 - Application for condonation of Delay met. - 3

A17 - Counter Affidavit on behalf of the oppo.
Party No. 1 and 2. - 12

A18 - Amicus - 4

B - Application - 1

C - Vakil's name - 1

D - Bench - Cebu

Calcutta Bench
24-1-89

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

C.O. No.

No.

1932

of 197

vs.

8/1

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
	Hon'ble D. N. Jha. J.	
	Hon'ble K. S. Verma J.	
	4 Learned Counsel	
	for the _____	


	for order.	
	on. 22.7.80, 4	
	Sd. D. N. Jha.	
	Sd. K. S. Verma.	
	10.7.80	
	C.M. Am. No. 3050(C)/80	
	Hon'ble D. N. Jha. J.	
	Hon'ble K. S. Verma J.	
	4 Put up _____	
	_____ on. 22.7.80."	
	Sd. D. N. Jha.	
	Sd. K. S. Verma.	
	10.7.80	

29.7.80 and
22.7.80
23.7.80
24.7.80

8/2

W.P. No. 1932 of 1982

14.

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
18.8.80	Visit Cor 16 En Ar 385B COPR for order. Hm. midday. Hm - evening. for Adm. H.D. Copy to 385D-80 Stamp only Under Affidavit Receipt received Report Affidavit Receipt received for 18.8.80	
	Sent this file for review after copying of statements time for filing CA & RA, as directed under order dated 18.8.80.	by 8.9.80
	16.1.81 Filed in C.M. Azzi 385B (advised for order)  2/1/81	C.B.

8/13

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 1932

of 1980

vs.

	Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
	1	2	3
	13.4.81	<p>C.M.A. 3550 (C.D.O) pro.</p> <p><i>de barne J</i></p> <p><i>Am</i></p> <p><i>13/4/81</i></p>	
	17.4.81	<p>C.M.A. 3858 (C.D.O) <i>pro</i></p> <p><i>de barne J</i></p> <p>No counter-affidavit has been filed. There appears to be no reason for vacating the interim order. The interim order dated 18-8-81 is confirmed.</p> <p style="text-align: right;"><i>17-4-81</i></p> <p><i>refe</i></p>	

Central Administrative Tribunal

Lucknow Bench

FORM OF INDEX

O.A./T.A./C.C.P./No. 679/87 199.....

... Beant Rane Applicant.

Versus

..... U.O.I. Respondents.

- | | | | |
|----|------------------|---|---------|
| 1. | Index Papers | : | 1 h2. |
| 2. | Order Sheet | : | 3 to 6 |
| 3. | Any other orders | " | NIL |
| 4. | Judgment | " | 7 to 12 |
| 5. | S.L.P. | " | NIL |

Dy. Registrar

Supervising Officer

Dealing Clerk

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

Dealing Clerk

RN)

GENERAL INDEX.

(Chapter XLI, Rules 2, 9 and 15)

(2)

number of case

parties

stitution

Date of decision

Op. 1932-00

Baant Ram VS. Union of India & ax.

18.7.00

o.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
	A-1	Order Sheet	1	-	Rs. P.			
	2	Writ Petition with Annexure & Affidavit	21	11	102 -			
	B-2	Pawar.	1	2	05 -			
	B-3	e.m. & M-3858 (w/ps)	2	2	05 -			
	4	Contn affidavit	6		2.00			
	5	St Rajadhi affidavit	8		2.00			
	16	cmr. 2147 (w) of 84 with R.A.	15		7.00			
	7	cmr. 1457 (w) of 84 with R.A.	18		7.00			

I have this

day of

197, examined

the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear court-fee stamps of the aggregate value of Rs. , that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.

Munsarim.

Clerk.

Date

Received early on 1/22
for 14.7.93
Ammunition
Shankar

Recd
165 14.7.80
— Am Comm
90 Sri 32 Stankh
As. Volak
10/7/80

Ten 200's @ 100.00/5
100 @ 100.00/5

~~ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED~~
~~DATE 10-10-2013 BY 60322 UCBAW~~

SECRET

• **Stress** – Stress is a response to a stimulus. Stressors are stimuli that cause stress. Stressors can be physical, chemical, or biological. Stressors can be acute or chronic. Acute stressors are short-term stressors that cause a temporary increase in stress. Chronic stressors are long-term stressors that cause a persistent increase in stress. Stress can be good or bad. Good stress is called acute stress and it helps you to focus and perform better. Bad stress is called chronic stress and it can harm your health. Stress can be managed by using relaxation techniques, exercise, and a healthy diet.

— 10 —

11.

Last impugned order (2.5)
dt- 20-6-80.

Reed

~~14/7/80.~~

Henry D. W. Gray, Jr.

Boys K.S. Vining, Jr.

time. Learned counsel for the Union of India wants to obtain certain instructions to place before the Court showing that the petitioner is not qualified for being allowed to appear at the ensuing examination which commences from 23rd July 1980. Considering the seriousness of the matter, we allow time till 21.7.1980 to obtain instructions and, if need be, he may file counter affidavit. Put up this petition for orders on 22.7.1980. 1/8 L

18.7.1980.

96/4
Hon. T. S. Murari T.
17 vii. K. S. Varma T.

Admit. Issue
notice.

The opposite parties
are already represented
by the learned ^{standing} counsel
for the Union of India.

They may file a detailed
counter-affidavit within
six weeks. Replyer-
affidavit may be
filed within two weeks
thereafter.

18.8.1980

18

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CAT/J/11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

.....

O.A./T.A. No. 679/87 198

Bent Ram Applicant(s)

Versus

Union of India & Ors Respondent(s)

Sr. No.	DATE	Orders
	10.8.88	<p><u>Office report</u></p> <p>An application has been received in this tribunal for transferring the case to the Circuit Bench, 23rd August 1988 may kindly be fixed for attendance before Registrar D.R.(J). In this regard notice has been sent to the applicant and counsel for respondent fixing 23-8-88.</p> <p>Submitted for orders.</p> <p><u>Issue</u> 18/8/88</p> <p>List this case before Circuit Bench on 23.8.88.</p> <p><u>DR. (J)</u></p>
	23.8.88	<p><u>D.R.</u></p> <p>Applicant present - in person this case may be fixed for final hearing. Applicant has no objection. Put up on 20.9.88 for final hearing</p> <p><u>DR</u></p>

23/8/88

(A2)

TA. 679/87

(6)

24-11-88.

Hon. D.S. Misra, Am.

Hon. G.S. Sharma, Jm.

A request for an adjournment has been made on behalf of the applicant.

On the request of the learned counsel for the respondents Sri A.K. Gaur the case is adjourned to 25-11-88.

Jm.

Am.

Am.

Am

25-11-88.

Hon. D.S. Misra, Am.

Hon. G.S. Sharma, Jm.

Sri B.K. Saksena for the applicant
Sri A.K. Gaur for respondents.

Arguments heard.
Judgment reserved.

Jm.

Am.

judgment reserved.
6-12-88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

A L L A H A B A D

O.A.No.
T.A.No.

679

1987 (L)

DATE OF DECISION _____

Beant Ram Petitioner

B.K. Sakseena Advocate for the Petitioner(s)

Versus

C.D. & others Respondent

H.K. - Gaur Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. K. S. Sharma, Jm.

The Hon'ble Mr. K. S. Sharma, Jm.

- ✓ 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/

(A3)

(8)

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Circuit Bench at Lucknow

Registration T.A.No.679 of 1987

Boant Ram Petitioner/Applicant

Versus

Union of India & Another....Respondents.

Hon.D.S.Misra, A.M.

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

(By Hon.D.S.Misra, A.M.)

This is an original Writ Petition No.1932 of 1980 which was pending in the Lucknow Bench of the High Court of Judicature at Allahabad and which has come on transfer under Section 29 of the Administrative Tribunals Act XIII of 1985. The applicant had prayed for quashing the orders dated 19.2.80 (copy Annexure-4) 24.4.1980 (copy Annexure-5) and the staff notice dated 20.6.80 (copy Annexure-6). On a separate application filed by the applicant the operation of the order dated 19.2.80 passed by the Director General, R.D.S.O. Lucknow contained in Annexure-4 to the writ petition was stayed and the same is continuing.

2 . The admitted facts of the case are that the applicant while working as Draftsman 'B' in the Research Designs and Standards Organization (hereinafter referred to as R.D.S.O.) was selected

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- 2 -

and placed at Sl.No.4 in the panel for the post of Senior Designs Assistant in the scale of Rs.650- 960 in the B & S Wing of R.D.S.O. in the year 1979. The first three persons on the panel were appointed in the first instance and on the availability of a vacancy, the applicant was offered an ad hoc appointment on 26.12.79 (copy Annexure-3). By an order dated 19.2.80 (copy Annexure-4) the order dated 26.12.79 was cancelled. The applicant made a representation against this order of cancellation on 19.3.80 and the same was rejected vide order dated 24.4.80 (copy Annexure-5). A staff notice dated 20.6.80 was issued by the respondents notifying that a fresh selection for the post of Senior Designs Assistant will be held on 23.7.80 (written test and interview on 24.7.80). The applicant has not been allowed to appear in this selection. The applicant has challenged the order dated 19.2.80 cancelling the order of his appointment dated 26.12.79 on the ground that it has been passed without indicating any reason and is thus wholly illegal, void and inoperative. The applicant has also alleged that the panel was to remain current upto 18.3.81 and the reasons given in the memo dated 24.4.80 about the panel ceasing to exist is based on incorrect interpretation of the rules on the subject.

3. In the reply filed on behalf of the respondents it is stated that it was provided in the notice dated 21.9.79 (copy Annexure-2) containing the names of the selected candidates that the panel

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- 3 -

^b will ~~remain in force upto 30.9.84 and will~~ ^L cease to exist after filling in three vacancies; that after filling in three vacancies on 30.10.79 the panel ceased to exist after that date; that Shri S.G.Roy, the first man on the panel proceeded abroad and a vacancy arose on 9.1.80 and pending regular selection the administration decided to fill in the post by making ad hoc arrangement; that soon after the offer was made to the applicant, one Jagtoshwar Singh, Design Assistant 'A' (Bridges & Structures) Wing, who is senior to the applicant made a representation dated 5.1.1980 claiming that according to the rules a fresh departmental selection was due and the administration appreciated the situation and an order was issued cancelling the ad hoc appointment offer ^{ed} to the applicant to avoid any injustice to his seniors in the service; that according to the Recruitment and Promotion Rules, the vacancies for the post of Senior Design Assistants (Bridges and Structures) are to be filled from amongst the eligible candidates, namely Design Assistants 'A' of the same Wing with three years service; that a departmental selection was held on 30.9.78 and 3.10.78 but suitable departmental candidates to the extent of available vacancies were not available as a result of this selection; that consequently the competent authority decided to hold a competitive selection limited to RDSO employees which was held on

^b

(11)

30.8.79 and 15.9.79; that the applicant is not eligible for consideration at the ensuing departmental selection as he does not fall within the zone of consideration i.e. three times the number of vacancies in the order of seniority and that is why his name does not appear in the list of eligible candidates contained in Annexure-6 to the writ petition.

4. In the rejoinder filed by the applicant the allegations made by the respondents that the selection for the post of Senior Design Assistants 'A' *is to be made from amongst the Design Assistants 'A' of the Bridges and Structures Wing* is not correct as *be* is clear from a perusal of the revised R & E Rules for drawing office staff in R.D.S.O. (copy Annexure-7). It is also stated that the petitioner at no time was furnished with a copy of the representation dated 5.1.1980 preferred by Shri Jagdishwar Singh who had failed to qualify in the selection held in September/October, 1979.

5. We have heard the learned counsel for the parties and we have carefully considered the documents on record. The learned counsel for the applicant contends that according to para 217 of the Railway Establishment Manual the life of the panel extends for a period of two years and that the note in the notice dated 21.9.79 (copy Annexure-2) containing the names of the selected candidates, to the effect

be

that panel will cease to exist after filling in three vacancies was illegal and void. Para 217 of the Railway Establishment Manual reads as follows :-

" Currency of Panels:

(a) Panels drawn by a Selection Board and approved by the competent authority shall be current for two years from the date of approval by the competent authority or till these are exhausted whichever is earlier.

(b) An employee who once officiates against a non-fortuitous vacancy in his turn on the panel shall not be required to appear again for fresh selection.

(c) In case an employee lower in the panel has officiated whereas one higher in the panel has not officiated for reasons beyond the latter's control, the latter employee will not be required to appear for fresh selection."

A plain reading of the above instructions clearly supports the contention of the applicant. The second contention of the applicant is that the order of appointment dated 26.12.79 (copy Annexure-3) of the applicant could not be cancelled without showing any cause and giving an opportunity to the applicant to show cause against such cancellation. It is also contended that the order of cancellation passed behind the back of the applicant was illegal and void. The respondents' contention^{is} that this

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- 6 -

was done on receipt of a representation dated 5.1.80 of one Jagtoshwar Singh ^{where} and the administration appreciated the situation. We have considered the contentions of the parties in this regard and we are of the opinion that there is no merit in the contention of the respondents as the life of the panel was for a period of two years and this panel was valid not only for filling in the vacancy arising out of one of the three appointees going on deputation but also for any new vacancy that may be created or arise for some other reason. We are also of the opinion that holding a fresh selection for filling in the vacancy of Senior Design Assistants during the life of the existing panel would be illegal and void. Para 217 of the Railway Establishment Manual provides the condition under which the currency of a panel can be shortened only by an authority higher than the authority which had approved the panel. It is not the case of the respondents that the currency of the panel had been shortened by the authority competent to do so. In the circumstances mentioned above, the staff notice dated 20.6.80 (copy Annexure-6) issued by the respondents for holding a fresh selection for the post of Senior Design Assistant vacated by Shri S.G.Roy is also invalid.

6. For the reasons mentioned above, we quash the order dated 19.2.80, 24.4.80 and 20.6.80 passed by the respondents. We also hold that the applicant is entitled to continue on the post of Senior Design Assistant in the R.D.S.O. The application is allowed without any order as to cost.

J.M.
J.M.

A.M.
A.M.

Dated the 2nd Dec., 1988.

RKM

Group A 13 (e)

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

--
Writ Petition No. 1932 of 1980

Beant Ram

--Petitioner

versus

Union of India and another

--Opp-parties

INDEX

Sl. no.	Description of paper	Annex. no.	Page
1.	Writ Petition		1-8
2.	Affidavit in support of the petition		9-10
3.	Staff notice dated 23.5.1979	1	11-12
4.	Notice dated 21.9.1979	2	13-14
5.	Memorandum dated 26.12.1979	3	15-16
6.	Memorandum dated 19.2.1980	4	17
7.	Memorandum dated 24.4.1980	5	18
8.	Staff notice dated 20.6.1980	6	19-20
	Power		21

B. J. Saxena

(B. J. Saxena)
Advocate

Sri A.D.Ghoshal, Deputy Director (Admin), ADFO which is being annexed as Annexure no.2 to this petition.

It is relevant to indicate that no Scheduled Caste or Scheduled Tribe candidate appeared at the said selection and a such a panel of five general candidates was drawn up in order of merit for filling up of three posts of Senior Design Assistant.

5. That the first three persons on the panel viz., Sri Subodh Gobinda Roy, Sri M. Krishna Murthy and Sri D.V.Goyal were given appointment to the post of Senior Design Assistant.

6. That Sri S.G.Roy whose name was at serial no. 1 of the panel was sent on deputation to Iraq and consequently only two candidates out of the panel continued to hold the posts of Senior Design Assistant as a consequence of the aforesaid selection.

7. That the petitioner on gaining knowledge of the fact that Sri S.G.Roy has proceeded on deputation to Iraq by means of an application dated 1.6.1979 preferred a claim to be appointed against the resultant vacancy on the basis of his being the next available candidate on the panel.

3. That on a consideration of the petitioners aforesaid application dated 1.6.1979 and on the basis of the selection held on 30.8.1979 and 15.9.1979 the petitioner by means of memo. bearing no.EII/RT/SDA (B&S) /1979 ^{dated 26.12.1979} was offered a post of Senior ~~Design~~ ^{Design Assistant} Assistant Draughtsman A in the B&S wing. With a

4/11/80

Secretary

-4-

view to bring on record the terms contained in the said memorandum dated 26.12.1979 a true copy of the same is being annexed as Annexure no. 3 to this petition. It may be stated that on 28.12.1979 the petitioner communicated in writing his acceptance of the offer of appointment on the terms and conditions contained in the said memorandum.

9. That much after the receipt of the acceptance of the offer, by means of memorandum no. EII/RT/SDA/B&S/1979 dated 19.2.1980 issued on behalf of opposite-party no.1, the petitioner was cryptically advised that the offer SDA(B&S) made to him by office letter of even number dated 26.12.1979 was cancelled. A copy of the said communication as served on the petitioner is being annexed as Annexure no.4 to this petition.

10. That aggrieved by the communication dated 19.2.1980 the petitioner preferred a representation dated 19.3.1980. With reference to the said application the petitioner by means of memo. no. EII/RT/SDA/B&S/1979 dated 24.4.1980 was advised that "his request has been considered and that the same cannot be agreed to as the panel ^{ceases} ~~ceases~~ to exist now." Copy of the said memorandum dated 24.4.1980 is being annexed as Annexure no. 5 to this petition.

11. That the opposite-parties have now issued a staff notice bearing file no. Rectt/IS/SDA(B&S)

419/80

2x ant. 10m

dated 20.6.1980 issued under the signature of the Section Officer (Recruitment) intimated that a departmental selection test for the post of Senior Design Assistant scale Rs. 650-960 for B&S Wing of Civil Designs Directorate will be held on 23.7.1980 (written test) and 24.7.1980 (interview). Three candidates have been shown as eligible to appear at the said selection. They are working in the B & S Drawing Office. One Scheduled Caste candidate is also shown as eligible candidate against the reserved vacancy. A true copy of the said staff notice is being annexed as Annexure no. 6 to this writ petition. It is stated that the proposed selection is to fill up the third vacancy which has fallen vacant as a consequence of Sri S.G.Roy having gone on deputation to Iraq and against which vacancy the offer of appointment had been made to the petitioner by means of memorandum dated 26.12.1979.

12. That prior to holding of the limited competitive selection notified by means of ~~office~~ staff notice dated 28.5.1979 a selection to fill up the three vacancies in the post of Senior Design Assistant scale Rs. 650-960 for B & S Wing of the Civil Designs Directorate of the R.D.S.O. was called at which persons working as Design Assistant 'A' in the B & S Wing of the Civil Designs Directorate of the R.D.S.O. alone were called. None of the candidates including the three whose names are mentioned in the staff notice dated 20.6.1980 who had appeared at the said selection could qualify. Consequently, it was decided to hold recruitment on competitive basis

4/7

(Signature)

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-6-

limited to regular RDSO employees working in any of the Directorates of the RDSO and was not confined only to persons working in the B & S Wing of the Civil Designs Directorate of the R.D.S.O.

13. That out of the five candidates selected as a result of limited competitive selection two persons viz., Sri M. Krishna Murthy and ~~M. X. Goyal~~ the petitioner belong to B & S Wing of the Civil Designs Directorate of the RDSO and the other three candidates belong to Directorates other than B & S Wing of the Civil Designs Directorate. The petitioner for purpose of the said limited competitive examination was thus allowed to appear as an 'outside' candidate.

14. That if the petitioner is not given the benefit of his having been empanelled as a result of the limited competitive examination, his chances of promotion to the post of Senior Design Assistant would be indefinitely postponed.

15. That in the circumstances detailed above and having no other equally effective and speedy alternative remedy the petitioner seeks to prefer this writ petition and sets forth the following amongst others,

Grounds:

(a) Because in view of the fact that the petitioner had communicated his acceptance of the offer for appointment to the post of SDA scale Rs. 650-960

Per

Decret. Lam

4/7

well within ten days as required by memo andum dated 26.12.1979, there was no warrant to cancel the offer subsequent to the acceptance by means of memo. dated 19.2.1980. The cancellation of the offer by the said letter is wholly illegal, void and inoperative.

(b) Because the reason given in the memo. dated 24.4.1980 about the panel ceasing to exist is based on incorrect interpretation. The panel was to remain current up to 18.3.1981. Since after the appointment and within the currency of the panel the candidate at serial no.1 had left the post, the petitioner by virtue of his being at serial no.4 of the panel was legally and clearly entitled to appointment against the third post.

(c) Because the provisions of para 2 of the notice dated 21.9.1979 annexure 2 to the writ petition should be construed as continued filling up of the three vacancies. If a vacancy was caused within the currency of the panel, it would be wrong to say that the panel ceased to exist.

Wherefore, it is respectfully prayed that this Hon'ble Court be pleased:

(i) to issue a writ of certiorari or a writ, direction or order in the nature of certiorari to quash the orders dated 19.2.1980 (annexure 2 & 4), 24.4.1980 (annexure 5) as also the staff notice dated 20.3.1980 (annexure 6) .

for

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-3-

(ii) to issue a writ of mandamus or a writ, order or direction in the nature of mandamus commanding the opposite-parties to treat the petitioner as having been appointed on the post of SDA on the basis of the offer contained in the memo. dated 26.12.1979.

(iii) to issue such other writ, direction or order including an order as to costs which in the circumstances of the case this Hon'ble Court may deem just and proper.

B.C. Saksena

(B.C. Saksena)
Advocate

Counsel for the petitioner

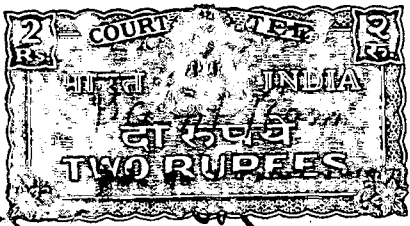
Dated Lucknow

3.7.1980

(A7)

9/2/80

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



Affidavit

in

Petition under Article 226 of the Constitution
of India

1980
AFFIDAVIT
44
HIGH COURT
ALLAHABAD

Writ Petition No. of 1980

Beant Ram

-Petitioner

versus

Union of India and another

--Opp-parties

I, Beant Ram, aged about 39 years, son of Sri
Badri Nath, resident of B-91/3, RDSO Colony, Varak
Nagar, Lucknow. do hereby solemnly take oath and
affirm as under:-

1. That the deponent is the petitioner in the above-
noted writ petition and is fully acquainted with the
facts of the case.
2. That contents of paras 1 to 14 of the accompanying
petition are true to my own knowledge.
3. That annexures 1, 2, 3 and 6 have been compared and
are certified to be true copies. *Beant Ram*

Dated Lucknow
23.7.1980

Deponent

I, the deponent named above, do hereby verify that contents of paras 1 to 3 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed; so help me God.

Beaul Dan

Deponent

Dated Lucknow
12.7.1980

I identify the deponent who has signed in my presence.

B. C. Saxena

(~~Identified~~ Sri B.C. Saxena, Advocate)

Solemnly affirmed before me on 4.7.80
at 8.40 a.m/p.m by *Beaul Dan*

the deponent who is identified by Sri
~~clerk to~~ Sri *B. C. Saxena*

Advocate, High Court, Allahabad. I have satisfied myself by examining the deponent that he understands the contents of the affidavit which has been read out and explained by me.

1044-80
4.7.80

28/8
11/12

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

--
Writ Petition no. of 1980

Beant Ram

Petitioner

versus

Union of India and another

Opp-parties

Annexure no.1

GOVERNMENT OF INDIA MINISTRY OF RAILWAYS
RESEARCH DESIGN AND STANDARDS ORGANISATION

Staff notice

It is proposed to hold a recruitment on competitive basis limited to regular RDSO employees for filling in three vacancies (existing 2, anticipated 1- out of which one is reserved for S/C community candidates) of Senior Design Assistants, scale Rs. 650-960 (A2) for B & S wing of Civil Design Dte. The qualification/experience required for these posts is as under:-

"A degree or its equivalent in Civil Engg.

Discipline from a recognised institution with two years suitable experience in an engineering organisation or Masters Degree in Civil Engg. Discipline from a recognised institution"

2. Such of the candidates as are desirous of being considered against the above posts and answer the qualifications and experience mentioned in para 1 above may apply through their controlling officers giving full particulars of their qualifications and

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experience , duly supported by documentary evidence. Their applications should be routed through the Bstt. Branch for verification of particulars and should reach the undersigned latest by 26.6.1979.

3. In the event of non-availability of suitable candidates belonging to Scheduled Caste and Scheduled Tribe communities, the candidates belonging to un-reserved communities will also be considered.

4. The proforma for application is attached.

DA/Ons

Sd. Mauril Lal
23.5.1979

Lucknow- 226011
Dated 23.5.1979

Section Officer (Bstt).

(File no. Bstt/SD- (B&S) / Comp/79)

Distribution

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Bauril Lal

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

-
Writ Petition no. of 1980

Beant Ram

-Petitioner

versus

Union of India and another

-Opp-parties

-
Index no.2

GOVERNMENT OF INDIA MINISTRY OF RAILWAYS
RESEARCH DESIGN AND STANDARDS ORGANISATION

Notice

As a result of limited competitive selection from amongst regular RDSO employees for the post of Senior Design Assistant scale Rs. 650-960 (RS) for B & S Wing Civil Design etc. held on 30.8.1979 and 15.9.1979, the following 5(five) candidates have been found suitable. Their names have been placed on the panel in order of merit as given below:-

Sl. no.	Name	Fathers name
1.	Sh: Subodh Gobinda Roy	Sh: S.G. Roy
2.	Sh: M. Krishna Murthy	" M. Chennaiah
3.	Sh. D. M. Goyal	" S M. M. Goyal
4.	Sh. Beant Ram	" Badri Nath
5.	Sh. K. Vanugopal	" R.K. Pillay

2. The above panel will remain current up to 18.3.1981 and will cease to exist after fill in three (3)

Beant Ram

19/12

vacancies.

3. This has the approval of Direct Standard (Civil).

Sd./

(A.D. Ghoshal)
Deputy Director (Admn)

DA/Vil
D/ 21.9.1979
LKO 226011

File no. Drett/SDA(B&S)/Comp/79

Distribution

1. DD/estt- II
2. Notice Board.

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

--

Writ Petition no. of 1980

Beant Ram

--Petitioner

versus

Union of India and another

--Cop-parties

Annexure no. 3

GOVERNMENT OF INDIA MINISTRY OF RAILWAYS
RESEARCH DESIGN AND STANDARDS ORGANISATION
INDIA HOUSE, LUCKNOW- 11

No. II/RT/SDA(B&S)/1979 Dated 26-12-1979

MEMORANDUM

Sub: Recruitment for the post of SDA scale Rs.650-960
(AS) B & S wing

With reference to his application dated 1.6.1969
and on the basis of the selection held on 30.3.1979
and 15.9.1979 Shri Beant Ram DAA/B&S is offered a post
of SDA as a purely adhoc arrangement in the revised
scale of Rs. 650-30-740-35-880-EB-40-960 in the
B & S wing. His pay will be fixed according to rules.
In addition to pay all other allowances will be paid
as admissible under the Railway Boards rules
from time to time.

2. The post is at present temporary but likely to
continue. It will be on probation for a period of
one year in the first instance. The probationary period
can be extended by the administration. During the

46)
Beant Ram

probationary period, his services are liable to be terminated without any notice and without any reason being assigned or he may be reverted to his parent cadre as the case may be.

3. His services are transferable anywhere in India.

4. His seniority in the category of SDA/B&S will be fixed according to his merit position on the panel.

5. If Shri Beant Ram accepts the offer of the appointment on the above terms and conditions, he should communicate his acceptance of the offer to his office within ten days of its receipt.

DA/Nil

Ed. K.K. Vashist
26/12

For Addl. Director Stds.(B&S)

To
Sh. Beant Ram DDA(B&S)/RDSO/
Lucknow

Copies to:

1. Addl. Dir. Stds (B&S)

2. JDS(B&S) may please arrange for the release of Sh. Beant Ram DDA on 9.1.1980(AM) from the B&S wing so that he may take over charge from Sh. C.S. Ray, DA working in SS section as Shri Ray has to be relieved of his duties in this office in order to enable him to proceed on deputation to Iraq.

3. Sp/Recd. of RDSO, Lucknow. This has reference to the limited competitive selection panel No. Recd/SDA(B&S)/Comp dated 21.9.1979. The Director General has approved to operate the panel for the 4th vacancy also as a purely adhoc arrangement.

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Beant Ram

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

Writ Petition No. of 1980

Beant Ram

--Petitioner

v rsus

Union of India and another

--Opp-parties

Annexure no.4

20

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Research Designs & Standards Organisation
Manak Nagar, Lucknow.11.
No.EII/RT/SDA/B&S/1979.

Dated: 19-2-80.

Sub:- Recruitment for the post of SDA scale Rs.650-960
B&S Wing.
Ref:- This office Memorandum No.EII/RT/SDA/B&S/79 dt.
26.12.79.

Sh. B.Ram, DAA/B&S Wing is advised that the offer of
SDA(B&S) offered to him vide this office letter of even no.
dt. 26.12.79 is hereby cancelled.

Brahm Dev
(Brahm Dev)
for Director General.

Sh. B.Ram, DAA/B&S, RDSO/LKO.

Copy to:- 1. Addl.Dir./B&S 2. JDS/B&S 3. SO/Rectt.

Beant Ram

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

--

Writ Petition No. of 1980

Beant Ram

--Petitioner

versus

Union of India and another

--Opp-parties

Annexure no.5

5(6)

द्वार : शोधमानक-लखनऊ
Telegrams : 'RAILSTAND' LKO.

टेलीफोन } 50567 & 50071
Telephone }



संयोजक पद
नव संख्या

EII/RT/SDA/B&S/1979

लखनऊ-226011-दिनांक

24-4-80

Our Reference

LUCKNOW-226011-Dated

MEMORANDUM

With reference to his application dated 19.3.80, Sh. Beant Ram is advised that his request has been considered and that the same cannot be agreed to as the panel ceases to exist now.

DA/N11

(K.K. Vashist)
for Director General

Sh. Beant Ram,
DA 1/B&S
RDSO/Lucknow.

Beant Ram

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

Writ Petition No. of 1980

Beant Ram

--Petitioner

versus

Union of India and another

--Opp-parties

Annexure no. 6

GOVERNMENT OF INDIA MINISTRY OF RAILWAYS
RESEARCH DESIGNS AND STANDARDS ORGANISATION

Staff notice

A departmental selection for the post of Senior Design Assistant, scale Rs. 650-960(RS), for B&S Wing of Civil Designs Directorate will be held on 23.7.1980 (Written test) and 24.7.1980 (Interview). The following Design Assistant 'A' scale Rs. 550-750(RS) working in the B & S ~~min~~ Drawing Office are eligible to appear in the said selection.

1. Shri Jagtashwar Singh
2. Shri B.S.Dhody
3. Shri Y.K. Ghai

Against the reserved vacancy

1/4 . Shri PadamSingh (Sch. caste).

2. The controlling officers are requested to instruct the above candidates to report to the Recruitment Section at 10.15 hrs. on 23.7.1980 . For such of the staff as are not willing to appear in the said selection, their unwillingness, in writing may please be obtained and forwarded to the undersigned on or before 15.7.1980.

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3. The controlling officers are also requested to get the above contents noted by the concerned staff and a copy of the same should be forwarded to the undersigned immediately.

Sd. K.P. Saksena
20.6.1980
Section Officer (Rectt).

DA:NIL

Lucknow- 226011

Dated 20.6.1980

(File no. Rectt/SS/SDA(B&S))

Distribution

1. JDS(B&S) BEP JDS(MP)-4 and DDE-1
2. JDS(B&S) SB
3. DDE-II
4. Confidential section.
5. Staff concerned
6. Notice Board.

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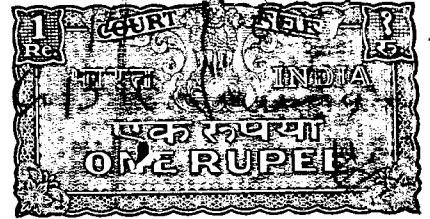
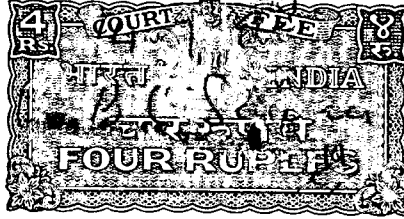
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वादी अशिलान्त

प्रतिवादी रेस्पान्डेन्ट

वकालतनामा



Beant Ram

(वादी मुद्दई)

बनाम

Union of India. R.D.S.O

प्रतिवादी (मुद्दाअलेह)

न० मुकद्दमा

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ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Shri B.C. Saxena Advocate एडवोकेट

महोदय

वकील

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

Accepted
B.C. Saxena

हस्ताक्षर

साक्षी [गवाह]

साक्षी [गवाह]

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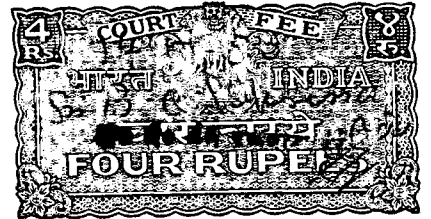
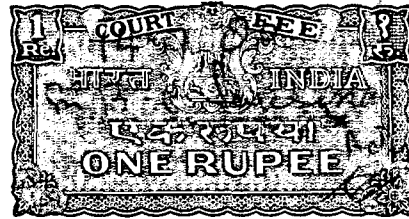
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ल. दार : कलेक्टरी लखनऊ

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

--

3858-80

Application for interim relief

--

C.M. Application no. (w) of 1980

in

Writ Petition No. 1932 of 1980

Beant Ram, aged about 39 years, son of Sri Badri Nath,
resident of B-91/3, RDSO Colony, Manak Nagar,
Lucknow

Applicant

versus

1. The Union of India, Ministry of Railway, Research
Designs and Standards Organisation, Manak Nagar,
Lucknow through its Director General.

2. The Additional Director Standards (B & C) Wing,
Research, Designs and Standards Organisation,
Manak Nagar, Lucknow

Opp-parties

This application on behalf of the applicant
above-named most respectfully sheweth:-

Per

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That on the basis of the facts stated and grounds raised in the accompanying petition, the applicant prays that this Hon'ble Court be pleased:

(i) to pass an ad interim order staying the operation of the staff notice dated 20.6.1980 contained in annexure 6 to the writ petition.

(ii) to pass such other order as in the circumstances of the case this Hon'ble Court may deem just and proper.

B. C. Saksena

(B. C. Saksena)
Advocate

Dated Lucknow

Counsel for the applicant

3.7.1980

18-7-80

B. C.

ਸ੍ਰੀ ਗੁਰੂ ਗ੍ਰੰਥ ਸਾਹਿਬ ਜੀ

ਦੇ ਨਾਮ 'ਤੇ ਸ੍ਰੀ ੧੪੩੨ ਈ. ੧੪੩੨ ਈ. ੧੪੩੨ ਈ.

(੧੪੩੨ ਈ.)

੧੪੩੨ ਈ. ੧੪੩੨ ਈ.

ਸ੍ਰੀ ਗੁਰੂ ਗ੍ਰੰਥ ਸਾਹਿਬ ਜੀ

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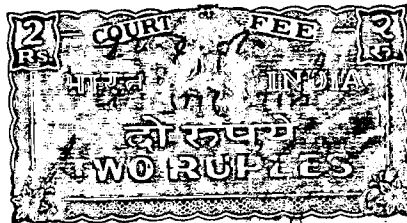
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in the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

1980
AFFIDAVIT
44
HIGH COURT
ALLAHABAD



Writ Petition No. 1932 of 1980.

Beant Ram,

Petitioner.

Versus

Union of India and others.

Opp. Parties.

Counter Affidavit to oppose
admission of the writ petition.

I, B. R. Sharma, aged about 55 years, son
of late Pt. Shri Ram, Deputy Director Establishment-II
Research Design and Standards Organisation, Manak
Nagar, Lucknow, do hereby solemnly affirm and
state as under :-

1. That the deponent is the Deputy Director
Establishment II in the Research Design and
Standards Organisation (hereinafter referred to as
R.D.S.O.) Lucknow and is well acquainted with the
facts stated in this affidavit.

2. That the above noted writ petition has
been filed by the petitioner challenging the order
cancelling the offer of ad-hoc appointment to the
post of Senior Design Assistant in the scale of
Rs. 650-960 (RS) for Bridges & Structures Wing of



[Handwritten signature]

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the Civil Design Directorate. The petitioner has also prayed for staying the regular departmental selection which is to be held on 23rd and 24th July, 1980.

3. That the case of the petitioner is that he had been selected at a competitive selection limited to R.D.S.O. employees held on 30th August 1979 and 15th September 1979 and he along with four others had been placed at a panel which is Annexure 2 to the writ petition. The petitioner was at no.4 in the panel. The first three persons having been appointed and later the first man on the panel, Sri S.G. Roy, having left on deputation abroad a vacancy arose, to which he had a claim. He was also offered an ad-hoc appointment on 26th December 1979 by Annexure 3 which was later cancelled by order dated 19.2.1980 which is Annexure 4 to the writ petition.

4. That according to the Recruitment and Promotion Rules the vacancies for the post of Senior Design Assistants (Bridges & Structures) are to be filled from amongst the eligible candidates, namely, Design Assistants 'A' of the same rank in the scale Rs.550-750 (RS) with three years' service as such. A departmental selection was held on 30th September 1978 and 3rd October 1978, according to rules. But suitable departmental candidates to the extent of available vacancies were not available as a result of the selection. Consequently, the competent authority decided to hold a competitive selection limited to R.D.S.O. employees which was held on 30th August 1979 and 15th September 1979. This selection

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was open to R.D.S.C. employees possessing qualifications mentioned in Annexure 1 to the writ petition. Even though at the said limited departmental selection the petitioner could also be considered, he is not eligible for consideration at the ensuing Departmental Selection as he does not fall within the zone of consideration i.e. three times the number of vacancies in the order of seniority. That is why, his name does not appear in the list of eligible candidates contained in Annexure 6 to the writ petition.

5. That it was provided by Annexure 2 that the the panel will remain current upto 18th March 1981 and would cease to exist after filling in 3 vacancies. The first three persons on the panel were appointed against the said three vacancies and consequently the panel ceased to exist after 30.10.1979, the last person having been appointed on 30.10.1979.

6. That Sri S.G. Roy, the first man on the panel, proceeded abroad and a vacancy arose on 9.1.80 and pending regular selection the administration decided to fill in the post by making an adhoc arrangement. Consequently, an offer was made by Annexure 3 to the petitioner by way of an adhoc arrangement. Soon after the offer one Jagteshwar Singh, Design Assistant 'A' (Bridges & Structures) who is senior to the petitioner made a representation dated 5.1.80 claiming that according to rules a fresh departmental selection was due and that no adhoc arrangement should be made as it would deprive the senior departmental candidates of their chance of promotion. A true copy of the said representation dated 5.1.80

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[Signature]


4.

is filed herewith as Annexure A-1 to this counter affidavit.

7. That on receiving the representation mentioned above the Administration appreciated the situation and an order was issued cancelling the adhoc appointment offered to the petitioner to avoid any injustice to his seniors in service.

8. That the deponent has compared annexure A-1 with its original and certifies it to be true copy thereof.


Lucknow Dated:
July 22, 1980.


Deponent.

Verification.

1, the undersigned deponent, do hereby verify that the contents of paras 1, 8 of this counter affidavit are true to my own knowledge and those of paras 2 to 7 are based on information derived from the records which are believed by me to be true. No part of it is false and nothing material has been concealed, so help me God.

Lucknow Dated:
July 22, 1980.


Deponent.

I identify the deponent who has signed before me.


Clerk of Smt. B.I. Shukla Advoca

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

Reg. Petition No. of 1980.

Bent Ram --- --- --- Petitioner.

Versus

Union of India and others. --- Opp. Parties.

Annexure No. A-1

The Director General,
RDSO/ Lucknow.

Ref: Staff Notice dt. 21.9.79
Reg. Panel for SDA/ B&S

through proper channel

Sir,

With reference to the office notice mentioned above I have to bring to your kind notice a couple of facts.

There were three vacancies of S.D.A.'s in B&S gang for which an selection for outside candidates was held on 20.8.79 and it was very clearly mentioned in the panel that after filling the three vacancies the panel will cease to exist. All the three vacancies were filled and accordingly the panel ceased to exist.

Now it is learnt that the fourth man who was on the panel which now does not exist is being promoted against a S.D.A.'s vacancy which is being created by one of the S.D.A. going on assignment abroad.

It may also be pointed out that this outside selection was held when actually it was the turn of

B&S

departmental selection, but the departmental candidates were ignored. Now again when the post according to rules and also according to the version in the panel should be given on adhoc to the senior most D.A.A. in the section, it is being given to a person on the panel which no longer exists.

This is injustice to the departmental candidates. It is requested that I may be considered for this vacancy since I am the senior most D.A.A. in the section.

Thanking you,

Yours faithfully,

Sd/- Jagteshwar Singh
DAA/B&S Wing.

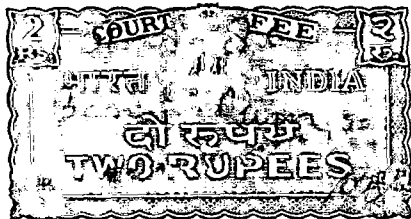
Dated 5.1.80

Advance copy to the DG/RDSO

Copy to Class III Association/RDSO

Basu





1980
AFFIDAVIT
6
HIGH COURT
ALLAHABAD

(A14)
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In the Hon'ble High Court of Judicature at Allahabad,
(Lucknow Bench), Lucknow

--
Rejoinder-affidavit

in

Writ Petition No. 1932 of 1980

Bhant Ram

-Petitioner

versus

Union of India and others

-Opp-parties

--

I, Bhant Ram, aged about 39 years, son of Sri
Badri Nath, resident of 391/3, RDT Colony, Manak
Nagar, Lucknow. do hereby solemnly take oath and
affirm as under:-

- 3917
- Bhant Ram*
1. That I am the petitioner in the above-noted
writ petition and I am fully acquainted with the
facts of the case. I have perused the counter-
affidavit filed by the opposite-parties and have
understood the contents of the same.
 2. That the contents of para 1 do not call for any
reply.
 3. That the contents of paras 2 and 3 are matter
of record and do not call for any reply. The perusal
of the writ petition and the stay application.

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indicate the correct position.

4. That the contents of para 4 as stated are denied. It is stated that by office Order no. 7 of 1976 dated 6.5.1976 which was in partial modification of Office Order no. 43 of 1966 copy of the ~~XXXX~~ revised rules for recruitment and promotion of Drawing Office Staff in RSCC (excluding the wing of Signal and Telecom. Design Directorate) ^{a copy of} was circulated. The Revised R & P Rules for Drawing Office Staff in RSCC relating to the post of Senior Design Assistant as circulated by the said Office Order no. 7 of 1976 is being annexed as Annexure no. 7 to this rejoinder-affidavit. A perusal of the said R & P Rules would show that the manner of recruitment for the post of Senior Design Assistant is by promotion of Design Assistant 'A' in RSCC on selection basis. There is no warrant for the allegation that the eligible candidates would be Design Assistants 'A' of the same wing. In fact rule 2(i) which provides for minimum qualifications and experience for promotion of Design Assistants 'A' working in RSCC indicates three years service as Design Assistant 'A' in RSCC and not in the wing or the Directorate. A perusal of the Revised R & P Rules therefore would belie the allegations made in para 4. It is stated that the so-called departmental selection held on 30.9.1978 and 3.10.1978 confined to Design Assistants 'A' of the Bridges and Structures wing only was not warranted by the rules. The selection limited to RSCC employees which was held on 30.9.1979 and 15.10.1979 was clearly in accordance with rules

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Beant. Raw

In case of non-availability of non-available of suitable candidates at the said selection transfer of suitable candidates from zonal railways/ Production Units on selection basis is contemplated under the rules but in view of the fact that suitable candidates were available transfer of candidates from zonal railways /Production Units was not warranted. It is further stated that the term 'departmental candidates occurring in rule 1 must be held on the basis of entirety of the rules to indicate Design Assistants 'A' working in the ADSC as a whole as contradistinguished to Zonal railways/ Production Units. A Directorate or a wing is only a part of the ADSC. ADSC comprises of various Directorates and wings and all Design Assistants 'A' working in all the Directorates/wings of the ADSC who ~~must~~ fulfil the requisite conditions laid down in the rules, it is respectfully submitted, would be the eligible candidates. It is further stated that there is no warrant to allege that the zone of consideration would be three times the number of vacancies in order of seniority. The R & P rules do not provide for any such limited zone of consideration. In fact the zone of consideration contemplated by the R & P rules is for all Design Assistants 'A' working in the ADSC as a whole who have put in three years of service in the ADSC. It is further stated that the question of holding a selection in terms of the staff notice dated 20th June, 1930 would only arise if this Hon'ble Court is pleased to hold that the position is not

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entitled to or promote as Senior Design Assistant on the basis of his having been placed on the panel contained in annexure 2 to the writ petition and also further in the event of this Hon'ble Court being not satisfied that the petitioner does not fall within the field of eligibility for the proposed departmental selection contained in annexure 6 to the writ petition which has not been tentatively fixed for 20.3.1980 and 21.3.1980 by means of staff notice dated 21.7.1980 issued under the signature of ~~Sri~~ the Section Officer (Administrative), DDC.

5. That the contents of para 5 in so far as they indicate the contents of annexure 2 to the writ petition do not call for any reply. The plea that with the appointments of the first three persons on the panel, the panel ceased to exist after 30.10.1979 is baseless and untenable. It is respectfully submitted that the condition contemplated for the panel from ceasing to exist was with the filling up of the three vacancies. It is moot to state that if after the appointments are made, one of the three ~~vacancies~~ incumbents has left the post, it would not be proper to say that the three posts have been filled up. The statement herein made is supported by a few decisions of this Hon'ble Court which would be referred to in the course of arguments.

6. That with regard to the contents of paras 6 and 7 it is not disputed that Sri S.G.Roy proceeded

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Beant Ram

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abroad on 9.1.1980. The opposite-parties on the basis of the selection held on 30.8.1979 and 15.9.1979 offered appointment to the post of Senior Design Assistant to the petitioner vide annexure 3. It is stated that the promotion order issued to the first three persons in panel annexure 2 also indicated that their promotion was being made on adhoc basis though there was no warrant for indicating the same. since the promotion was avowedly made on the basis of the said candidates having been selected. It is further relevant to point out that the petitioner's promotion as offered by means of annexure 3 also contemplated his being placed on probation for one year and necessarily on the satisfactory completion of the probationary period his promotion would have been treated as in a substantive capacity.

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It is further stated that the petitioner at no time had been apprised of the representation alleged to have been made by Sri Jagtashwar Singh. The petitioner was not afforded any opportunity to show that the panel has not ceased to exist and the offer of appointment made by annexure 3 is just and proper. It is further stated that in view of the fact that persons who are being called to appear at the proposed selection had failed earlier to the selection at which the petitioner was found suitable, there is no warrant to think that injustice was being caused to them.

Dated Lucknow

30.7.1980

Beant Ram
Deponent

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I, the deponent named above do hereby verify that contents of paras 1 to 6 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed; so help me God.

Beant Ram
Deponent

Dated Lucknow
31.7.1980

I identify the deponent who has signed in my presence.

G. S. Saxena
(Clerk to Sri B.C. Saxena, Advocate)

Solemnly affirmed before me on 31.7.80
at 11.0 a.m./p.m. by Beant Ram
the deponent who is identified by Sri G. S. Saxena
clerk to Sri B.C. Saxena
Advocate, High Court, Allahabad. I have satisfied
myself by examining the deponent that he understands
the contents of the affidavit which has been read
out and explained by me.

G. S. Saxena

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

--

Civil Application no. 1932 of 1980

Basant Ram

--Petitioner

versus

Union of India and others

--Opp-parties

Annexure no. 7

Revised R.P. Rules for Drawing Office Staff in
1980 (excluding as in for D.T. and staff of
Area D.T.)

Designation and scale

Senior Design Assistant
Scale: Rs. 600-800 (A3)

1. Method of recruitment

Normally by promotion of Design Assistant 'A' in DOT on selection basis. In case of non-availability of suitable departmental candidates, by transfer of suitable candidates from Zonal Railways/ Production Units on selection basis or alternatively by direct recruitment both on selection basis.

2. Minimum qualifications and/or experience.

i) for promotion of Design Asstt. 'A' working in DOT

Three years service as Design Assistant 'A' in RPSO.

ii) for transfer from Railways/ Production Units

One year service on Zonal Railways/ Production Units in concerned technical discipline and working in the grade corresponding to that of Senior Design Assistant in RPSO. The candidates should possess the following qualifications/ experience:-

A degree or its equivalent in appropriate engineering discipline from a recognised institution with two years suitable experience in an engineering organisation or masters degree in appropriate engineering discipline from a recognised institution.

Basant Ram

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iii) for direct
recruitment.

A degree or its equivalent in
appropriate engineering
discipline from a recognised
Institution with two years suitable
experience in an engineering
organisation OR Masters degree
in appropriate engineering dis-
cipline from a recognised Institution

3. Age limit for direct
recruitment

25 to 35 years.

4. Channel of promotion

(a) from Design Assistant 'A'
scale Rs. 550-750 (AS)

(b) As per rules.

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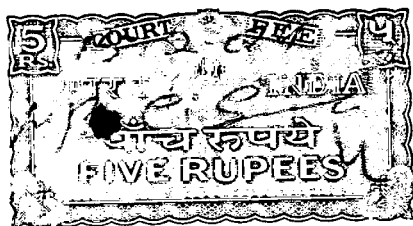
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In the Hon'ble High Court of Judicature at Allahabad,
(Lucknow Bench), Lucknow.

Application for condonation of delay
in filing rejoinder-affidavit



C.A. Application No. 2142 of 1984

Bit Petition No. 1932 of 1980

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Basant Ram

--Petitioner--
applicant

versus

Union of India and others

--Opp-parties

This application on behalf of the applicant
above-named most respectfully sheweth:-

1. That a copy of the counter-affidavit as served
on the petitioners counsel who, on its receipt,
informed the petitioner about the receipt of the same
and the necessity to file a rejoinder-affidavit.
2. That in order to meet the allegations contained
in the counter-affidavit, it was necessary to ~~first~~
procure certain information which has taken some
time; hence the rejoinder-affidavit could not be
filed in time.

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3. That the delay in filing rejoinder-affidavit has not occasioned any adjournment of the hearing of the petition.

Wherefore, it is respectfully prayed that this Hon'ble Court be pleased to condone the delay in filing the rejoinder-affidavit and direct that the same which accompanies this application be brought on record.

Dated Lucknow.

9.2.1984

B. C. Saxena

(B.C. Saxena)
Advocate

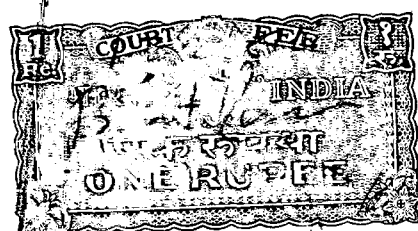
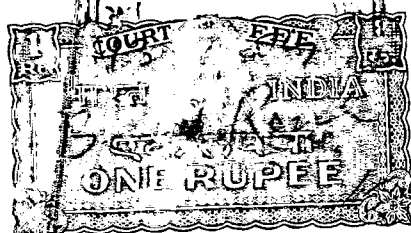
Counsel for the applicant

1984

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HIGH COURT
ALLAHABAD



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

Counter-affidavit in reply to the counter-affidavit of opposite-parties nos. 1 and 2

Writ Petition no. 1982 of 1980

Beant Ram

--Petitioner

versus

Union of India and others

--Opp-parties

I Beant Ram, aged about 42 years, son of Sri Badri Nath, resident of B-52/4, T.D.S.C. colony, Nanak Nagar, Lucknow, do hereby solemnly take oath and affirm as under:-

1. That I am petitioner in the above-noted writ petition and am fully acquainted with the facts of the case. I have perused the counter-affidavit filed on behalf of opposite-parties nos. 1 and 2 and have understood the contents thereof.

2. That contents of paras 1, 2, 3, 4 and 5 do not

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call for any reply.

3. That the contents of para 6 in so far as they do not controvert the specific assertions made in the corresponding para of the petition do not call for any reply. The plea in the last para of para 6 is that all the three vacancies for which the panel was formed had been filled up and the panel, therefore, ceased to exist beyond 30.10.1979, the date on which the last of the three vacancies was filled is unquestionable. The petitioner respectfully submits that the condition contemplated for the panel from ceasing to exist was with the filling up of the three vacancies. It is most to state that if after the appointments are made and one of the three incumbents had left the post, it cannot be said that the three posts had been filled up. This proposition is supported by few decisions of this Hon'ble Court which will be referred to in the course of arguments.

4. That with regard to the contents of para 7 it is stated that due to inadvertence the application submitted by the petitioner dated 1.6.1979 was shown to have been referred by him on the occurrence of a vacancy when Sri S.G.Roy proceeded on deputation. The said application was submitted in reference to staff notice dated 28.5.1979 annexure 1 to the writ petition offering his candidature to appear for the selection contemplated to be held thereby. The panel was announced on 21.9.1979 vide annexure 2 to the writ petition.

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It is also not disputed that Sri Roy vacated one of the three posts on 9.1.1980.

5. That the contents of para 3 do not in any manner controvert the specific assertions made in the corresponding para of the petition. Nevertheless, the said assertions are herein again reiterated. The plea that the panel on which the petitioner was borne at serial no.4 ceased to exist beyond 30.10.1979 is wholly untenable by reason of the submissions indicated in reply to para 6 of the counter-affidavit. The allegation that under the normal operation of the rules the petitioner would have no claim to be considered for appointment as Senior Design Assistant on the basis of the panel position did not arise is wholly baseless & unspecific and is, therefore, denied. It is stated that the rules on the basis of which the said plea purports to be taken have not been specified and the petitioner reserves his right to make his submissions with regards to the interpretation of the said rules as and when they are specified and a copy thereof is furnished to his counsel. It is stated that in annexure 2 to the writ petition itself the currency of the panel was indicated to be up to 13.3.1981 and since on the opposite parties own showing Sri S.G. Roy had vacated the post on 9.1.1980 the petitioner being the next person on the panel was clearly entitled to have been promoted on the basis of his panel position. The further plea that the petitioner was appointed as Senior Design Assistant on a consideration of the petitioner's application dated 23.9.1979 is

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wholly baseless and belied by the order of the petitioner's appointment annexure 3 to the writ petition. It is further stated that since the offer of appointment was with reference to the petitioner's application dated 1.3.1979 and on the basis of the selection held on 30.3.1979 and 15.3.1979, in other words on the basis of his having been re-appointed it was wholly unwarranted to make ~~offer~~^{offer} of adhoc appointment. It is further stated that the terms contained in the said offer of appointment, annexure 3 to the writ petition, well show that the other conditions clearly obliterated the adhoc offer of appointment as a purely adhoc arrangement.

It is further stated that the petitioner that no hint was furnished with a copy of the so-called representation dated 5.1.1980 stated to have been ~~re~~ preferred by Sri Jagtsewar Singh. The said representation was preferred ~~to~~^{to} the petitioner's back. It is further relevant to intimate that Sri Jagtsewar Singh was one of the candidates who was called at the selection ^{to} fill up the three vacancies in the posts of Junior Design Assistants referred to in para 12 of the writ petition and he had failed to qualify; consequently it was decided to hold recruitment on competition basis limited to regular RDO employees working ⁱⁿ any of the Directorates of the RDO. This was not confined only to persons working ⁱⁿ the 3rd wing of the Civil Design Directorate of the R.D.C. It is further stated that in view of the position detailed in para 4 of the rejoinder-affidavit in reply to

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an short counter-affidavit filed by the opposite parties to oppose the admission of the writ petition, no departmental selection confined to Design Assistants 'A' of the B & C wing only can be said to have become overruled. Under the revised rules for Recruitment and Promotion of Working Office Staff in 1980 the manner of recruitment for the post of Senior Design Assistant is by promotion of Design Assistants 'A' in 1980 on selection basis. The so-called representation of Sri Jagdishwar Singh should have been rejected for the said reason. The order dated 19.2.1980 contained in Annexure 4 to the writ petition was accordingly passed illegally.

6. That the contents of para 9 do not call for any reply since the averments in para 8 have been sought to be refuted. The reply to the said para is herewith again refuted.

7. That the contents of para 10 do not call for any reply.

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8. That the contents of para 11 in so far as they admit the assertions made in para 11 of the writ petition call for no reply. The denial of the averments made in para 11 of the petition that the selection scheduled for 23rd and 24th July, 1980 was to fill up third vacancy for which the Limited Departmental Selection was held on 30.8.1979 and 15.9.1979 is baseless. Admittedly Sri S.G. Roy, one of the persons placed on panel at the Limited

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Departmental Selection held on 30.8.1979 and 15.9.1979 had proceeded on deputation and thus a vacancy had arisen. The selection called to be held on 23rd and 24th July, 1980 was also admittedly for filling up the vacancy caused by Sri Roy proceeding on deputation. It is, therefore, submitted that the averments in para 11 of the petition must be taken to have not been controverted in any manner. The allegation in the last part of para 11 that the selection proposed to hold on 23rd and 24th July, 1980 was for filling up "Fourth vacancy" is on the face of it ~~plain~~ wholly baseless and untenable.

9. That the contents of para 12 do not in any manner controvert the specific assertions made in the corresponding para of the petition. It is stated that the so-called departmental selection held on 30.9.1978 / 3.10.1978 at which the Design Assistants 'A' of the B.S. rank of the Civil Designs Directorate of the R.D.S.C. alone were called was not warranted by the Recruitment Rules. The revised rules for recruitment and promotion of Drawing Office Staff in RDSO (excluding the wing of signal and Telecommunication Design Directorate) was circulated by Office Order no. 7 of 1976 dated 3.5.1976. A true copy of the said Office Order no. 7 of 1976 has been annexed as an ~~annex~~ no. 7 to a rejoinder-affidavit in reply to a short counter-affidavit which was

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filed by the opposite-parties to oppose the writ petition. A perusal of the said R&P Rules would show that the manner of recruitment for the post of Senior Design Assistants provided thereby is by promotion of Design Assistants 'A' in R.D.S.C. on selection basis. The so-called selection as confined to Design Assistants 'A' working in the R&S wing only and was thus wholly unwarranted since under rule 2(i) of the revised Recruitment and Promotion rules the minimum qualification and experience for promotion of Design Assistants 'A' working in R&S is three years service as Design Assistant 'A' in R.D.S.C. and not in the wing or the Directorate concerned. It is stated that the selection limited to R.D.S.C. policy which was held on 30.8.1979 and 15.9.1979 which has been termed as competitive examination in para 12 of the counter-affidavit is clearly in accordance with the rules. In case of non-availability of suitable candidates at the said selection transfer of candidates from zonal railways / Production Unit on selection basis is contemplated under the rules but in view of ^{the fact} that suitable candidates were available, transfer of employees from Zonal Railways/ Production Units is not warranted. It is further stated that the term 'departmental candidates' occurring in rule 1 must be held on the basis of entirety of the rules to indicate Design Assistants 'A' working in the R.D.S.C. as a whole as contradistinguished to Zonal Railways/ production Units. A Directorate or a wing is only

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a part of the R.D.S.O. A.D.B.O. comprises of various Directorates and Wings and all Design Assistants 'A' working in all the Directorates/Wings of the RDSO who fulfil the requisite conditions laid down in the rules, it is respectfully submitted, would be eligible candidates. It is further stated that there is no warrant to allege that the zone of consideration would be three times the number of vacancies in order of seniority. The R & P Rules do not provide for any such limited zone of consideration. In fact the zone of consideration contemplated by the R & P Rules is for all the Design Assistants 'A' working in the RDSO as a whole who have put in three years of service in the RDSO. ~~As per Recruitment and Promotion Rules.~~ The further allegation in para 12 that another departmental selection can be conducted after expiry of one year from the date of the provision selection ignores the circumstances that the so-called departmental selection conducted in September, 1978 was wholly unwarranted and unauthorised since the eligible candidates had not been called to appear and the said selection was illegally confined to Design Assistants 'A' working in the B & S Wing of the Civil Designs Directorate of the RDSO.

It is further relevant to state that similar plea was taken by the opposite-parties in the said short counter-affidavit filed by them to oppose the admission of the writ petition. A Division Bench of this Hon'ble Court on a consideration of the revised R & P Rules and the pleadings in the

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rejoinder-affidavit thereto was satisfied that a prima facie case had been made out for interim relief asked for.

10. That the contents of para 13 do not call for any reply-.

11. That in reply to the contents of para 14 it is stated that since Sri S.G.Roy, who was given the third vacancy at the selection conducted on 30.8.1979 having gone on deputation, the said post became vacant and available and the petitioner, who was at serial no. 4 of the said panel, was clearly eligible on the basis of the panel position then treated as having been promoted to the post of Senior Design Assistant.

12. That in reply to the contents of para 15 it is stated that the plea therein that the panel ceased to exist after 30.10.1979 is clearly based on incorrect interpretation. The said panel was to remain current up to 18.3.1981 and after the appointment and within the currency of the panel the candidate at serial no.1 had left the post. The petitioner by virtue of his being at serial no.4 of the panel was clearly entitled to be appointed against the third post. It is wholly wrong to allege that a fresh vacancy which could not have been filled up from amongst the candidates who had arisen when Sri S.G.Roy proceeded on deputation.

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[Handwritten signature]

13. That the plea in para 16 is legally untenable and therefore denied. On the grounds raised in the writ petition the impugned order is clearly illegal and unwarranted.

14. That with regard to the contents of para 17 it is stated that it repeats the baseless and untenable pleas reply to which has already been given in the preceding paragraphs. It is stated that the plea of appointment of the first three persons on the panel, the panel ceased to exist after 30.10.1979 is baseless and untenable. It is respectfully submitted that the condition contemplated for the panel from ceasing to exist was with the filling up of the three vacancies. It is most to state that if after the appointments are made, one of the three incumbents has left the post, it would not be proper to say that three vacancies have been filled up. It is further stated that the petitioner had at no time been apprised of the representation alleged to have been made by Sri Jagt-Singh Singh. It is stated that the petitioner was not afforded any opportunity to show that the panel has not ceased to exist and the offer of appointment made by Annexure 3 is just and proper. It is further stated that in view of the fact that the persons who are being called to appear at the proposed selection had failed earlier to the selection at which the petitioner was found suitable, there is no warrant to think that injustice was being caused to them. It is further

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relevant to indicate that in pursuance of the staff notice dated 20.6.1980 a so-called departmental selection was unwarrantably held on January 7 and 8, 1981 confined to Design Assistants 'A' of the B & S wing whose names are indicated in Annexure 6 to the writ Petition. At the said selection none of the general candidates had been qualified. The reserved quota candidate Sri Padam Singh was shown as selected and promoted by an order dated 16.2.1981.

15. That subsequently again unwarrantably a departmental selection was held in pursuance of the staff notice dated 12.3.1982 at which the following 10 candidates were called:-

1. Sri Padam Singh
2. S.O. Dhoty
3. H.K. Ghai
4. Tarlochan Singh
5. Praojit Singh
6. M.L. Jha
7. K.L. Acharya
8. Surjit Singh
9. K.K. Singhal

and against the reserved vacancy

10. XXX. P. S. Kadam

The said departmental selection was confined to Design Assistants (A) working in the B & S wing and was not thrown open to Design Assistants 'A' working in the R.O.S.O. who had completed three years of

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services. Further, unauthorisedly the zone of consideration was limited and confined to 1:3 ratio of vacancy and number of candidates. The petitioner was not called at the said selection. At the said selection Sri K.K. Singhal was alone selected and given promotion by Posting Order no. 236 of 1982. Subsequently, a limited competitive examination was held for filling up further vacancies that had arisen in the post of Senior Design Assistants in the B & B line at which the following, viz.,

Sri D.S. Saini, Jagannath Ray and A.M. Singh were given appointment. It is further relevant to state that by Posting Order no. 330 of 1983 dated 5.3.1983 and in continuation of Posting Orders nos. 36 and 195 of 1983 Sri B.S. Anand, who had been promoted as Senior Design Assistant, has been allowed to continue. Subsequently by another Posting Order no. 349 of 1983 the candidates, whose names have been indicated from serials 3 to 7 in the list of eligible general candidates, called for ~~xxxxxxxx~~ selection by Staff Notice dated 12.8.1982 have been promoted in adhoc capacity from 15.7.1983 as Senior Design Assistants.

Banu. L.
Deponent

Dated Lucknow
13.2.1984

I, the deponent named above do hereby verify that contents of paras

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1 to 15 are true to my own knowledge.

No part of it is false and nothing material
has been concealed; so help me God.

Beem. Ram
Deponent

Dated Lucknow

13.2.1984

I identify the deponent who has signed in my presence.

R.K. Srivastava
(R.K. Srivastava)

Clerk to Sri B.C. Saxena, Advocate

Solemnly affirmed before me on 13.2.84

at 8.30 a.m/p.m by *Beem. Ram*

the deponent who is identified by Sri R.K. Srivastava
clerk to Sri B.C. Saxena

advocate, High Court, Allahabad. I have satisfied
myself by examining the deponent that he understands
the contents of the affidavit which has been read
out and explained by me.

Satish Chandra
12/2/84

SATISH CHANDRA SRIVASTAVA JUDGE IN SESSION High Court, Allahabad; Lucknow Bench, No. 24/84 Date 13.2.84

in the Orissa High Court of Judicature at Bhubaneswar,
(Bhubaneswar Bench), Odisha.

Application for condonation of delay
in filing rejoinder-affidavit

Application No. () of 1984

Writ Petition No. 1084 of 1980

State of Orissa

--Petitioner--
applicant

versus

State of India and others

--Respondents

This application on behalf of the applicant
above-named most respectfully sheweth:-

1. That a copy of the counter-affidavit was served
on the petitioner's counsel and on its receipt
informed the petitioner about the receipt of the same
and the necessity to file a rejoinder-affidavit.
2. That in order to meet the allegations contained
in the counter-affidavit it was necessary to file
certain information which has taken some
time; hence the rejoinder-affidavit could not be
filed in time.

1. That the delay in filing regular or-affidavit was
caused by the delay in the receipt of the hearing of the
case.

Wherefore, it is respectfully prayed that
this Honorable Court be pleased to allow the delay in
filing the regular or-affidavit and direct that the
same be considered as having been duly filed and
received.

Very respectfully,

W. L. Smith

(S. L. Smith)

Attorney

Counsel for the Plaintiff

call for any reply.

3. That the contents of para 6 in so far as they do not controvert the specific assertions made in the corresponding para of the petition do not call for any reply. The plea in the 1st para of para 6 to the effect that all the three vacancies for which the panel was formed had been filled up and the panel, therefore, ceased to exist beyond 30.10.1979, the date on which the last of the three vacancies was filled is baseless and untenable. The petitioner respectfully submits that the condition contemplated for the panel from ceasing to exist was with the filling up of the three vacancies. It is not to state that if after the appointments are made and one of the three incumbents had left the post, it cannot be said that the three posts had been filled up. This proposition is supported by few decisions of this Hon'ble Court which will be referred to in the course of arguments.

4. That with regard to the contents of para 7 it is stated that due to inadvertence the application submitted by the petitioner dated 1.6.1979 was shown to have been preferred by him on the occurrence of a vacancy when Sri S.S. Roy proceeded on deputation. The said application was submitted in reference to staff notice dated 26.5.1979 annexure 1 to the writ petition offering his candidature to appear for the selection contemplated to be held thereby. The panel was announced on 21.9.1979 vide annexure 2 to the writ petition.

It is also not disputed that Mr Roy vacated one of the three posts on 9.1.1980.

5. That the contents of para 3 do not in any manner controvert the specific assertions made in the corresponding para of the petition. Nevertheless, the said assertions are herein again reiterated. The plea that the panel on which the petitioner was borne at serial no.4 ceased to exist beyond 30.10.1979 is wholly untenable by reason of the submissions indicated in reply to para 6 of the counter-affidavit. The allegation that under the normal operation of the rules the petitioner would have no claim to be considered for appointment as Senior Design Assistant on the basis of the panel position did not arise is wholly baseless & unspecific and is, therefore, denied. It is stated that the rules on the basis of which the said plea purports to be taken have not been specified and the petitioner reserves his right to make his submissions with regards to the interpretation of the said Rules as and when they are specified and a copy thereof is furnished to his counsel. It is stated that in annexure 2 to the writ petition itself the currency of the panel was indicated to be up to 18.3.1981 and since on the opposite-parties own showing Mr C. S. Roy had vacated the post on 9.1.1980 the petitioner again the next person on the panel was clearly entitled to have been promoted on the basis of his panel position. The further plea that the petitioner was appointed as Senior Design Assistant on a consideration of the petitioner application dated 23.3.1979 is

wholly baseless and belied by the order of the petitioner's appointment, annexure 3 to the writ petition. It is further stated that since the offer of appointment was with reference to the petitioner's application dated 1.6.1979 and on the basis of the selection held on 30.3.1979 and 15.5.1979, in other words on the basis of his having been empanelled it was wholly unwarranted to make ^{an} officer of adhoc appointment. It is further stated that the terms contained in the said offer of appointment, annexure 3 to the writ petition, would show that the other conditions clearly obliterated the other offer of appointment as a purely adhoc arrangement.

It is further stated that the petitioner at no time was furnished with a copy of the so-called representation dated 5.1.1980 stated to have been preferred by Sri Jayteshwar Singh. The said representation was preferred by the petitioner's back. It is further relevant to indicate that Sri Jayteshwar Singh was one of the candidates who was called at the selection ^{to} fill up the three vacancies in the posts of senior design assistants referred to in para 12 of the writ petition and he had failed to qualify; consequently it was decided to hold recruitment on competition basis limited to regular BPO employees working ⁱⁿ any of the directorates of the BPO and was not confined only to persons working ⁱⁿ the 3 & 4 wing of the Civil Design Directorate of the B.P.O.C. It is further stated that in view of the position detailed in para 4 of the rejoinder-affidavit in reply to

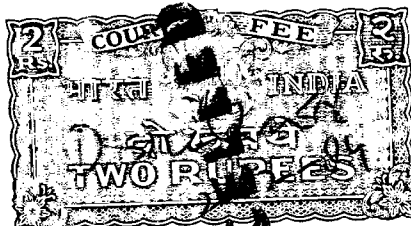
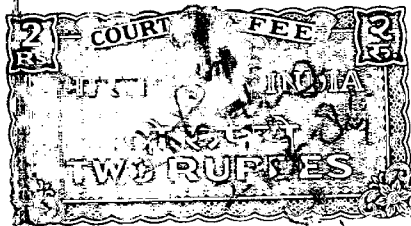
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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

C.M. Application No. 1457/84

of 1984



Union of India and another

... Applicants

in re:

WRIT PETITION NO. 1982 of 1980

Beant Ram

...

... Petitioner

Versus

Union of India and another

... Opposite Parties.

APPLICATION FOR CONDONATION OF DELAY IN FILING

COUNTER AFFIDAVIT

The applicants above-named respectfully submit as under:-

1. That the writ petition was admitted on 18.8.1980.
Then the parawise comments were obtained in 1982 and in October 1982, there was the change of the standing counsel of the applicants.
2. That the Counter Affidavit was *drafted* on May 30, 1983 and thereafter it was sent to the Applicants for their approval.
3. That the draft Counter Affidavit after the approval of the Applicants was received back in the second week of December 1983, the fair affidavit was typed and it was sworn on December 23, 1983. A copy of the Counter Affidavit was served on the Petitioner's Counsel. and then due to rush of work, the Counter

Contd.

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Affidavit could not be filed earlier than to-day.

4. That there is no deliberate delay on the part of the Applicants or their Counsel and the delay for which there is sufficient cause is liable to be condoned in the interest of justice.

WHEREFORE, it is respectfully prayed that the delay in filing of the accompanying counter Affidavit may kindly be condoned and this affidavit be taken on the record of the case.

Lucknow:

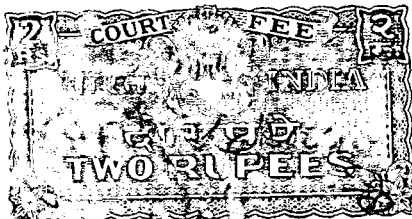
Dated: Feb. 2, 1984


(D.S. RANDHAWA)
Advocate
(Senior Standing Counsel Central
Govt.)
COUNSEL FOR THE APPLICANTS

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

Lucknow Bench Lucknow



Writ Petition no. 1932 of 1980

Beant Ram

... .. Petitioner

versus

Union of India and an other

... .. Opp. parties.

Counter affidavit on behalf of the opposite

parties nos. 1 and 2

I, P.N. Kapoor, aged about 52 years, son of late

Amar Nath Kapoor, resident of L-8/2, Manaknagar, Lucknow

Dy. Director/Establishment II, R.D.S.O. Lucknow, the

deponent do hereby solemnly affirm and state as under:-

1- That the deponent is Deputy Director/Establishment II Ind, R.D.S.O. Lucknow and he is competent to affirm this affidavit on behalf of the opposite parties.

2- That the deponent has read and understood the contents of the writ petition and he is fully conversant with the facts of the case deposed hereinafter.

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3- That the contents of para-1 of the Writ Petition need no reply.

4- That the contents of paras 2,3 and 4 of the Writ Petition are not denied.

5- That the contents of para5 of the Writ Petition need no reply.

6- That in reply to the contents of para-6 of the Writ Petition, it is stated that on the basis of his ampanelment Shri S.G. Roy was appointed as Senior Design Assistant against one of the three vacancies for which the panel was formed. He vacated the post on 9.1.80 on the eve of his deputation abroad. Thus all the three vacancies for which the panel was formed had been filled up and the panel, therefore, ceased to exist beyond 30.10.1979, the date on which the last of the three vacancies was filled.

7- That with regard to the contents of para 7 of the writ petition, it is submitted that the application

✓ dated 1.6.1979 had been submitted by Shri Beant Ram, in reference to the Staff Notice No. Rectt./SDA/B&S/Comp/ 79 dated 28.5.79 (Annexure I) of the Writ Petition) offering his candidature to appear for the limited Departmental Selection held for filling the three vacancies of Senior Design Assistant in B&S wing of R.D.S.O. The Panel formed for three vacancies was announced on 21.9.1979 as per Annexure II of the Writ Petition and after his appointment as Senior Design Assistant. Shri S.G. Roy had vacated the post on 9.1.80. Therefore, the question of Shri Beant Ram's having preferred a claim for appointment against the resultant vacancy could not have arisen on a date earlier than 9.1.1980. To this extent the statement made by the Petitioner is factually incorrect and, therefore misleading.

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8. That in reply to the contents of para 8 of the writ Petition, it is submitted that, as already stated in (reply to the contents of) para 6 above, the panel on which Shri Beant Ram was borne at Serial No.4 ceased to exist beyond 30.10.1979, the date the last of the three vacancies had been filled, Therefore, under the

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normal operation of the Rules, the question of Shri Beant Ram having any claim to be considered for appointment as Senior Design Assistant on the basis of his panel position did not arise. This position was clear even to the petitioner as would be seen from his application dated 26.9.1979, a true copy of which is filed herewith as Annexure C-1 to this Counter Affidavit. On his submitting this application dated 26.9.1979 the Competent Authority decided in the administrative interest to appoint the petitioner as Senior Design Assistant as a purely adhoc arrangement. And as such the offer of appointment as per Annexure-3 to the Writ Petition was made to him. The offer of adhoc appointment had been accepted by him, but before he could take up the appointment, a representation dated 5.1.1980, a true copy of which is filed herewith as Annexure C-2 to this Counter affidavit was submitted by one of his Seniors claiming that the vacancy should be filled on the results of a departmental selection which had become overdue. Therefore the offer of adhoc appointment of the petitioner was cancelled.

9- That in reply to the contents of para-9 of the

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Writ petition, the position as explained in para 8 above is reiterated.

10- That the contents of para 10 of the Writ Petition need no reply.

11- That in reply to the contents of para 11 of the Writ Petition, it is stated that a Departmental Selection for the post of Senior Design Assistant/B&S scale Rs.650-960 (RS) was conducted on 23.7.1980 and 24.7.1980 for filling in 2 vacancies, one of which was reserved for a Schedule Caste candidate. The statement made by the Petitioner that the selection was being held to fill up the third vacancy for which the limited departmental selection had been held on 30-8-1979 to 15-9-1979 is not correct. As already stated in para 6 above in reply to the contents of para 6 of the Writ Petition the three vacancies had already been filled up on 30.10.1979, the date beyond which the panel announced on 21.9.1979 had ~~ceased~~ to exist. The Departmental Selection now proposed to be held on 23.7.1980 to 24.7.1980 ~~for~~ is for filling up, inter alia, the 4th

vacancy which occurred as a result of Shri S.G. Roy, proceeding on deputation abroad on 9.1.1980 (Afternoon).

12- That in reply to the contents of para 12 of the Writ Petition, it is stated that as per Recruitment Promotion Rules, the vacancies of Senior Design Assistant B&S Scale Rs.650-960 (RS) are filled from amongst eligible candidates viz D.A.As scale Rs.550-750 (RS) having 3 years service as such. Accordingly, a departmental selection was held on 30-9-1978/3.10.1978 but suitable departmental candidates to the extent of available vacancies could not be found as a result of this selection. As such with the approval of Director General a Competitive Selection limited to R.D.S.O. employees was held on 30.8.1979 and 15.9.1979 as a result of which 5 candidates were placed on the panel with a rider that the panel would remain current upto 18.3.1981 and would cease to exist after filling in 3 (three) vacancies. Since this competitive selection was held for filling up 3 vacancies the panel ceased to exist after filling up 3 (three) vacancies. As per Recruitment and Promotion Rules, another departmental selection can be conducted

after expiry of one year from the date of previous selection. Since the previous departmental selection was conducted in September 1978, another departmental selection became due. The present departmental selection scheduled to be held on 23/24.7.1980 is being conducted after expiry of one year of the previous departmental selection as per R & P Rules. In this selection eligible candidates in the ratio of 1:3 i.e. for one vacancy. 3 D.A.s in the order of seniority having 3 years service as such, have been called to appear irrespective of the consideration, irrespective of the fact, whether or not they had failed in the earlier selection. As such the action taken by the Administration is strictly in accordance with the R & P Rules.

13- That the contents of para 13 of the Writ Petition are not denied.

14- That in reply to the contents of para 14 of the Writ Petition, it is stated that the limited competitive selection for the post of Senior Design Assistant B&S scale Rs.650-960 (RS) for the B&S Wing of Civil Design

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dte was conducted on 30-8-1979 and 15.9.1979 for filling in 3 vacancies available at that time as would be clear from para 2 of Annexure 2 to the Writ Petition. Since the petitioner was placed at 4th position on the said panel, he has no claim for appointment by virtue of his panel position.

15- That as a result of competitive selection limited to RDSO regular employees for the post of Senior Design Assistant/B&S scale Rs.650-960 (RS) held on 30-8-79 and 15-9-1979. 5 Candidates were placed on the panel with the stipulation that the panel will remain current upto 18.3.1981 and will cease to exist after filling in 3 vacancies (para 2 of Annexure 2 to the Writ Petition) The first 3 candidates on the aforesaid panel had joined as Senior Design Assistant/B&S by 30-10-1979. As such the panel ceased to exist after 30th October 1979. As the first 3 candidates on the panel had already taken up the appointment to the post of Senior Design Assistant/B&S, the 3 vacancies for which the panel had been formed ceased to exist after 30-10-1979. The vacancy that occurred from 9-1-1980 (After noon) on Shri S.G. Roy

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proceeding on deputation abroad was thus a fresh vacancy.

16- That as admitted by the petitioner himself, he was placed at 4th position on the panel which was valid for filling in only 3 vacancies. With a view to fill in an existing vacancy in the administrative interest, the petitioner was offered the post of Senior Design Assistant as purely adhoc arrangement (Annexure no.3 to the Writ Petition). This adhoc arrangement was ordered in the administrative interest and had no relevance with the panel position of the petitioner. Since posting was ordered purely as an adhoc arrangement, it was also later withdrawn on administrative ground. Hence the petitioner has to cause for grievance and the cancellation of the said Memorandum is thus wholly legal and within the administrative competence.

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17- That it is pointed out that a 'Limited Departmental Competitive Examination' for the post of SDA (B&S), Scale Rs.650-960 (RS) was held on 30.8.1979 and 15.9.1979 and a panel of 5 persons was formed with the provision that the panel would cease to exist

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after the then existing vacancies had been filled up. Accordingly, these vacancies had been filled up and on 30-10-1979, when the 3rd vacancy was filled up, the panel ceased to exist. Shri S.G. Roy, who ranked first on the panel vacated the post on 9.1.1980 as he went on deputation to Iraq. Shri Beant Ram, who ranked 4th on the panel represented that he should be considered for his promotion against the vacancy occurred due to the deputation of Shri Roy. Shri Beant Ram was offered the post purely on ad-hoc basis. But before, he could actually take up the higher post, the offer was cancelled by the ~~Administration~~ Administration in view of the representation received from Sh. Jagteshwar, the seniormost DA 'A' Scale Rs. 550-750 (RS). On further consideration it was decided to cancel the offer for ad-hoc promotion of Shri Beant Ram and it was actually cancelled before he could take up the ad-hoc promotion. But Shri Beant Ram moved the present Writ Petition challenging the cancellation of offer for the ad-hoc promotion, Court's order Shri Beant Ram was promoted on ad-hoc basis with effect from 12.9.1980 (AN) vice Shri Roy, who was on deputation and Shri Roy come back from Iraq and resumed

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his duty back in the RDSO on 19.7.1983.

18- That in view of the averments made in the foregoing paragraphs, the interim stay order passed on 18-8-1980 is liable to be vacated.

19- That the deponent has been advised to state that the grounds taken by the petitioner are not tenable in law and the Writ Petition being without merit is liable to be dismissed with costs.

Lucknow,

Dated. 27 December 1983


Deponent.

Verification

I, the abovenamed deponent do hereby verify that the contents of paras 1 and 2 of this affidavit are true to my own knowledge, the contents of paras

are true to my knowledge derived from the Office Records and the contents of paras 16 and 18, are true to my knowledge based on legal advice. No part of this affidavit is false and nothing material has been concealed. So help me God.

Signed and verified this 27th day of December 1983 within the premises of High Court at Allahabad Lucknow Bench Lucknow.

Lucknow,

Dt. 27 December 1983


Deponent.

I identify the deponent abovenamed who has signed on this affidavit before me.


(D.S. RANDHAWA) Advocate

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Solemnly affirmed before me on 28-12-1983
at 9.00 A.M./P.M. by P.N. Kapoor
the deponent who is identified by Shri D.S. Randhawa
Senior Standing Counsel, Central Government,
High Court Lucknow Bench Lucknow.

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

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH LUCKNOW

Writ Petition no.1932 of 1980.

Beant Ram

...Petitioner.

versus

Union of India and an other

... Opp.parties.

ANNEXURE NO. C-1

The Director General,

RDSO, Manak Nagar, Lucknow.

"Through Proper Channel"

Sir,

As a result of the selection held for the post of SDAs (B&S) my name has been placed fourth in the panel. The first three (1) Sh. S.G. Roy, (2) Sh. Krishana Murthy and (3) Sh. D.N. Goel are going to be posted as SDA in B&S Wing. Out of them Shri S.G. Roy is going abroad shortly on deputation to Iraq for two years. As such Shri Roy will not be able to render and long and useful service to the B & S Wing as SDA, whereas I will be available during the period of his deputation. But according to the condition of ceasing the panel for operation after filling in three vacancies only. I do not see any chance of my appointment as SDA even through my name will be next available as the panel.

I, therefore request that panel may please be reconsidered
so that I may get a chance during the currency of the
panel.

Thanking you,

Dated. 26 Sept., 1979

Yours' faithfully,

Sd/-
(Beant Ram)

DAA/B&S

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH LUCKNOW.

Writ Petition no. 1932 of 1980

Beant Ram

... Petitioner.

versus

Union of India and an other

..., Opp. parties.

ANNEXURE NO. C-2

The Director General

RDSO/LUCKNOW.

Ref:- Staff Notice Dt. 21.9.1979 Reg.

Panel for SDA/B&S.

(Through Proper Channel).

Sir,

With reference to the office notice mentioned above, I have to bring to your kind mention ~~to~~ couple of facts.

There were three vacancies of SDA's in B&S Wing for which an selection for outside candidates was held on 30-8-1979 and it was very clearly mentioned in the Panel that after filling the three vacancies the Panel will cease to exist. All the three vacancies were filled and accordingly the Panel ceased to ~~exist~~ exist.

Now it is learnt that the fourth man who was on the Panel which now does not exist is being promoted against an SDA's vacancy which is being created by one of the SDA going on assignment abroad.

It may also be pointed out that this outside selection was held when actually it was the turn of departmental selection, but the departmental candidates were ignored. Now again when the post according to rules and also according to the version in the Panel should be given on ad-hoc to the senior most DAA in the section, it is being given to a person on the Panel which no longer exists.

7 This is injustice to the departmental candidates. It is requested that I may be considered for this vacancy since I am the seniormost DAA in the section.

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Thanking you,

Yours' faithfully,

Sd/-

(JAGTESHWAR SINGH)

DAA/B&S wings.

Dated 5.1.80.

Advance copy to the DG/RDSO

C opy to C lass III Association/RDSO.

True copy.

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In the Hon'ble Central Administrative Tribunal

Circuit Bench, Lucknow.

T.A.No.679 of 1987 (T).

Beant Ram

-- Petitioner/Applicant

Versus

Union of India and another

-- Opp.Parties.

This application on behalf of the applicant above-named most respectfully sheweth:-

1- That the above-noted petition was fixed for final hearing on 24.11.1988. Counsel also appeared and was present before this Hon'ble Tribunal on 24.11.1988.

2- That the petition could not be taken up for hearing on 24.11.1988 since there was a request for adjournment of the case on behalf of Sri A.K.Gaur Advocate, counsel for the opposite-parties and the case has been ordered to be fixed today (25.11.1988).

3- That since Friday being a Misc.day and several applications for grant of interim relief or vacation of the interim orders have been listed today and also contempt petitions have been listed before the Hon'ble Senior Judge, High Court (Lucknow Bench) Lucknow for final hearing the applicant's counsel is unable to

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argue the above-noted petition today.

Wherefore, it is most respectfully prayed that this Hon'ble Tribunal be pleased to adjourn the hearing of the above-noted petition today and post it for hearing some time during its next sitting at Lucknow. The applicant's counsel would arrange to be available on the next date of hearing.

B.C. Saksena

Lucknow:

(B.C. Saksena)

Advocate,

Dated: November 25, 1988

Counsel for the applicant.

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In the Central Administrative Tribunal,

Circuit Bench, Lucknow

Gandhi Bhawan, Lucknow.

P.A. No. 679 of 1977 (1).

Dhant Ram

--Petitioner

versus

Union of India and another

--Opp-parties

This application on behalf of the petitioner above-named most respectfully sheweth:-

1. That the petitioner counsel is unable to appear and argue the above-named case in this Hon'ble Hon'ble Tribunal today since arguments in a bunch of 35 writ petitions which had started yesterday have not concluded and the said bunch is to be taken up today as a part-heard matter. The arguments are not likely to conclude today.

Wherefore, it is respectfully requested that the Hon'ble Tribunal be pleased to adjourn the hearing of the above-named case today in order to be heard on a date.

Lucknow

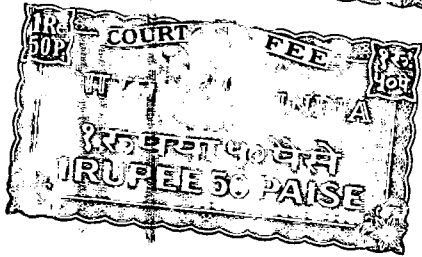
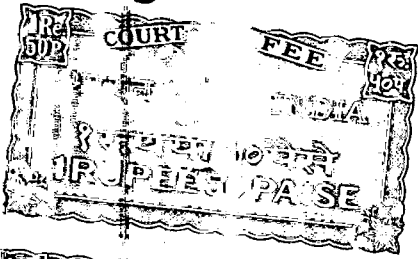
Date: 27.10.1988

B. S. S. S.
(B.S.S.S.)
Advocate

Counsel for the petitioner

Page no. the Hon'ble Court
Administrative Tribunal,
at New

B/T



Mazhar Fatima - - - - - Petitioner
VS

C.S. 12 for - - - - - C.P.s

D.F. 24.11.88

Sir,

S. No. 35

keep all round

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- ① The Counsel for the Petitioner, due to his pre-occupation in urgent work, could not prepare the above case which may kindly be referred to some other date after a week. Also, the Petitioner in his absence should suffer irreparable injury. Wherefore it is requested that in the ends of justice, the above case may kindly be referred to some other date after a week.

Wickens

Dt: 24.11.88

Shri. Anil Saxena

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C-1
Petitioner

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Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH Lucknow.
23-A, Thornhill Road, ALLAHABAD. 211 001

Gyandhi Bhawan ***** Lucknow.
No. CAT/Alld/Jud/714 of 1980 dated the 11/7

T.A. No. 679 of 1980 (T)

Beant Ram APPLICANT'S

Versus
Union of India & others RESPONDENT'S.

① Sri Beant Ram, R/o B/52-3 RDSO
Colony Mainak Nagar Lucknow.

Whereas the marginally noted cases has been
transferred by High Court under the provision of
the Administrative Tribunal Act (No. 131 of 1985) and
registered in this Tribunal as above.

The Tribunal has filed
Writ Petition No. 1932/80 DATE OF 11/7 1980.
of 1980 of the The hearing of the matter.
court at High Court - Lucknow. If no appearance is
of made on your behalf by
arising out of order dated your some one duly autho.
passed by rised to Act and passed
in

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

Given under my hand and seal of the Tribunal
this 11th day of July 1980.

2) Sri B. L. Shukla, Advocate
High Court - Lucknow.

J. Chandra
(Deputy Registrar) (J)
Jew