

(A1)

Circuit CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD Lucknow

1977

0

INDEX-SHEET

CAUSE TITLE 679 of 1937.

Name of the Parties Beant Ram

Versus

Union of India.

Part A, B & C

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ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P.

No.

1932

of 197

8/1  
Ch

vs.

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 1st	29.7.80. 8/1. 10/7. 1978
		10/4. 21/4. 22/4. 23/4. 1978
	for orders, 2nd	
	on. 22.7.80. 8/1.	
	Sd - D. N. Jha.	
	Sd. K. S. Verma	
	10.7.80	
	C.M. Am. No - 3050 (W) / Ch	
	Hon'ble D. N. Jha. J.	
	Hon'ble K. S. Verma J.	
	4 Put up	
		on. 22.7.80. 8/1.
	Sd - D. N. Jha.	
	Sd. K. S. Verma	
	10.7.80	

8/1

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 1932 of 1980

18

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
18.8.80	Writ case 15 on A.P. 3858 Case for order.	
	Sum. miss.	
	Non-compliance.	
(18)	(18.8.80)	
	Cyld. 3858-80 Blay (order)	
	Case adjourned keep on record	
	Reorder. Case adjourned keep on record	
	Done,	
	18.8.80	
	Send this file for orders after expiry	
	of stipulated time in filing C.A & R.A.	
	as directed under order dated 18.8.80.	
		Log 8.9.80
	16-1-81 filed in C.R. Reg.	
	3858 (order for order)	
	(18)	18.8.80
	21/1/81	

## ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 1932

of 1980

8/13

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
13.4.81	C.M.A. 3550 C.S. 80 from	
	The Bar - 5	
	A.M. 13/4/81	
17.4.81	C.M.A. 3858 (writ) from	
	The Bar - 5	
	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.	
	17-4-81	
	FMS	
	R/S	

Central Administrative Tribunal

Lucknow Bench

FORM OF INDEX

O.A./T.A./C.C.P. NO. 67-9-87, 199.....

... Reant. Rau ..... Applicant.

Versus

..... C.O.I. ..... Respondents.

1.	Index Papers	:	1 to 2..
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

31/12/98

Y

31/12/98

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

Dealing Clerk

RN)

31/12/98

GENERAL INDEX.

(Chapter XLI, Rules 2, 9 and 15)

(2)

mark, SIDE

ording

on -

number of case

parties

stitution

W.P. 1932-00

Beant Ram VS. Union of India & tax.

10.7.00

Date of decision

No.	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.			
		Writ Petition with Annexure & & Affidavit	11	102	-			
B. 2		Power.	1	2	95	-		
B. 3		P.M. No 3858(CW)ph	2	2	05	-		
4		Court affdt	6-		2.00			
5		Rajah affdt.	8-		2.00			
6.		Cmth. 2147(w) of 84 int. R.A.	15-		7.00			
7.		Cmth. 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

(3)

Recd. of copy on 1/7/80  
for 14.7.80 - *From* *Min*  
14.7.80 QD Sri B.L. Shinde  
Advocate  
10/7/80

Ten days Rs 100.00/-  
for Rs 100/-

~~14.7.80~~ ~~14.7.80~~  
~~14.7.80~~ ~~14.7.80~~

11.

Last injunct. order (B.G.)  
dt. 20-6-80.

Placed  
14/7/80.

Hons. Dr. N. Jay, T.

Hons. K.S. Varug, T.

time learned counsel for the Union of India  
wants to obtain certain instructions to place before the Court  
showing that the petition 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 23.7.1980.

103 fm  
18.7.1980.  
2a

86/1

(4)

Hon. T. S. Muria J.  
Hon. K. S. Varma J.

Admit. give  
notice.

The opposite parties  
are already represented  
by the learned <sup>standing</sup> counsel  
for the Union of India.  
They may file a detailed  
counter-affidavit within  
six weeks. Revisor  
affidavit may be  
filed within two weeks  
thereafter.

18.8.1980

18

A.2  
5  
CAT/J/11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

O.A./T.A. No. 679/07 198

Bent Ram

Applicant(s)

Versus

Union of India vs.

Respondent(s)

Sr. No.	DATE	Orders
	10.8.08	<u>Office refest</u>

An application has been received in this tribunal for transposing the Case to Lko Circuit Bench, 23rd August 2008 may kindly be fixed for attendance before Registrar, D.R.(S). In this regard notice has been sent to the applicant and counsel for respondent fixing 23-8-08.

Submitted for orders.

Issue  
18/8/08

list this Case before Circuit Bench Lko on 23.8.08.

DR. (S)

23.8.08

D.R.

Applicant present in person this case may be fixed respondent final hearing. Applicant have no objection. Put up on 20.9.08 for final hearing

DR  
23/8/08

TR. 679/07

(6)

24-11-80.

From. D.S. Misra, Adv.

From. T.S. Sharma, J.M.

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

On the request of the  
loneed counsel for the  
respondents Sri A.K. Gaur  
the case is adjourned. To

25-11-80:

J.H. -

{  
J.M.

J.M.

10am

25-11-80.

From. D.S. Misra, Adv.

From. T.S. Sharma, J.M.

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

Arguments heard.  
Judgement reserved.

Adv.

J.M.

10am

\_\_\_\_\_  
The Court  
Date 0.  
12/12/80

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

\*\*\*

(2)

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

679

1937 (L)

DATE OF DECISION

Beant Rana

Petitioner

B.K. Saksena

Advocate for the Petitioner(s)

Versus

C.O. & others

Respondent

B.K. Saksena

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. C. S. Sharma, A.Y.

The Hon'ble Mr. C. S. Sharma, J.Y.

- ✓ 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 ?

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Dinesh/

*(A3)*  
**RESERVED**

*(8)*

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

*bf*

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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will remain vacant upto 30.9.78 and will 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 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

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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 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 Jagtoshwar 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 <sup>is</sup> that this

is

A3/6

(12)

- 6 -

was done on receipt of a representation dated 5.1.80 of one Jagtoshwar Singh <sup>when</sup> 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

1967-  
In the Hon'ble High Court of Judicature at Allahabad,  
(Lucknow Bench), Lucknow

1932  
Writ Petition No. of 1980

Beant Ram

--Petitioner

versus

Union of India and another

--Opp-parties

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4.	Notice dated 21.9.1979	2	13-14
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3. Saksena  
( B. S. Saksena )  
Advocate

Sri A.D.Ghoshal, Deputy Director (adm), "DCO 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 N. Krishna Murthy and Sri D.N.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.
8. That on a consideration of the petitioner's 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) dated 26.12.1979 was offered a post of Senior ~~Design~~  
Design Assistant ~~Draughtsman A~~ in the B&S Wing. With a

-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 no1, 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 <sup>ceases</sup> ~~ceases~~ to exist now." Copy of the said memorandum dated 24.4.1980 is being annexed as Annexure no. 5 to this petition.

4/9/80  
Beml Am

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

-5-

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 ~~other~~ 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 'B' 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.

(Signature)

A/C  
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2/2

-6-

limited to regular R.D.S.O employees working in any of the Directorates of the R.D.S.O 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 V. Krishna Murthy and ~~Mr. K. X. S. S. S. S.~~ the petitioner belong to B & S Wing of the Civil Designs Directorate of the R.D.S.O and the other three candidates belong to Directorates other than B & S Wing of the Civil Designs Directorate. The petitioner for purposes 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 SD~~A~~ scale Rs. 650-960

per

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.

Therefore, 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

-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.S. Saksena

( B.S. Saksena )

Advocate

Counsel for the petitioner

Dated Lucknow

3.7.1980

(A2)

adof

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, RDSC Colony, Janak 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

-2-

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 nothin material has been concealed; so help me God.

Beard Dan

Dated Lucknow  
12.7.1980

Deponent

I identify the deponent who has signed in my presence.

(Sri B.C. Saksena, Advocate)

Solemnly affirmed before me on 4.7.80  
at 8.45 a.m. by Beard Dan  
the deponent who is identified by Sri  
clerk to Sri B.C. Saksena  
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-DR  
4.7.80

28 A8 11  
126

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

Writ Petition no. of 1980

Plaintiff

Petitioner

versus

Union of India and another

Opp-parties

Annexure no.1

GOVERNMENT OF INDIA MINISTRY OF RAILWAYS  
RESEARCH DESIGNS 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 3/4 community candidates) of Senior Design Assistants, scale Rs. 650-960 (A) for B & S. Engg 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

28/1/2000

experience, duly supported by documentary evidence. Their applications should be routed through the Estt. 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-recognized communities will also be considered.
4. The proforma for application is attached.

DA/OMs

Sd. Mairit Lal

28.5.1979

Lucknow- 226001  
Dated 28.5.1979

Section Officer (Rec'tt).

(File no. Rec'tt/SD-4(B&S)/ Comp/79)

Distribution

as usual

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

Writ Petition no. of 1980

Basant Ram

-Petitioner

versus

Union of India and another

-Opp-parties

Annexure no.2

GOVERNMENT OF INDIA, MINISTRY OF RAILWAYS  
RESEARCH SITES AND STANDARDS ORGANISATION

Notice

As a result of limited competitive selection from amongst regular RDSO employ. as for the post of Senior Design Assistant scale Rs. 650-960 (AS) for B & S Engg 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	Father's name
1.	Sh: Subodh Mohinda Roy	Sh: S.G. Roy
2.	Sh: M. Krishna Murthy	" " Chennaiah
3.	Sh. D. V. Goyal	" S.M. Goyal
4.	Sh. Basant Ram	" Badri Nath
5.	Sh. K. Venugopal	" 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)

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. 11007/SDA(B&S)/Comp/79

Distribution

1. D.D./D. stt- II      2. Notice Board.

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

--

Writ Petition no. of 1980

Beant Ram

--Petitioner

versus

Union of India and another

--Co-parties

Annexure no. 3

GOVERNMENT OF INDIA MINISTRY OF RAILWAYS  
RECRUITMENT AND STANDING ORGANISATION  
LUCKNOW, LUCKNOW- 11

No. 2-II/RT/SDA(B&S)/1979 Dated 26-12-1979

MEMORANDUM

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

With reference to this application dated 1.6.1969  
and on the basis of the selection held on 30.3.1979  
and 15.9.1979 Shri Beant Ram DIA/B&S is offered a post  
of SDAs as a purely adhoc arrangement in the revised  
scale of Rs. 650-30-740-35-880-2B-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. He 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

Beant Ram

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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 SDM/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

Sd. 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. JWS(B&S) may please arrange for the release of Sh. Beant Ram DDM on 9.1.1980(AM) from the B&S wing so that he may take over charge from Sh. C. S. Ray, DDA 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/Recrt. of RDSO, Lucknow. This has reference to the limited competitive selection panel No. Recrtt/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

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Writ Petition No. of 1980

Basant Ram

--Petitioner

versus

Union of India and another

--Opp-parties

Annexure no.4

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~~20~~  
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.

*Parmanu* 11/140  
(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.

*26/12/79* (41)

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

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Writ Petition No. of 1980

Beant Ram

--Petitioner

versus

Union of India and another

--Opp-parties

Annexure no.5

5/0

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

टेलीफोन ] 50567 & 50071  
Telephone ]



राष्ट्र संस्था

भारत सरकार - रेल मंत्रालय

अनुसंधान अभिकल्प और मानक संगठन

GOVERNMENT OF INDIA - MINISTRY OF RAILWAYS  
RESEARCH DESIGNS & STANDARDS ORGANISATION

Our Reference \_\_\_\_\_

EII/RT/SDA/B&S/1979

लखनऊ-226011-दिनांक

24-4-80

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/Nil

(K.K. Vashist) 25/4/80  
for Director General

Sh. Beant Ram,  
D.E.I./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 Padam Singh (Sch. caste).

*Leave. (L)*

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 (Rec'tt).

DA: NIL

Lucknow 226011

Dated 20.6.1980

(File no. Rec'tt/BS/SDM(B&S)

Distribution

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

T.O.

Br. Comt. Dm

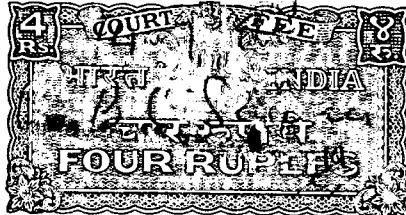
## ब अदालत श्रीमान

## महोदय

## વાદો અશીલાન્ટ

प्रतिवादी रेस्पान्डेन्ट ५

# वकालतनामा



Beant Rom

(वादी मुहर्रि)

## बनाम

Union of India. R.D.S.O प्रतिष्ठादी (मुद्राअलेह)

न० मुकद्दमा सन् १९४० पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Shri B. C. Saksena Advocate एडवोकेट

—महोदय

बक्तील

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 पैरबी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या नोटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या मुलहनामा या इकबाल दाबा तथा अपील व निगरानी हसारी ओर से हमारे या अपने हस्ताक्षर से दाखिल फरें और दसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त [दस्तखति] रपीद से लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको स्वंथा 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 पैरबी में एक तरफा मेरे बिलाफ 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  
Belakern  
हस्ताक्षर

## Section 1

## साक्षी [गवाह]

## साक्षी [गवाह]

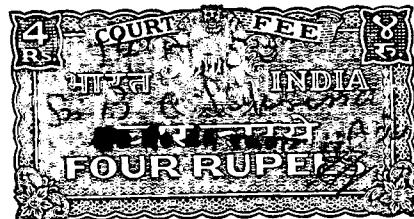
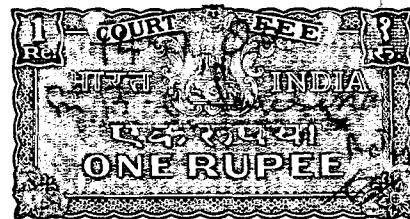
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## आर० बी० सिन्हा लै. दार : कलेक्टी लखनऊ

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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

Basant 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 Railways, 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:-

For

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

Counsel for the applicant

Dated Lucknow

3.7.1980

18-7-80

*B.C.*

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

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1980  
AFFIDAVIT  
44  
HIGH COURT  
ALLAHABAD



1980

Writ Petition No. 1932 of 1980.

Beant Ram.

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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, Kanak  
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  
canceling 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



*B.R. Sharma*

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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 being 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.O. 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 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 Jagtendar Singh, Design Assistant 'A' (Bridges & Structures) being 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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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 aforesaid deponent, do hereby verify that the contents of parts 1, 8 of this counter affidavit are true to my knowledge and those of parts 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.

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Lucknow Dated:  
July 22, 1980.

  
Deponent.

I identify the deponent who has signed before me.

  
Clerk of Sri B.I. Shukla Advicer

(P.B.) (P.R.) 4

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

File P. Serial No. of 1980.

BSUIT KRM. --- --- --- 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 and for which the selection for outside candidates  
was held on 30.8.79 and it was very clearly mentioned  
in the panel that after following 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

*Rahne*

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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.

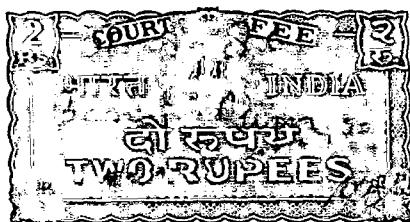
Dated 5.1.80

Advanced copy to the DG/RDSO

Copy to Class III Association/RDSO

*Jagteshwar Singh*





1980  
AFFIDAVIT  
6  
HIGH COURT  
ALLAHABAD

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

--

Rejoins affidavit

in

Writ Petition No. 1532 of 1980

Basant Ram

-Petitioner

v/s

Union of India and others

-Opp-Parties

--

I, Basant Ram, aged about 35 years, son of Sri Badri Nath, resident of 391/3, LTD colony, Manak Nagar, Lucknow, do hereby solemnly take oath and affirm as under:-

*(Handwritten signature of Basant 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 opposition 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 not in record and do not call for any reply. The perusal of the writ petition and the stay application has

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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 1963 copy of the ~~Annex~~ revised rules for recruitment and promotion of Drawing Office Staff with R&O (excluding Wing of Signal and Telecom. <sup>copy of</sup> & sign Directorate) was circulated. The Revised R&P Rules for Drawing Office Staff in R&O 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 R&O on selection basis. There is no warrant for the allegation that the eligible candidates would be Design Assistants 'A' of the Engineering. In fact rule 2(i) which provides for minimum qualifications and experience for promotion of Design Assistants 'A' working in R&O indicates that 'A' is service as Design Assistant 'A' in R&O and not in the Engineering 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 R&O employees which was held on 30.9.1978 and 15.10.1978 as clearly in accordance with rules.

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Beant Rawat

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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 'not' working in the ADSC as a whole as contradistinguished to Zonal Railways/ Production Units. A Director or a Wing is only a part of the ADSC. R&P consists of various Directorates and Wings and all Design Assistants 'not' working in all the Directorates/Wings of the ADSC who ~~can~~ 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 'not' 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, 1980 would only arise if this Hon'ble Court is pleased to hold that the petition rules not

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*Deputy Commr*

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entitled to or prone as Superior 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 petition or 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 Smti, the Section Officer (Advertisement), ADC.

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 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 further panel from coming 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 ~~xxxxxx~~ 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.

*(Basant Ram)*

381)

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

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.

381)

It is further stated that the petitioner at no time had been apprised of the representation alleged to have been made by Sri Jagteshwar 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.

Beant Ram  
Defendant

Dated Lucknow

30.7.1980

147

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-6-

I, the deponent named above do hereby verify that contents of paras 1 to 6 of this affidavit are true to my o'er 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 certify that a constt who has signed in my pr sence.

G. S. Sastri

( Clerk to Sri B.C. Sastri, Advocate)

Solemnly affirmed before me on 31.7.80  
at 10 a.m. by Beant Ram  
the deponent who is identified by Sri G. S. Sastri  
clerk to Sri B.C. Sastri  
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.

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29-7-1980

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In the above matter of Jurisdiction at Allahabad,  
(Uttar Pradesh), Lucknow

Writ Petition no. 1982 of 1980

Brijt Ram

--Petitioner

versus

Union of India and others

--Opponents

Memorandum

Wanted R.A.P. and S for working Office Staff in  
1980 (excluding A.I. for A.T.U. and staff of  
Area Units.)

Classification and scale

Senior Design Assistant  
scale. 853-960 (45)

1. Method of recruitment

Normally by promotion of Design  
Assistant 'A' in D.T 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 Ass't. 'A'  
working in D.T

Three years service as  
Design Assistant 'A' in D.T.

ii) for transfer from  
Railways/Production  
Units

One year service onto Zonal  
Railways/Production Units in  
concerned technical discipline  
and working in the said  
corresponding to that of  
Senior Design Assistant in D.T.  
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.

*Deputy. Ram*

5/8

-2-

iii) for direct  
recruitment.

1. A degree or its equivalent in appropriate engineering discipline from a recognised Institution with two years suitable experience in an engineering organisation OR lasters degree in appropriate engineering discipline 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. 500-750 (AS)

(b) Basis of promotion.

--

Bharti Law

311

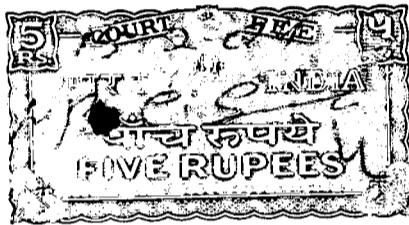
~~A14~~  
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In the Hon'ble High Court of Judicature at Allahabad,  
(Lucknow Bench), Lucknow

Application for condonation of delay  
in filing rejoinder-affidavit

Application No. 2142 of 1984



Plaint Petition No. 1932 of 1980

Brunt Ram

--Petitioner-  
applicant

versus

Union of India and others

--Opp-ponent

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

*Br*

1. That a copy of the counter-affidavit as served on the petitioner's 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 ~~find~~ procure certain information which has taken some time; hence the rejoinder-affidavit could not be filed in time.

*Br*

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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

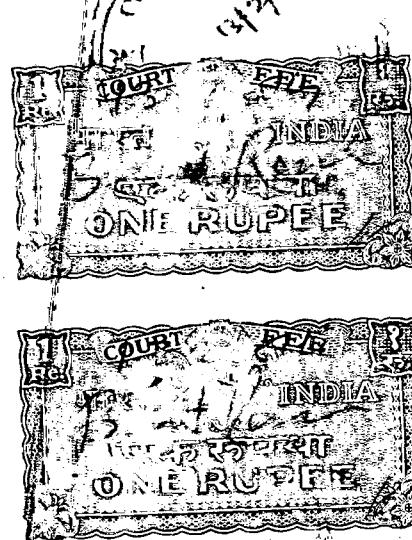
*B. S. Saksena*  
(B. S. Saksena)  
Advocate  
Counsel for the applicant

1984

AFFIDAVIT

22

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. 1932 of 1980

Baant Ram

--Petitioner

versus

Union of India and others

--Opp.-parties

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

1. That I am a 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

Baant Ram

(AIS-1)

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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 ass'ations 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 as the panel, therefore, ceased to exist beyond 30.10.1973, the date on which the last of the three vacancies was filled is unsound and untenable. The petitioner respectfully submits that the condition contemplated for the panel from causing to exist was with the filling up of the three vacancies. It is next 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 forged 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 via annexure 2 to the writ petition.

Abdul. Jam

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 petition was born 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 26.9.1979 is

*Neeraj Oberoi*

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 30.5.1979 and 15.6.1979, in other words on the basis of his merit, it is unexplained why it was wholly unwarranted to make offer of adhoc appointment. It is further stated that the terms contained in the said offer of appointment, annexure 3 to the writ petition, fail to show that the other conditions clearly oblige the aforesaid offer of appointment as a party to the arrangement.

It is further stated that the petition states that no time was furnished with a copy of the so-called representation dated 5.1.1980 stated to have been performed by Sri Jagat Singh. The said representation was performed in the petitioner's back. It is further relevant to indicate that Sri Jagat Singh was one of the candidates who was called at the selection to fill up the three vacancies in the posts of Unionisation Assistants referred to in para 12 of the writ petition and he failed to qualify; consequently it was decided to hold recruitment on competition basis limited to regular R.R.C. employees working in the three directorates of the R.R.C. It is not confined only to persons working in the wings of the Civil Services Directorate of the R.R.C. It is further stated that in view of the position laid down in para 4 of the rejoinder-affidavit in reply to

2/1/84

(Zebul) (Signature)

In a 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 wings only can be said to have become redundant. Under the revised rules for Recruitment and Promotion of Nursing 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 non-selection 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 rejected. The reply to the said para is herinafter rejected.
7. That the contents of para 10 do not call for any reply.
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

*Seal/Signature*

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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 ~~xix~~ 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. Wing of the Civil Engineers 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 B.S. Wing of Signal and Telecommunication Engineering Directorate) was circulated by Office Order no. 7 of 1976 dated 6.5.1976. A true copy of the said Office Order no. 7 of 1976 has been annexed as an Exh. no. 7 to a rejoinder-affidavit in reply to a short counter-affidavit which was

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admission of the  
filed by the opposite-parties to oppose the writ  
petition. A perusal of the said R.P. Adm. could  
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 a selection basis. The so-called selection as  
confined to Design Assistants 'A' working in the  
E.S. line only in as 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.D.S.C. is three years service as  
Design Assistant 'A' / and not in the line or the  
Directorate concerned. It is stated that the  
selection limited to R.D.S.C. only is which as  
held on 30.8.1978 and 15.9.1979 which has been  
termed as competitive examination in para 12 of  
the counter-affidavit as 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 ~~fact~~ that suitable candidates  
were available, transfer of candidates from  
Zonal Railways / Production Units is not intended.  
It is further stated that the term 'a particular  
candidates' occurring in rule 1 must be read on  
the basis of entirety of the rules to indicate  
Design Assistants 'A' working in the R.D.S.C. as  
a whole as contradistinctive to Zonal Railways/  
Production Units. A Directorate or a line is only

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a part of the R.D.S.O. A.D.B.C. comprises of various Directorates and Wings and all Design assistants 'A' working in all the Directorates/Wings of the R.D.O. who 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 zones 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 R.D.O. as a whole who have put in three years of service in the R.D.O. ~~as per Annexure A and Annexure B~~. The further allegation in para 12 that another departmental selection can be conducted after expiry of one year from the date of the previous selection ignores the circumstance that the so-called departmental selection conducted in September, 1978 was wholly unauthorised and unauthorised since the eligible candidates had not been called to appear and the said selection as illegally confined to Design assistants 'A' working in the B & S Wing of the Civil Designs Directorate of the R.D.O.

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

*Leave to file*

rejoinder-affidavit that he 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 to be 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 remaining candidates had arisen when Sri S.G.Roy proceeded on deputation.

*Abdul Karim*

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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. 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 pleadings appointing 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 could 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 unauthoritatively 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 SriPadam Singh was shown as selected and promoted by an order dated 16.2.1981.

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

3/5/81  
1. Jagbir Singh  
2. B.S. Dhillon  
3. Y.K. Gill  
4. Tarlochan Singh  
5. Prajjeet Singh  
6. A.L. Jhamo  
7. K.L. Achar  
8. Surjeet Singh  
9. K.K. Singh al

and against the reserved vacancy

10. XXX. P.S. Kardam

The said departmental selection was confined to Design Assistants (a) working in B & S wing and was not thrown open to Design Assistants 'A' working in the R.S.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 Assistant's with B & B Sing at which the following, viz.,

Sri D.S. Saini, Jagannath Ray and A.N. Singh were given appointment. It is further relevant to state that by Posting Order no. 360 of 1983 dated 5.3.1983 and in continuation of Posting Orders nos. 56 and 195 of 1983 Sri B.S. Mody, 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 ~~maximum~~ selection by Staff Notices dated 12.3.1982 have been promoted in adhoc capacity from 10.7.1983 as Senior Design Assistants.

*Bimal Banerjee*

Dated Lucknow

Deponent

13.2.1984

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

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-13-

I to 15 are true to my own knowledge.

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

*B. C. Saksena*

Dated Lucknow

Defendant

13.2.1984

I identify the defendant who has signed in my presence.

*R. K. Srivastava*  
(R.K. Srivastava)  
Clark to Sri B.C. Saksena, Advocate

Solemnly affirmed before me on 13.2.84  
at 8.30 a.m./p.m. by *S. Banerjee*  
the defendant who is identified by Sri R.K. Srivastava  
clerk to Sri B.C. Saksena  
advocate, High Court, Allahabad. I have satisfied  
myself by examining the defendant that he understands  
the contents of the affidavit which has been read  
out and explained by me.

*No. 24*

SATISH CHANDRA
SRIVASTAVA
OFFICIAL COMMISSIONER
High Court, Allahabad;
Lucknow Bench,
No. 24
Date 13.2.84

In the Andhra High Court of Judicature at Hyderabad,  
(Queens Bench), the day

---

Application for consideration of and by  
the Registrar to file a counter-affidavit

---

Application No. ( ) of 1984

---

Fit Petition No. 104 of 1980

Serial No.

--- for the  
application

versus

Devi and others

--- on the

This application comes up of the application  
above-mentioned most respectfully on behalf of

1. that a copy of the counter-affidavit as served  
on the petitioner's counsel in or its receipt  
prior to the petition, and the receipt of the same  
and the necessity to file a counter-affidavit.

2. that in order to meet the allegations contained  
in the counter-affidavit it is necessary to file  
certain information which has been omitted  
hence the rejoinder-affidavit cannot be  
filed in time.

and that the only real failure to gain agreement with the  
Government in any of the circumstances of the hearing of the  
case.

However, it is respectfully suggested that  
the additional award be placed for a longer time, i.e., 10  
years, and "expedited" if necessary, to meet the  
circumstances and time which have been mentioned  
herein.

Respectfully yours  
John C. Weller

(John C. Weller)  
John C. Weller  
Award for the indicated

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 list 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 next 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 L. S. Jay is elected 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 vice annexure 2 to the writ petition.

It is also not disputed that Mr. Roy vacated one of the three posts on 3.1.1980.

3. 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 hereinbelow reiterated. The plea that the panel on which the petitioner was borned at serial no.4 ceased to exist beyond 30.10.1979 is wholly untenable by reason of the submissions initiated 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 & unscientific 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 take his submissions with regard to the interpretation of the said rules as and whenever 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 18.3.1.81 and since on the opposite-parties own showing, Mr. Roy had vacated the post on 3.1.1980 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 application dated 26.9.1979 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 ~~selected~~ <sup>offer</sup> appointed it was wholly unwaranted to make ~~offer~~ <sup>offer</sup> 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 ~~offer~~ 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 ~~xx~~ preferred by Sri Jayteshwar Singh. The said representation was preferred before 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/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 T.S.C.C. employees working <sup>in</sup> any of the directorates of the T.S.C.C. and was not confined only to persons working <sup>in</sup> the Directorate of the Civil Designs Directorate of the T.S.C.C. It is further stated that in view of the position detailed in para 4 of the rejoinder-affidavit in reply to









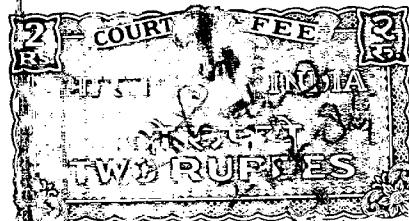
A16

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

C.M. Application No.

of 1984



Union of India and another

... Applicants

in re:

1932-80  
cont.

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

Cont. II

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2.

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

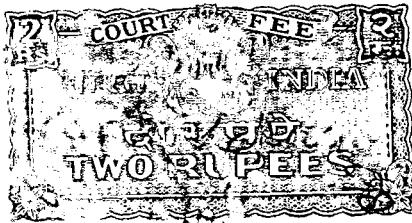
( D.S. RANDHAWA )  
Advocate

(Senior Standing Counsel Central  
Govt. )  
COUNSEL FOR THE APPLICANTS

A 17  
23

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  
By. 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  
IIInd, 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

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dated 1.6.1979 had been submitted by Shri Beant Ram, in reference to the Staff Notice No. Recd./SDA/B&S / Comp/ 79 dated 28.5.79 (A Annexure 1) 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.

22/12/79

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

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.

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 depart-  
mental 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, interalia, the 4th

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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

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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.

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

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 ~~Administrative~~ 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

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 11th day of December 1983 within the premises of High Court at Allahabad Lucknow Bench Lucknow.

Lucknow,  
Dt. 23 December 1983

*Deponent.*

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

*Ranjana*  
(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.

27/12/83

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(PLC)

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. Krishna 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 any 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.

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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/-  
(Basant Ram)  
DAA/B&S

Elumam

PS: R.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.

PLC

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.

Thanking you,

Yours faithfully,

Sd/-

Dated 5.1.80.

(JAGTESHWAR SINGH)

DAA/B&S winga.

Advance copy to the DG/RDSO

Copy to Class III Association/RDSO.

True copy.

23-1-80  
23-1-80

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 showeth:-

- 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

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.Sakse*<sup>na</sup>

Lucknow:

(B.C.Sakse

na)  
Advocate,

Dated: November 25, 1988

Counsel for the applicant.

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In the Central Administrative Tribunal,

Circuit Bench, Lucknow

One ni Bhawan, Lucknow.

P.A. no. 679 of 1977 (r).

Braint Ram

--Petitioner

versus

Union of India and another

--Opponents

This application came up on the petition r  
above and a most respectfully submitted:-

1. That the petition as counsel is unwell 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-b and not part-a. The arguments are  
not likely to conclude today.

Wherefore, it is respectfully submitted that the  
Hon'ble Tribunal be adjourned to another date  
the above-named case today in it is on the said  
date.

B. Chakraborty

(B.C.B.A.L.)

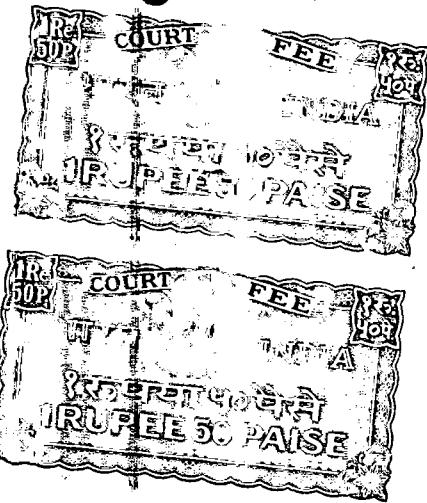
Advocate

Counsel for the petitioner

Lucknow

Date 27.10.1988

Re: to the Hon'ble Central  
Admiralty Court Tribunal,  
at New



Mesmer Fatima - - - Petitioner  
vs  
C.S. 12 for - - - C.P.S  
FF. 24.11.88

Sir,  
The counsel for the Petitioner,

① due to his poor health in  
vigorous work, could not prepare  
the cause. It may  
be considered to  
some other date (after a  
week). else, the Petitioner  
will be subject to  
irreparable injury.

Whether it is for the  
sake of justice, the above cause  
may kindly be adjourned  
to some other date (after a  
week).

Wakil

Shri Dr. S. S. Saxey

Dt: 24.11.88

At the  
Court  
Petitioner

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Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
Circuit Bench Lucknow  
23, Thornhill Road, ALLAHABAD - 211 001  
(Respondent is ~~Unknown~~ Lucknow)  
No. CAT/Alld/Pud/7140 (Dated the 11.)

T.A. No. 679 of 198 (T)

Beant Ram APPLICANT'S

Union of India & others VERSUS RESPONDENT'S.

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

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

Writ Petition No. 1932/80 The Tribunal has filed  
of 198 of the DATE OF 14/7/1980.  
court at High Court Lucknow The hearing of the matter.  
of If no appearance is  
arising out of order dated made on your behalf by  
passed by your some one duly auth.  
in rised to Act and 1980

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

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

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

Deputy Registrar (J)  
Now