

CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE *77-802/82* *W.C. NO. 542/81* OF .....

NAME OF THE PARTIES *67. Majeed* ....., Applicant

Versus

*Actions of Andhra Govt.* ....., Respondent

Part A.

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CERTIFICATE

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

*This file received from record room without*

*Recheck on Dated 14/9/11..... Bosta*

Counter Signed.....

Section Officer/In charge

*A. ....*  
Signature of the  
Dealing Assistant

Telephone : 61674

**REGISTERED**

National Cadet Corps Directorate  
Kerala and Lakshadweep  
Post Box No 2212  
Trivandrum-695 010

07 Oct 94

16029/HRK/Gen

~~Brig 'A'  
HQ Central Command  
Lucknow-226 002~~

T.A. No 802/87

1. Central Administrative Tribunal, Lucknow Bench  
Moti Mahal Lucknow No : NO/CAT/LKO/JUDL/1575 dated  
23 Sep 94 alongwith connected documents in original  
is forwarded herewith for further necessary action.

(H Ravikumar)

Brigadier

Brigadier  
Deputy Director General NCC (K&L)

Copy to:-

Deputy Registrar  
Central Administrative Tribunal  
Lucknow Bench Moti Mahat  
LUCKNOW

- for information with reference to their No CAT/LKO/JUDL/1575 dated 23 Sep 94.

ନିର୍ମାଣ କରିବାର ଦେଖିବାର ଦେଖିବାର  
ଦେଖିବାର ଦେଖିବାର ଦେଖିବାର

Central Administrative Tribunal  
Lucknow Bench

Cause Title TA. 802/87 of 1993  
WP. 542/81

Name of the Parties Gulam Muzeez Applicant  
versus

Union of India and others Respondents.

Part A. P.C.

Sl. No.	Description of documents	Date
---------	--------------------------	------

1.

~~Check List~~

2.

Order Sheet.

- A1 - A5

3.

Judgement.

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4.

Petition Copy

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5.

~~Annexure~~

6.

Power.

7.

Counter Affidavit. A32 - A68.

8.

Rejoinder Affidavit. A69 - A92  
Answer with Power

9 -

B - File

B93 - B169

10

C - File

C170 - C173

C - File

Encl 5 - 43 and

Contd

16.03.93

~~10791~~

No setting sol to 3.9.91.

10791 8/187  
AI

~~RA~~ do not  
file a re-  
spondent  
S.P.M

3.9.91

D.R.

Both the parties are present. Counsel for the applicant desires to file Rejoinder by 22/10/91.

22.10.91

D.R.

Both the parties are present - applicant to file Rejoinder by 19/11/91.

Central Administrative Tribunal  
Lucknow Bench, Lucknow.

AS  
TA. 802/87(T)  
(W.P. 542/80)

ORDER SHEET

O.A./T.A. No.

Date / Office Report

Order

27-8-92

D.R.

O.R.

C.A / R.A. filed

on 2.11.92

S.F.O.

8  
19/11/92

Due to Diwali Holidays

on 26.10.92 case is  
shifted on 21.11.92.

S.F.O.

21.11.92

Case will be ready

22.12.92

Prue

22.12.92 - No setting adj to 27/11/93

27/1/93 Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. K. Obayya, A.M.

As the pleadings are over the cases  
is being disposed of after hearing the  
counsel for the parties. Judgement  
has been dictated in the open Court.

(tgk)

A.M.

U.C.

MANISH/-

LUCKNOW BENCH, LUCKNOW.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ( ~~XXXXXX XXXX XXXX XXXX XXXX XXXX~~ ).

T.A.No.802/87(T.L.)  
(W.P. No.542/81)  
OF 199

T.A.NO.

Date of decision: 27/1/93

.....G. Muyeed..... Petitioner

.....Shri. U. Chandra..... Advocate for the petitioner.

Versus

.....Union of India & Others Respondents.

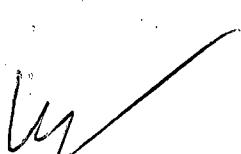
..... Advocates for the Respondent(s)

CORAM :-

The Hon'ble Mr. Justice U.C.Srivastava, V.C.

The Hon'ble Mr. K. Obayya, A.M.

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

  
Signature

NAQVI

A7

A6

Tribunal. According to the applicant, the CPRO 73/73 which has been placed on the records, is applicable in his case. Paras 3 to 5 of the appendix i.e. A, B & C of CPRO makes it clear that the permanent officials shall rank senior to temporary employees or to those who are on probation. There is no denial of the fact that the applicant is working in the present H.Q. from the year 1978, though he was initially appointed in the year 1972. According to the respondents, as per the Central Revised rules for determining the seniority of various categories of Central services, which was issued on 11/12/1974 provides :-

" The seniority of the locally controlled staff rendered surplus and adjusted or transferred on compassionate ground prior to 1/7/73 will be determined in accordance with A-1 of Rule 241(5). Seniority of the individual adjusted or transferred on compassionate ground on or after 1/7/73 will be determined on the basis of the revised seniority rules. "

In other words, those who were adjusted or transferred on or after 1/7/73 will not get the benefit of their previous service on the reporting to the concerned units. The applicant, transferred after 1/7/73, in view of the principles so laid down by the Army Head Quarters, will not be entitled to the benefit of his previous seniority. Obviously when he was transferred on compassionate ground, he will have to be placed with the employees who are similarly placed. In case the applicant is a confirmed employee he was to go to the bottom of the confirmed employees. Obviously he should not have been made junior to temporary

other employees who became subsequently permanent employees thereafter. In case he was posted against temporary employee's post, the position may not be the same. The respondents are also not very clear on the point. Accordingly the respondents are directed to decide the seniority of the applicant within a period of two months from the date of communication of this order, taking into consideration the status and the position of the applicant, when he was transferred in 1978 from Jabalpur to Lucknow. In case he was transferred as a permanent employee from the beginning, obviously he will be placed below the permanent employees and above the temporary employees. No order as to the costs.

*R. K. Singh*  
Member (A)

*W*  
Vice Chairman.

Dated: 27th January, 1993, Lucknow.

(tgk)

Group C. 16-(e)

6798

4/4

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

Q34

Writ Petition No. 542 of 1980

Petitioner.

Gulam Muyeen...

Versus

Union of India and others.....

Opposite parties.

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Lucknow Dated

December 11, 1980

Presented by

*S. Pathak*  
(S.P. Pathak)  
Advocate

Counsel for the petitioner.

*Note for  
( Gulam Muyeen )*

17/11/89

## INDIA COURT FEE

AO

80RS



In the High Court of Judicature at Allahabad  
Sitting at Lucknow

One Day and a Half  
In Court 120  
100

On  
11.12.81

File No. 542 of 1980

Gulam Mayeen Khan \_\_\_\_\_ Retainer  
vs.  
Union of India and others - app. parties

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

Writ Petition No 542 of 1980

Gulam Muyeen aged about 35 years S/O late shri Abdul Subhan khan, Headquarters Central Command Lucknow.

.... Petitioner.

Versus

- ✓1. Union of India
- ✓2. Adjutant General, Adjutant General's Branch Army Headquarters, New Delhi-110011
- ✓3. Brigadier Incharge Administration Headquarters Central Command- Lucknow
- 4. Shri Dalev Singh, L.D.C.
- 5. Shri Chhotey Lal, L.D.C.
- 6. Shri Shyam Swaroop, L.D.C.      || Headquarters
- 7. Shri B.N. Balodi, L.D.C.      || Central Command
- 8. Shri K.C. Sharma, L.D.C.      || Lucknow.
- 9. Shri Ashok Kumar, L.D.C.      ||

.... Opposite Parties.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION

The petitioner respectfully states as under :-

1. That the petitioner is an ex-serviceman and got re-employment on 10th, May 1972 as a Lower Division Clerk in the Office of the Deputy Judge Advocate General Department Headquarters Central Command Lucknow against a leave vacancy. The petitioner was transferred from Deputy Judge Advocate General Department Headquarters Central Command Lucknow to 508 Army Base Workshop, Fort Allahabad on 24th, June 1972 in lieu of combatant under the authority of posting order No 68181/Jun/3/72/Org 4 (Civ)(b) dated 22th, June 1972,

posting order issued by opposite party No.2, subsequently the petitioner was transferred to 506 Army Base Workshop Jabalpur for absorption in the regular cadre.

2. That the petitioner was transferred to Headquarters Central Command Lucknow on compassionate grounds from 506 Army Base Workshop Jabalpur and reported for permanent duty on 20th, March, 1978. Since then the petitioner is serving in Headquarters Central Command Lucknow. ~~XX~~

3. That it is seen from the seniority list of clerical cadre dated 5th, September 1979 that the petitioner's name has been placed in the seniority list after the names of the opposite parties No. 4 to 9 who ~~were~~ either joined their services after joining of the petitioner or they are holding temporary post. The true copy of seniority list is being filed as annexure 1 to this writ petition. The petitioner's seniority has not been considered on the basis of his date of appointment or from the date of his being permanent in service. The seniority was given to the petitioner from the date of reporting to the Headquarters Central Command on transfer from Jabalpur to Lucknow on 20th, March 1978.

4. That the petitioner has become junior to those employees ( opposite parties no. 4 to 9) who were temporary as well were probationers on the date of petitioner's reporting to his present Office Headquarters Central Command Lucknow on 20th, March, 1978 on transfer, which is evident from the annexure 1.

5. That the petitioner was confirmed for his present trade/grade with effect from 1st, April, 1976 by the Officer Incharge Records, Electrical Mechanical Engineers

Gulam Muyeen

Seconderabad while the petitioner was serving in 506 Army Base Workshop Jabalpur and the the petitioner is holding permanent post since 1st April, 1976. As per the Fundamental and departmental rules the seniority of permanent Government employee in various Central services shall follow the date of confirmation and the permanent Government employee will be the rank senior to those government employees who are temporary in post. The relevant rule pertaining to the seniority in the department is being annexured as annexure 2 to this writ petition. According to the annexure the seniority of permanent Government employee will be considered from the date of holding permanent post for further promotion.

6. That the petitioner represented his case to the Brigadier Incharge Administration, Headquarters Central Command Lucknow opposite party No.3 for consideration and refixation of seniority of the petitioner in the light of Government order as annexure No. 2 and fundamental rules vide his application of 22th, February, 1980. The application was forwarded under State Section letter No 710148-C/Stats/Coord of 22th, February, 1980. True copies of each of application and letter are being filed as annexure 3 to 4 to this writ petition. The request of the petitioner has not been considered by the opposite party No. 3 and the petitioner's attention was invited to opposite party No.3 letter No. 275103/15/R/Est (Civ) dated 4th, October, 1978 vide his letter No 275103/15/Est (Civ) of 26th, February 1980. The true copies of these letters are being filed as annexure 5 to 6 to this writ petition.

7. That the petitioner's case has not been considered by opposite party No.3 for fixation of his correct seniority either from his date of appointment or from the date of his permanency, but the petitioner's seniority has been considered from his date of reporting to Headquarters Central Command Lucknow on transfer remain unchanged. The petitioner has not

Gulam Muyeen

been given the benefit of his previous service.

8. That the petitioner has neither got any adverse remarks in his Annual Confidential Report nor any disciplinary action has been taken against him since his date of joining the service.

9. That the petitioner was not transferred from one Ministry or Department to another and he continuous to serve in the same Department. The petitioner is a civilian employee in the Defence Services of the Government of India and he has also been serving under the Adjutant General's Branch, Army Headquarters, New Delhi while he was posted at Lucknow, Allahabad and Jabalpur.

10. That the petitioner's previous units where he was serving before his transfer to his present office is also under jurisdiction of the Headquarters Central Command.

11. That the petitioner belongs to district Sultanpur as such his domicile is very close with the Lucknow where the petitioner was initially appointed by the Deputy Judge Advocate General Department Headquarters Central Command Lucknow on the 10th, May, 1972 and his transfer from Lucknow to Allahabad and from Allahabad to Jabalpur was in the public interest and not on voluntary basis of the petitioner.

12. That due to disturbance by transfer from Lucknow to Allahabad and further from Allahabad to Jabalpur the petitioner used to maintain double establishment out of his meagre salary in these hard days and therefore, the petitioner was compelled to get himself transferred from Jabalpur to Lucknow on compassionate grounds.

12. That the opposite parties no 4 to 9 have been made senior to the petitioner on wholly unjust and illegal basis.

Gulam Muyeen

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14. That due to unjust and illegal fixation of the seniority of the petitioner he is suffering an irreparable and substantial loss as the petitioner will not be considered for future promotion which are likely to be made soon in the near future in 1981-82 for the post of upper division clerk.

15. That the present pay scale of the petitioner's trade is Rs.260-6-290,EB6-326-8-366, EB8-390-10-400 and after promotion his pay scale will become Rs 330-10-380,EB-12-500, EB-15-560.

*Gulam Majeen* 16. That the petitioner is suffering continuous loss due to his being made junior and ~~this is a recurring~~ <sup>therefore</sup> cause of action in his favour.

17. That the original of the seniority list prepared by the opposite party no.3 be summoned for purposes of quashing the same which is in the possession of the opposite party no.3.

18. That as a grave injustice has been done to the petitioner and as no other remedy is available to him he begs to file this writ petition on the following amongst other :-

#### GROUND S

(I) Because the opposite parties Nos. 1 to 3 acted illegally and without jurisdiction by not considering the petitioner for refixation of his seniority from his date of holding permanent post of lower division clerk.

(II) That the opposite parties nos. 1 to 3 committed a manifest error of law on the face of the record by making the opposite parties Nos. 4 to 9 senior to the petitioner who were juniors who were juniors to the petitioner ~~either~~ from the date of their appointment and they were holding temporary post/were probationers. This is an clear violation of the fundamental right of the petitioner under Article 16 of the Constitution of India.

AIS

(III) Because the opposite parties Nos. 1 to 3 committed a manifest error of law ~~app~~ on the face of the records by preparing wrong and incorrect seniority list in violation of the rules on the subject.

(IV) Because the petitioner on coming Lucknow from Jabalpur did not join another Department and he could not be made to loose his seniority.

Wherefore the petitioner respectfully prays that this Hon'ble court be please to issue :-

(a) A writ order or direction in the nature of certiorari quashing the seniority list ~~dated~~ <sup>Contaminated Annexure I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z</sup> dated 5th, September, 1979, duly amended prepared by opposite party No 3, after summoning the same from the opposite party No.3.

(B) A writ order or direction in the nature of mandamus commanding the opposite parties Nos. 1 to 3 to treat the petitioner senior to the opposite parties Nos. 4 to 9 and prepare the seniority list accordingly.

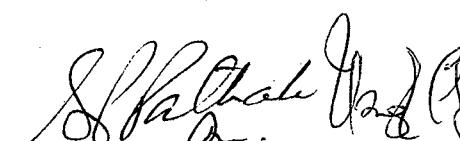
(c) To issue a writ order or direction to which the petitioner may be found entitlement from the facts and circumstances mentioned in the writ petition and

(d) to allow this writ petition with cost.

Lucknow,

Dated : 21 <sup>Dec</sup> ~~Nov~~ 1980  
Jan 28, 1981

Counsel for the Petitioner

  
(S.P. Pathak)  
Advocate

7 A16

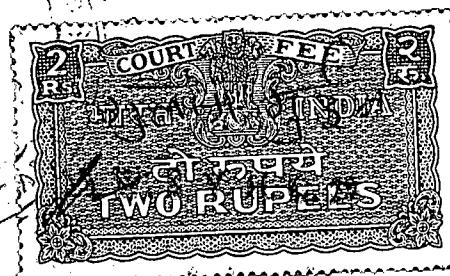
In the Hon'ble High Court of Judicature at Allahabad  
Sitting at Lucknow

Affidavit

In re

Writ Petition No. of 1980

1980  
AFFIDAVIT  
64  
HIGH COURT  
ALLAHABAD



Gulam Muyeen....

Petitioner.

Versus  
Union of India & others...

Opposite parties.

AFFIDAVIT

I, Gulam Muyeen, aged about 34 years S/O  
Late Shri Abdul Subhan Khan, Headquarters Central Command  
Command Lucknow do hereby solemnly affirms and state  
on oath as under :-

1. That the deponent is the petitioner in the  
above noted writ petition and as such he is fully  
conversant with facts deposed to hereunder.
2. That the deponent has read the contents of the  
accompanying writ petition and has fully understood  
them.
3. That the contents of paragraphs 1 to 17 of the  
accompanying writ petition are true to the my own  
knowledge.

.....2/-



- 8 -  
A17

4. That the annexure No. 1 to 6 to this writ petitione are the true copies of their originals.

Dated :

December 11, 1980

Gulam Majeen

Deponent

VERIFICATION

I, the above named deponent, do verify that the contents of paragraphs 1 to 17 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed, so help me God.

Dated :

December 11, 1980

Gulam Majeen

Deponent

I identify the above named deponent who has signed before me..

S.P. Pathak

(S.P. Pathak)

Advocate

Solemnly affirmed before me on 11.12.80

at 8.15 a.m./p.m. by Shri Gulam Majeen.

the deponent who is identified by S.P. Pathak, Advocate, High Court Lucknow bench Lucknow.

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



A. C. S. S. S. S.

Oath Commissioner	
High Court, Allahabad	
Lucknow Bench	
No.	64/515/80
Date 11.12.80	

X8

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

Writ Petition No. of 1980

Gulam Muyeen.....

Union of India and others

Versus

Petitioner.

Opposite parties

ANNEXURE No. 1

SENIORITY LIST IN RESPECT OF GROUP 'C' (CLERICAL STAFF) OF HQ CC (ADM) LUCKNOW

Ser	Name & Designation	Date of Birth	Qualification	App'tt	Date of Pt	Date of Whether SC/ST	Remarks	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	Shri GC Baneruda, OS	13.5.26	Matric	10.8.57		1.4.73 as UDC		
2.	Shri Mukund Ram, UDC	10.1.41	B.Com	12.6.63		1.4.73 as UDC		
3.	Shri Bhagwan Das, UDC	10.1.38	BA	08.6.60		1.4.74 as UDC		
4.	Shri Dhan Singh, UDC	19.5.23	Matric	14.6.65		01.4.69 as LDC	Reported to this HQ on 26.4.73	
5.	Shri KB Tiwari, LDC%	04.5.43	Matric	25.1.64		1.4.69 as LDC		
6.	Shri Krishan Ram, UDC*	4.5.44	Matric	29.3.67		1.4.71 as LDC		
7.	Shri LD Upreti, UDC%	4.4.44	Intermediate	01.4.63		1.4.73 as LDC		
8.	Shri Damodar Tiwari, UDC*	15.5.43	-do-	04.5.64		1.4.73 as LDC		

Gulam Muyeen

9. Shri Ram Narain Pd, 1.8.49 Intermediate 04.2.71 1.4.73 as SC  
LDC(Pt) MA 7.2.72 1.4.75 as  
LDC

10. Shri TK Dey, LDC 5.8.52 MA 28.11.73 28.11.76  
LDC

11. Shri Dalev Singh, LDC 25.10.55 BA 28.11.73 28.11.76  
LDC

12. Shri Chhotey Lal, LDC 2.7.43 MA LIB 1.1.72 1.1.75 as  
LDC Opt

13. Shri Shyam Swaroop, LDC 2.7.43 Matric 1.7.73 as SC  
LDC Opt CSM

14. Shri BN Balodi, LDC (Re-employed Mil pensioner) 10.12.39 Matric 14.6.66 CSM  
14.6.66 CSM

15. Shri KC Sharma, LDC (Re-employed Mil pensioner) 02.8.23 Matric 26.4.76 - - -

16. Shri Ashok Kumar, LDC 25.6.54 Inter 1.5.76 at Pt and lien with his parent unit.  
this HQ.

17. Shri Iqbal Singh, LDC 16.3.44 BALIB 17.5.76  
4.1.64 1.4.70 and holding lien at his parent unit.  
15.11.76 reported to this HQ.

18. Shri Gulam Majeen, LDC 5.4.46 Matric 10.5.72 10.5.75 Opt  
\* Date of arrival at this HQ. \*20.3.78 01.4.76 Pt % Holding lien at his parent unit.

19. Shri Ramesh Chandra, LDC 15.3.54 BSc 13.11.78  
SC

20. Shri RP Awasthi, LDC 20.10.41 Inter 22.2.65 29.1.79 reported to this HQ.

Seniority List approved.



Station : Lucknow -2  
Dated : 29 Sep 79

Gulam Majeen

SD/-X-X-X-X  
(Naval Naz)  
Licut  
Offg Administrative Officer  
For Services GOC-in-C

110 A20 4/50

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

Writ Petition No. of 1980

Gulam Muyeen...

Petitioner.

Versus

Union of India and others...

Opposite parties.

ANNEXURE No.2

General principles for determining seniority of various categories of persons employed in central services

Reference CPRO 59/65.

2. Ministry of Defence Memo No 10(1)/60/D(Appts) dated 11 Mar 65, containing revised principles of seniority, is reproduced as Appendix 'A' to this CPRO. The revised principles have been extended to class III and class IV employees wef 1 Jul 73.

3. Containts of Ministry of Home Affairs Office Memoranda No 9/11/55-RPS dated 22 Dec 59 and No 9/45/60-Est(D) dated 20 Apr 61 are reproduced as Appendices 'B' and 'C' to this CPRO.

Authority- Ministry of Defence Memo No 28/6/67(D)(Appts) dated 29 Jul 73.

Appendix 'A' to CPRO 73/73

Copy of Memorandum No 10(1)60/D(Appts) dated 11 Mar 65.

Subject : General Principles for determining seniority of various categories of persons employed in Central services

The existing orders for regulating seniority contained in Army Instructions No 241/50 etc (and corresponding A.F.I and N.I) were issued with a view to safeguarding the interests of displaced Government Servants, persons with War Service etc., who were appointed in Defence Establishments in civil posts.

2. Displaced Government servants have by and large been observed in the various Central Services and their seniority has been fixed with reference to the previous service rendered by them. Similarly, the seniority of ex-employees of the Government of Burma and of Part 'B' States as well as

Gulam Muyeen

A21  
12  
-2-

of candidates with War service has already been determined in accordance with the instructions cited to above. As the specific objects underlying the instructions referred to above have been achieved, the question of reverting to the normal principles for determining seniority has been under consideration of this Ministry. It has been decided that the seniority of all persons appointed hereafter to Class I and Class II posts in the lower formations under this Ministry will be determined in accordance with the General Principles annexed hereto.

General Principles for determination of seniority of  
Civilians in Defence Services.

X/α

Annexure.

(i) These principles shall apply for determination of seniority persons appointed to Class I and Class II Posts under the Ministry of Defence.

(ii) Notwithstanding anything contained in these General principles the seniority of persons belonging to the following categories will, on their appointment to civil posts, continue to be determined by the instructions noted against each such category :-

(a) Ex-Govt Servant penalised MHA OM No 6/4/52. S&NG for their patriotic activities. dated 29.5.57 reproduced in AI 240/57.

(b) Central Govt Employees M of D OM No 8(1)54/10313 discharged on acct of affiliation with TB or Pleurisy. D(Appts) dated 19.9.58 extended to ex-pleurisy patients vide OM No 8(1) 56/241/D(Appts) dated 15.1.57 Army Instruction 241/50.

(c) Permanent displaced Govt servants nominated by Transfer Bureau/Transfer Office to purely Temporary Organisations who consequently on their retrenchment, were observed in other offices.

2. Subject to the provision of para 3 below, persons appointed in a substantive or officiating capacity to a grade prior to the issue of these General Principles, shall retain the relative seniority already assigned to them or such seniority as may hereafter be assigned to them under the

Gulam Majeen



existing orders applicable to their cases and shall en-block senior to all others in that grade.

**EXPLANATION.**

For the purpose of these principles (a) persons who are confirmed retrospectively with effect from a date earlier than the issue of these general principles, and (b) persons appointed on probation to a permanent post substantively vacant in a grade prior to the issue of these general principles, shall be considered to be permanent officer of the grade.

3. Subject to the provisions of para 4 below, permanent officers, of each grade shall be ranked senior to persons who are officiating in that grade.

4. Direct recruits. Notwithstanding ~~existing~~ to provisions of para 3 above the relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointment, on the recommendation of the UPSC or other selecting authority, persons appointed as a result of an earlier selection being senior to those appointed as a result of a subsequent selection;

Provided that where persons required initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order of merit. In this connection a copy of Ministry of Home Affairs OM No. 45 9/45/60-Estt(D) dated the 20th April 1961 is also reproduced below :-

Where persons are selected either by the UPSC or by other selecting authority for appointment to different post in the same grade with different qualifications (e.g. posts of Assistant Lecturers in History, Economic, Physic etc.) the UPSC/selecting authority should be asked to indicate a common order of merit.

Departmental Promotees

(i) The relative seniority of persons promoted to the various grades shall be determined in the order of their selection for such promotion; provided that where persons promoted initially on a temporary basis are confirmed

Gulam Majeen

subsequently in an order of different from the order of merit indicated at the time of their promotion, seniority shall follow the order of confirmation and not the original order of merit.

(ii) Where promotions to a grade are made from more than one grade, the eligible persons shall be arranged in separate lists in the order of their relative seniority in their respective grades. Thereafter, the Departmental Promotion Committee shall select persons for promotions from each list upto the prescribed quota and arrange all the candidates selected from different lists in a consolidated order of merit which will determine the seniority of the person on promotion to the higher grade.

6. Relative seniority of Direct Recruits and Promotees. The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion respectively, in the Recruitment Rules.

#### 7. Transferees.

(i) The relative seniority of persons appointed by transfer to a grade/post from other departments of the Central or State Governments shall be, determined in accordance with the orders of their selection for such transfer.

(ii) Where such transfers are effected against specific quotas prescribed in the recruitment rules, the ~~maximum~~ relative seniority of such transferees vis-a-vis direct recruits and promotees shall be determined according to the rotation of vacancies which shall be used on the quotas reserved for transfer, direct recruitment and promotion respectively, in the Recruitment Rules.

(iii) Where a person is appointed by transfer in accordance with a provision in the Recruitment Rules providing for such transfer in the event of non-availability of a suitable candidate by direct recruitment of promotees, such transferees shall be grouped with direct recruits or promotees, as the case may be, for the purpose of para 6 above, He shall be ranked ~~maximum~~

Gulam Majeen

below all direct recruits or promitees, as the case may be, selected on the same occasion.

(iv) Where a person is transferred with work from one Department to another of Central Govt, his date of seniority will remain un-changed.

8. Persons appointed on ad-hoc basis to a grade without consultation with a UPSC under Regulations 1958 are to be replaced by persons approved for regular appointment by direct recruitment, promotion or transfer as the case may be. Until they are replaced, such person will be shown in the order of their ad-hoc appointment and below all persons regularly appointed to the grade.

Gulam Mujeen



16 A25

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

Writ Petition No. of 1980

Gulam Muyeen .....

Petitioner.

Versus

Union of India & others.....

Opposite parties.

Annexure No 3

From : Gulam Muyeen, IDC  
Stats Section  
Headquarters Central Command, Lucknow -2

To

The Brig Incharge Administration  
Headquarters Central Command, Lucknow - 2  
Through : Proper Channel

REPRESENTATION FOR FIXATION OF SENIORITY

Sir,

Most respectfully I beg to submit the following few lines for your kind consideration and favourable orders please :-

1. I am an ex-serviceman. I was enrolled in the Army in the Corps of Engineers as a clerk (GD) on 9 Feb 1967, but unfortunately I was discharged from the Army on medical grounds wef 08 Aug 1971.
2. I got re-employment in the office of the Deputy Judge Advocate General Department in this HQ on 10 May 1972 against leave vacancy. I was transferred to 508 Army Base Workshop Allahabad in lieu of combatant. Subsequently I was transferred from 508 Army Base Workshop Allahabad to 506 Army Base Workshop Jabalpur for absorption in regular cadre in the Corps of EME.
3. I was posted to this HQ from 506 Army Base Workshop Jabalpur on compassionate grounds and I reported ~~far~~ to this HQ for permanent duty on 20 Mar 78.
4. It is seen from the seniority list that I have not been given the benefit of my previous service rendered from 10 May 1972 to 19 Mar 1978, and my name has been placed in the seniority list of this HQ after the names of the employees appointed before 20 Mar 78. My date of joining to this HQ has been treated as appointing date for determining to fix my seniority. As such I have become most junior

Gulam Muyeen



even the employees who are probationers as well as who are on temporary post.

5. I have been confirmed in my present grade/trade wef 01 Apr 76 by my previous unit and as such I am permanent employee. According to the existing orders and general principals of determining the seniority of various categories of persons employed in Central Services shall follow the order of confirmation and not the order of merit. Therefore, my seniority may kindly be fixed from the date of my confirmation and not from the date of joining this HQ. In this connection following references may kindly be referred :-

- (a) CPRO 73 of 73 para 4 each of Appendix 'A' & 'B' & 'C'.
- (b) Govt of India, Mi of Def OM No 28(6)/67/Pt-II/ 4552/D(Appts) dated 09 Jul 79.

6. In view of the above, it is earnestly requested that my seniority may kindly be determined from the date of my confirmation and an early orders be issued to amend the seniority list accordingly.

7. Thanking you in anticipation.

Yours faithfully,

Sd/-x-x-x-x

(Gulam Muyeen, LDC)  
Stats Section HQ CC

Dated : 22 Feb 80.



Gulam Muyeen

18 R27

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

Writ Petitione No of 1980

Gulam Muyeen....

Petitioner.

Versus

Union of India and others...

Opposite parties.

Annexure.4

Telephone 225

710148-C/Stats/Coord

22 Feb 80

STATISTICAL SECTION

FIXATION OF SENIORITY OF CIVILIANS

An application dated 22 Feb 80 addressed to Brig IO  
Adm submitted by LDC Shri Gulam Muyeen of this section  
is forwarded herewith for your further necessary action.

Sd/-x-x-x-x-x

(LD Kandpal)

Lt Col

SOI Stats

Adm (Civ Sec)

Gulam Muyeen



19 A28

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

Writ petition No 0 of 1980

Gulam Muyeen.....

Petitioner.

Versus  
Union of India and others....

Opposite parties.

Annexure No 5

Telephone Military 380  
275103/15/EST (CIV)

26 Feb 80

ADMINISTRATIVE BRANCH  
(CIVILIANS SECTION)

FIXATION OF SENIORITY OF CIVILIANS

1. Reference your Service Note 710148-C/Stats/Coord dated 22 Feb 80.
3. In this connection please refer to this office service note 275103/15/R/EST (CIV) dated 04 Oct 78.

Sd/-x-x-x-x-x  
(OP Balhara)  
Captain  
Adm Officer  
For Brig IC Adm

STATS

Gulam Muyeen



20 A29

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

Writ Petition No. of 1980

Gulam Muyeen..... Petitioner.

Versus

Union of India & others.... Opposite parties.

ANNEXURE NO 6

CONFIDENTIAL

Tele 380

275103/15/R/EST(CIV)

04 Oct 78

ADMINISTRATIVE BRANCH  
(CIVILIAN SECTION)

GENERAL PRINCIPLES FOR DETERMINING OF SENIORITY OF  
VARIOUS CATEGORIES OF PERSONS EMPLOYED IN CENTRAL  
SERVICES

1. A Copy of Army HQ letter No 85510/SD 6B dated 20 Sep 78, is forwarded herewith for information to all concerned.

Sd/-x-x-x  
(Prithavi Singh)  
Capt  
Adm Offr  
For OC Troops

List 'D' Stats

COPY OF ARMY HEADQUARTERS LETTER No 85510/SD6B DATED  
20 SEP 78

\*\*\*\*\*

GENERAL PRINCIPLES FOR DETERMINING OF SENIORITY OF VARIOUS  
CATEGORIES OF PERSON EMPLOYED IN CENTRAL SERVICES

1. Reference your letter No 275103/15/R/EST(CIV) dated 03 JUL 78, addressed to the AG's Branch/Org 4(Civ)(a) at this Headquarters.
2. The orders on the above subject contained in CPROs 73/73nas clarified vide CPRO 11/75 are quite clear. The

*Gulam Muyeen*

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persons adjusted/Transferred on or after 01 Jul 73 will not get the benefit of their previous service for purposes seniority on their reporting to the new units, irrespective of the fact that they are holding lien on a permanent post in the previous unit. They will cease to hold lien on the permanent in the new unit. Therefore, they will be considered junior to the persons who are already in position prior to their arrival in the new unit for purposes of seniority.

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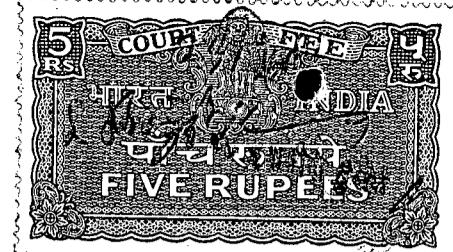
Sd/-xx-x x  
(DC Gupta)

Civilian Staff Afsar/GSO 2  
Kirtey Up Thal Senadhikash/  
For Deputy Chief of the Army Staff

CONFIDENTIAL

Gulam Huseen





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

C.M. APPLICATION NO. (W) OF 1981.

Union of India and others.

Applicants.

In Re:

WRIT PETITION NO. 542 OF 1981.

Gulam Muyeen.

Petitioner.

Versus

Union of India and others.

Opposite Parties.

APPLICATION FOR CONDONATION OF DELAY

IN FILING COUNTER AFFIDAVIT ON

BEHALF OF OPPOSITE PARTIES

NO. 1 TO 3.

The applicants above-named beg to state  
as under :-

1. That preparation and vetting of the Counter Affidavit took sometime hence it could not be filed in time.
2. That the Counter-Affidavit is ready and is being filed herewith.

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3. That the delay is genuine and bonafide.

WHEREFORE it is respectfully prayed  
that delay in filing Counter Affidavit may kindly  
be condoned.

LUCKNOW DATED:

JULY 29, 1981.

Bijesh Kumar

COUNSEL FOR THE APPLICANT

(Opp. Parties 1 to 3)

8/82

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

\*\*\*



Writ Petition No. 542 of 1981

Gulam Muyeen. --- Petitioner.

Versus

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

Counter Affidavit on behalf of  
opposite parties 1 to 3.

I, Lieut Madhav Mhaskar aged about  $25\frac{1}{2}$  years, son of Shri Yashwant Rao Mhaskar, Assistant Administrative Officer, HQ. Central Command, Lucknow, do hereby solemnly affirm and state on oath as under:-

24/3/1981



1. That the deponent is Assistant Administrative Officer, HQ. Central Command, Lucknow and is acquainted with the facts deposed to hereunder:

2. That paragraph 1 of the writ petition is not denied.

3. That in reply to para 2 of the writ petition only this much is admitted that the petitioner was transferred on compassionate grounds to Headquarters Central Command, Lucknow, on 20 March 1978 from Jabalpur. The rest of the contents of the paragraph under reply are denied as incorrect. The petitioner was posted in Headquarters Central Command, Lucknow, against regular temporary vacancy. A true copy of the posting order issued by Adjutant General Branch, Army Head Quarters,

*M. M. M.*

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New Delhi, is being filed herewith as Annexure A-1.

The petitioner had moved an application dated Sept. 9 1977 requesting that he may be posted to any unit/establishments of any corps located at Lucknow or Kanpur on compassionate grounds. The petitioner also submitted option certificate dated 13.9.1977 certifying that he was willing to accept regular temporary appointment in the new unit/establishment. A true copy of the said option certificate is being filed herewith as Annexure A-2. The petitioner submitted yet another option certificate agreeing to abide by the existing rules governing leave, seniority etc. A true copy of the same is being filed herewith as Annexure A-3 to this counter affidavit.

4. That in reply to the contents of para 3 it is not denied that the seniority of the petitioner has been reckoned from March 20, 1978 when he joined Headquarters Central Command, Lucknow, i.e. the new unit. It may also be mentioned here that the seniority is maintained unit wise. 506 Army Base workshop Jabalpur is a different unit and has got no concern with seniority list of U.D.C. and L.D.C. of Command Headquarters, Lucknow.

In connection with the above it is further stated that according to CPR 73/73 and 11/75 an individual who is transferred on compassionate grounds, his seniority in the new unit is reckoned from the date of his joining and he is not entitled to the benefit of his past service for seniority, his name in the seniority list is placed below those individuals who have been already working in the unit prior to his joining the new unit on his transfer on compassionate



*Murali*

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grounds. A true copy of CPR0 73/73 is being filed herewith as Annexure A-4 and that of CRRO 11/75 as Annexure A-5 to this counter affidavit. The above noted CPR0s were further clarified by the Army Headquarters by its letter dated 20th Sept. 1978. A true copy of which is being filed herewith as Annexure A-6 to this counter affidavit.

5. That in reply to paragraph 4 of the writ petition, paragraph 4 of this counter affidavit may kindly be perused. The opposite parties 4 to 9 have been working since before the joining of the petitioner at Headquarters Central Command, Lucknow, on 20.3.1978.

6. That in reply to para 5 of the writ petition it is stated that 506 Army Base workshop is a different unit where he was earlier working. CPR0 73/7 and 11/75 specially deal with fixation of seniority of an individual who is transferred from one unit to another on compassionate grounds or who are adjusted out of surplus staff etc. Annexure A-2 is subject to the annexures A-4 to A-6 of this counter ~~accused~~ affidavit.

7. That in reply to para 6 it is stated that opposite party no.3 gave reply by his letter dated 26.2.1980 drawing attention of the petitioner to 27513/15/R/RAT(LW) dated 4th Oct. 1978 according to which persons adjusted or transferred were not to get benefit of their previous service on transfer to a new unit on adjustment or compassionate grounds. In the circumstances it cannot be said that the request of petitioner was not considered.



*Murli Dhar*

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12. That in reply to para 11, it is stated that the petitioner joined at Headquarters Central Command, Lucknow, on 20.3.78 on transfer which was made on his own application on compassionate grounds. <sup>A</sup> ~~13~~ Rules for fixation of seniority on transfer on compassionate grounds are there and the seniority has been fixed accordingly. The petitioner even had given option certificate for abiding by the rules then existing for transfer on compassionate grounds.

13. That in reply to paragraph 12 of the writ petition it is stated that on transfer on compassionate grounds the individual is bound by the rules for fixation of seniority on such transfers.

14. That in reply to para 13 of the writ petition it is stated that the opposite parties 4 to 9 had joined the unit on the present posting before the petitioner had joined it.



15. That paragraph 14 of the writ petition is denied as incorrect. The seniority has been rightly fixed. The petitioner will also get promotion ~~whenever~~ it becomes due according to the seniority fixed.

16. That in reply to para 15 of the writ petition it is stated that the petitioner is not getting the pay scale of the promoted post and that he will get <sup>it</sup> only after he is promoted.

*Muzaffar*

17. That paragraph 16 of the writ petition is denied.

6.

18. That in reply to paragraph 17 of the writ petition it is stated that no case is made out for quashing the seniority list a copy of which has been filed as annexure 1 to the writ petition.

19. That para 18 of the writ petition is denied. No injustice has been caused to the petitioner.

20. That the petitioner had himself submitted option certificates annexure A-2 and A-3, Hence he now cannot go behind these undertakings. The petitioner cannot claim all the advantages namely transfer on compassionate grounds as well as seniority on the basis of past services in the different unit. A transfer which was otherwise not possible was made on certain conditions including those given in annexure A-2 and A-3 to this counter affidavit.

21. That the petitioner is guilty of laches, the seniority list annexure 1 is dated 4.9.79 whereas the writ petition has been filed on 28.1.1981. The petition is liable to be dismissed on this ground as well.



Lucknow Dated  
July 29 1981.

*M. H. J. W.*

Deponent.

*M. H. J. W.*  
I, the abovenamed deponent, do hereby verify that the contents of paragraph 1 of this counter affidavit are true to my own knowledge,

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those of paras 2 to 17 are true to my information derived from the records and those of paragraphs 18 to 21 are based on legal advice. No part of it is false and nothing material has been concealed, so help me God.

Lucknow Dated  
July 29 1981.

*Madhav Mhaskar*

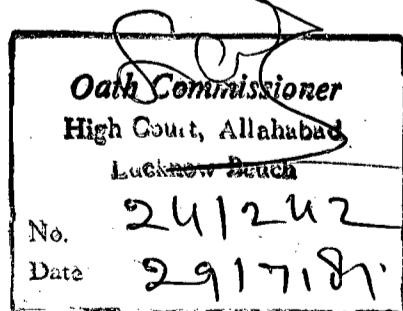
Deponent.

I identify the deponent who has signed before me.

*Abcind. Mr. S. B.  
J. M. S.  
Clerk of Sri Brijesh Kumar.*

Solemnly affirmed before me on 29.7.81  
at 10.50 a.m./p.m. by Madhav Mhaskar,  
the deponent who is identified by Smt. K. S. Sinha  
Ass't. Clerk of Sri Brijesh Kumar, Advocate, Lucknow.

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



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Aui

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

Writ petition No. of 1981

Gulam Muyeen. --- -- Petitioner.

Versus

Union of India and others. -- Opposite parties.

Annexure No. A-1

Telephone 375371

Sangathan Nideshalaya (Org. 4(Civ)(b))  
Adjutant General Shakha  
Thal Sena Mukhyalaya  
Organisation Directorate/Org 4(Civ)  
Adjutant General's Branch (b)  
Army Headquarters  
DHQ PO New Delhi - 110011

70538/Dec/77/Org 4(Civ)(b) 20 Dec. 77

All Concerned.

POSTING AND TRANSFERS ON COMPASSIONATE GROUNDS : CIVILIANS.

1. The following civilian personnel, if willing, are transferred on permanent duty to unit/establishment shown against their names:-

SNo.	Name	Trade & Category	From	To	Remarks.
(S No. 1 to 22)		xxx	xxx	xxx	xxx

23. Sri Gulam Muyeen 506 Army Base HQ Central Against  
Pt LDC Wksp Command Regular  
Jabalpur Jabalpur Lucknow. RY  
Vacancy.

xxx	xxx	xxx	xxx	xx
-----	-----	-----	-----	----

2. As per the decision of the Ministry of Defence the orders regarding reservation of vacancies for Scheduled Castes and scheduled Tribes are not applicable in the case of employees who are posted on compassionate grounds.

3. The individuals will be dispatched to their new units only after receipt of a confirmation regarding



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the availability of vacancy to the unit concerned immediately on receipt of the posting order and will not await a formal communication from them.

4. Instructions contained in Appendix 'A' to this letter will be complied with.

5. Individuals will be relieved of their duties immediately on receipt of confirmation regarding the availability of a vacancy from the receiving units. The moves of the individuals will not be withheld till the arrival of replacements. The resultant vacancies will be reported to this HQ in accordance with SAO 8/S/76.

6. The individuals will be informed that they will reckon their seniority from the date of reporting for duty in the new units/establishment as per revised instructions contained in Ministry of Defence letter No. 26(6)67/D(APpts) dated 29th Jun 73 (reproduced in CPRD 73/73).



Sd/- x

(IRNanda)

Civilian Staff Adhikari/GSO

Up Sahayak Adjutant General/DAAG

Kritey Adjutant General.

Ecopy to

All concerned.

True copy

Pls check

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(APPENDIX A)  
Compassionate

INSTRUCTIONS TO BE COMPLIED WITH BY THE UNITS

1. The moves of the individuals who are posted on compassionate grounds will be carried out after obtaining confirmation regarding the availability of vacancy from the receiving units. This will be done in direct consultation with the units concerned by Signal under advice to this HQ.
2. If any of the individuals in question has been ~~been~~ given alternative appointment under the provisions of SAO 8/S/76, his posting under this letter will not be given effect. Necessary amendment will be issued on receipt of information.
3. The individuals against whom disciplinary case is pending and those whose service have not been satisfactory in their present units will not be despatched to new units. A certificate to the effect that the individuals performance has been satisfactory will invariably be rendered to the receiving unit at the time of despatch of the individual.
4. The OC units will ensure that the individuals posted are educationally and technically qualified and suitable as to their age before despatching them. In case they were overage at the time of initial recruitment they will not be despatched without approval of the receiving units.
5. Permanent/Quasi permanent individuals are posted against regular temporary appointment. The individuals will be informed that they will reckon their seniority from the date of reporting for duty in the new unit/establishment as per instructions contained in the Ministry of Defence letter no. 28(6)/67/D(Appts) dated 29 Jun 73, reproduced in CPRD 73/73.



*Pls. ref. w*

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6. TA for the move may be admissible at the direction of the competent authority as per AI 147/64. The journey period will be covered by grant of earned leave to their credit, if due, or extraordinary leave, if there is no such leave to their credit.

7. Move of the individuals concerned will not be withheld till the arrival of their replacements. The resultant vacancies will be reported to the appropriate authorities in accordance with this HQ letter No. A/02384/ Org 4(CIV)(b-i) dated 12 Sept. 68 immediately after the move of the individuals for adjustment of surplus employees.

8. In exceptional circumstances only the posting orders will be cancelled. In such case, the grounds submitted by the individuals will be scrutinised and on the special recommendations of the OC unit concerned.

9. If for any reason, the vacancies have either ceased to exist or are not to be filled in IMMEDIATE information to this effect will be sent to the providing unit under advice to this HQ,

(LR Nanda)  
DAAG/Org 4 Civ(b)



True copy  
Murali

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

Writ Petition No. of 1981

Gulam Muyeen. --- -- Petitioner.

Versus

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

Annexure No.A-3

CERTIFICATE

I, No. 7125985 Permanent LDC Shri Gulam Muyeen of 506 Army Base Workshop, Jabalpur, am willing to travel at my own expenses when transferred on compassionate grounds. I agree to abide by the existing rules governing leave, Seniority and so on.

Station: Jabalpur

Sd/- XX

Date: 13 Sep 77

(7125985 Pt LDC Shri Gulam Muyee

Countersigned.

Sd.

Station Jabalpur

(V.K.Varma)

Date: 13 Sept 77

EME Officer (Civ)

Establishment Officer

Commandant.

True copy  
M. S. M.

From

7125985 Permt LDC  
Gulam Muyeen  
506 Army Base Workshop  
Jabalpur.

To

Adjutant General's Branch,  
Army Headquarters,  
DHQ PO New Delhi-ii  
Through proper channel.

POSTING ON COMPASSIONATE GROUNDS.

Sir,

Most humbly and respectfully I beg to submit the following few lines for kind consideration and favourable action please.

I am an ex-serviceman. I was enrolled in the Army in the Corps of Engineers as a clerk (GD) on 9 Feb 67 but unfortunately I was discharged from the Army on medical grounds on 8 Aug 71. Thereafter I was again reemployed as a LDC in the office of the Deputy Judge Advocate General Department at Headquarters Central Command Lucknow on 10 May 72. After having served there up 24 Jun 72, I was posted to 508 Army Base Workshop, Allahabad wef 25 Jun 72. Therefrom I have been further posted to 506 Army Base Workshop Jabalpur on 13 Jul 74. Sir then I am serving in 506 Army Base Workshop, Jabalpur.

It is submitted that I have one son aged 11 years and a daughter aged 8 years from my first wife and are residing along with my old mother of aged 75 years and my second wife at village Rasulpur in Tehsil Musafirkhana district Sultanpur (UP). I am having my own house and 4 bighas of cultivable land. My mother being very old she is quite unable to look after the house/cultivable land and to take proper care of my children. Moreover the living of my children along with my second wife in the absence of myself also creates unhappiness/problems as she is giving



*Manjir W*

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an indifferent treatment to my children. This also creates an unsolvable problems to my aged mother also due to which the ~~peace~~ of the house is completely washed off. I, being away from my native place, am unable to attend these problems and to find any solution for that. It is also added that these domestic affairs have made me too much worried all the time and I am not having peace of mind which ultimately affect my health also.

It will not be out of place to mention here that due to such circumstances and domestic worries I was victimised by neurosis and medically boarded out from the Army Services as stated above.

In view of the foregoing it is earnestly requested that I may please be posted to any units/establishments of any corps located at Lucknow or Kanpur. It is submitted that I shall travel at my own expense and will not claim any TA/DA and joining time.

Hoping to receive your sympathetic consideration in the matter and thanking you in anticipation.

Yours faithfully,

Sd/ Gulam Muyeen)

Dated 09 Sep 77.



True copy

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Displaced Government servants have by and large been absorbed in the various Central Services and their seniority has been fixed with reference to the previous service rendered by them. Similarly, the seniority of ex-~~ex-members~~ employees of the Government of Burma and of Part 'B' States as well as of candidates with War Service has already been determined in accordance with the instructions cited above. As the specific objects underlying the instruction referred to above have been achieved the question of reverting to the normal principles for determining seniority has been under consideration of this Ministry. It has been decided that the seniority of all persons appointed here after to class I and class II posts in the lower formations under this Ministry will be determined in accordance with the General Principles annexed hereto.

Annexure

GENERAL PRINCIPLES FOR DETERMINATION OF SENIORITY OF CIVILIANS IN DEFENCE SERVICES.

1. (i) These principles shall apply for determination of seniority of persons appointed to Class I and Class II posts under the Ministry of Defence.

(ii) Notwithstanding anything contained in these general principles, the seniority of persons belonging to the following categories will, on their appointment to civil posts, continue to be determined by the instruction noted against each such category:-

(a) Ex-Govt servant penalised for their patriotic activities. MHA OM No 6/2 S&NG dated 29.5.57 reproduced in A 1240

(b) Central Govt employees discharged on account of affliction with TB or pleurisy. N &f D OM No 8(1)/54 10313/D (Appts) date 19.9.56 extended to ex pleurisy patients vide OM No.8(i)/56/2 D(Appts) dated 15.1.57 A1 241/50.



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(c) Permanent displaced Govt servants nominated by the Transfer Bureau/ Transfer Office to purely temporary organisations who consequent on their retrenchment, were absorbed in other offices.

2. Subject to the provision of para 3 below, persons appointed in a substantive or officiating capacity to a grade prior to the issue of these general principles, shall retain the relative seniority already assigned to them or such seniority as may hereafter be assigned to them under the existing orders applicable to their cases and shall ~~be~~ en block be senior to all others in that grade :

Explanation -

For the purpose of these principles (a) persons who are confirmed retrospectively with effect from a date earlier than the issue of these general principles : and (b) persons appointed on probation to a permanent post substantively vacant in a grade prior to the issue of these general principles, shall be considered to be permanent officers of the grade.

3. Subject to the provisions of para 4 below, permanent officers, of each grade shall be ranked senior to persons who are officiating in that grade.

4. Direct recruits - Notwithstanding the provisions of para 3 above, the relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointment, on the recommendation of the UPSC or other selecting authority, persons appointed as a result of an earlier selection being senior to those appointed as a result of a subsequent selection :

Provided that where persons recruited initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the



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time of their appointment, seniority shall follow the order of confirmation and not the original order of merit. In this connection a copy of Ministry of Home Affairs OM No. 9/45/60-Estt (D) dated the 20th April 1961 is also reproduced below:-

Where persons are selected either by the UPSC or by other selecting authority for appointment to different posts in the same grade with different qualifications (e.g. posts of Assistant Lecturers in History, Economic Physics etc.) the UPSC>Selecting Authority should be asked to indicate a common order of merit.

5. Departmental promotees:

(i) The relative seniority of persons promoted to the various grades shall be determined in the order of their selection for such promotion provided that where persons promoted initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their promotion seniority shall follow the order of confirmation and not the original order of merit.

(ii) Where promotion to a grade are made from more than one grade, the eligible persons shall be arranged in separate lists in the order of their relative seniority in their respective grades. Thereafter the Departmental Promotion Committee shall select persons for promotion from each list upto the prescribed quota and arrange all the candidates selected from different lists in a consolidated order of merit which will determine the



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and promotion respectively in the Recruitment Rules .

7. Transferees:

(i) The relative seniority of persons appointed by transfer to a grade/post from other departments of the the Central or State Governments shall be determined in accordance with the orders of their selection for such transfer.

(ii) Where such transfers are effected against specific quotas prescribed in the recruitment rules, the relative seniority of such transferees visa-vis direct recruits and promotees shall be determined according to the rotation of vacancies which shall be used on the quotas reserved for transfer direct recruitment and promotion respectively in the Recruitment Rules.

(iii) Where a person is appointed by transfer in accordance with a provision in the recruitment rules providing for such transfer in the event of non-availability of a suitable candidate by direct recruitment or promotion such transferees shall be grouped with direct recruits or promotees, as the case may be for the purposes of para 6 above. He shall be ranked below all direct recruit or promotees, as the case may be selected on the same occasions

(iv) Where a person is transferred with work from one Department to another of Central Government his date of seniority will remain unchanged.

8. Persons appointed on ad-hoc basis to a grade without consultation with the UPSC under Regulations 4 of the UPSC (Exemption from Consultation) Regulations, 1958 are to be replaced by persons approved for regular appointment by direct recruitment, promotion or transfer, as the case may be until they are replaced, such persons will be shown in the order of their adhoc appointments and below all persons regularly appointed to the grade.

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appointed to the Central Services.

2. The question has been raised whether it is necessary to continue to apply the instructions contained in the Office Memorandum cited above. Displaced Government servants have by andlarge been absorbed in the various Central Services and their seniority has been fixed with reference to the previous service rendered by them. Similarly the seniority of ex employees of the Government of Burma and of Part 'B' States as well as of candidates with war service has already been determined in accordance with the instructions cited above, as the specific objects underlying the instructions cited above have been achieved, there is no longer any reason to apply these instructions in preference to the normal principles for determination of seniority. It has, therefore, been decided in consultation with the Union Public Service Commission that hereafter the seniority of all persons appointed to the various Central Services after the date of those instructions should be determined in accordance with the General Principles annexed hereto.

3. The instructions contained in the various office Memorandum cited in paragraph 1 above are hereby cancelled except in regard to determination of seniority of persons appointed to the various Central Services prior to the date of this office Memorandum. The revised General principles embodied in the annexure will not apply with retrospective effect, but will come into force from the date of issue of these orders, unless a different date in respect of any particular service/grade from which these revised principles are to be adopted for purposes of determining seniority has already been or is hereafter agreed to by this Ministry.



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Appendix 'B' to CPRO 73/73

Copy of Government of India, Ministry of Home Affairs  
Office Memorandum No. 9/11/55/RPS dated 22 Dec. 59.

**Subject:** General Principles for determining seniority  
of various categories of persons employed in  
Central Services.

As Ministries of the Government of India are aware,  
instructions have been issued from time to time regarding  
the principles to be observed in and the method of determin-  
ing seniority vide Office Memorandum cited below:-

- (a) Office Memorandum No. 30/44/48 - Appts dated  
22nd Jun 49.
- (b) Office Memorandum No 65/28/49-DGS (Appts) dated  
the 3rd Feb. 1950 and other subsequent office  
memorandum regarding fixation of seniority of  
Ex-employees of the Government of Burma.
- (c) Office Memorandum no. 3/225/50 DGS dated the  
27th April 1951 and other subsequent office  
memorandum regarding fixation of seniority of  
displaced Government servants.
- (d) Office Memorandum No. 9/59/56 dated 4th August 56

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The instructions contained in this Ministry's Office  
Memorandum no. 30/44/48 Appts dated the 22nd June 1949  
were issued in order to safeguard the interest of  
displaced Government servants appointed to the Central  
services after partition. As it was not possible to regulate  
the seniority of only displaced servants by giving them  
credit for previous service, the instructions were made  
applicable to all categories of persons appointed to  
Central Services. The principles contained in the 22nd June  
1949 orders were extended to :-

- (a) Ex Government servants of Burma appointed  
to Central Services; and
- (ii) The employees of former part B States taken  
over to the Centre as a result of Federal  
financial Integration.

The instructions contained in this Ministry's  
Office Memorandum No. 32/10/49/CS dated the 31st March 1950  
and no. 32/49-CS(C) dated the 20th September 1952  
similarly regulate the seniority of candidates with service



AnnexureGENERAL PRINCIPLES FOR DETERMINATION OF SENIORITY IN THE CENTRAL SERVICES.

1. (i) These principles shall apply to the determination of seniority in Central Civil Services and Civil Posts except such services and posts for which separate principles have already been issued or may be issued hereafter by Government.

Ministries or Departments which have made separate rules or issued instructions on the basis of instructions contained in the Ministry of Home Affairs OM no. 30/44/40 Appts dated the 22nd of Jun 1949 are requested to consider modification of those rules or instructions on the basis of these general principles ever, wherever it is considered necessary to follow principles different from those laid down in this Memorandum a specific references would be made to the Ministry of Home Affairs who will consult the UPSC. As regards individual cases, the Ministry of Home Affairs will decide the cases on which the advice of the Commission should be obtained.

(ii) Notwithstanding anything contained in these general principles, the seniority of persons belonging to the following categories will on their appointment to a Central Civil Services, or a Civil Post continue to be determined by the instructions noted against each category :-

(a) Ex Government servants penalised for their patriotic activities. MHA OM No. 6/4/52-S& NG dated 29.5.57

(b) Central Government employees discharged on account of affiliation with T.B. Pleurisy or leprosy. OM No. 37/1/52 DGS dated 20.7.54 (Subsequently extended to ex-Pleurisy Leprosy patients vide OM no. 13/4/56-RPS dt. 29.9.56 and 13.4.57-RPS dated 14.7.58.

2. Subject to the provision of para 3 below, persons appointed in a substantive or officiating capacity to a grade prior to the issue of these general principles shall retain the relative seniority already assigned to them or such seniority as may



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hereafter be assigned to them under the existing orders applicable to their cases and shall in block be senior to all other in that grade.

EXPLANATION.

For the purpose of these principles (a) persons who are confirmed retrospective with effect from a date earlier than the issue of these general principles; and (b) persons appointed on probation to a permanent post substantively vacant in a grade prior to the issue of these general principles, shall be considered to be permanent officers of the grade.

3. Subject to the provisions of para 4 below, permanent officers of each grade shall be ranked senior to persons who are officiating in that grade.

4. Direct Recruits:

Notwithstanding the provisions of para 3 above, the relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointment, on the recommendations of the UPSC or other selecting authority persons appointed as a result of an earlier selection being senior to those appointed as a result of a subsequent selection.

Provided that where persons recruited initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment seniority shall follow the order of confirmation and not the original order of merit.

5. Promotees:

(i) The relative seniority of persons promoted to the various grades shall be determined in the order of their selection for such promotions.

Provided that where persons initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their promotion, seniority shall follow the order of confirmation and not the original order of merit.



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(ii) Where promotions to a grade are made from more than one grade the eligible persons shall be arranged in separate lists in the order of their relative seniority in their respective grades. Thereafter the Departmental Promotion Committee shall select persons for promotion from each list upto the prescribed quota and arrange all the candidates selected from different lists in a consolidated order of merit which will determine the seniority of the persons on promotion to the higher grade.

Note: If separate quotas for promotion have not already been prescribed in the relevant recruitment rules, the Ministries/Departments may do so now, in consultation with the commission wherever necessary.

#### 6. Relative Seniority of Direct Recruits and Promotees.

The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion respectively in the Recruitment Rules.

#### 7. Transferees:

(i) The relative seniority of persons appointed by transfer to a Central Service from the subordinate offices of the Central Government or other departments of the Central or State Governments shall be determined in accordance with the order of their selection for such transfer.

(ii) Where such transfers are effected against specific quotas prescribed in the recruitment rules therefore, the relative seniority of such transferred vis-a-vis direct recruits and promotees shall be determined according to the rotation of vacancies which shall be based on the quotas reserved for transfer direct recruitment and promotion respectively in the recruitment rules.

(iii) Where a person is appointed by transfer in accordance with a provision in the recruitment rules



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providing for such transfer in the event of non-availability of a suitable candidate by direct recruitment or promotion, such transferee shall be grouped with direct recruits or promotees, as the case may be for the purpose of para 6 above. He shall be ranked below all direct recruits or promotees as the case may be selected on the same occasions.

8. Persons appointed on ad-hoc basis to a grade without consultation with the UPSC under Regulation 4 of the UPSC (Exemption from Consultation) Regulations 1938 are to be replaced by persons approved for regular appointment by direct recruitment, promotion or transfer, as the case may be until they are replaced, such persons will be shown in the order of their adhoc appointment and below all persons regularly appointed to the grade.

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### EXPLANATORY MEMORANDUM

#### General Principle 4.

The Union Public Service Commission invariably indicate the order of preference at the time of selection and it will not, therefore, be difficult to determine the relative seniority of persons recruited through the Commission. In order to abridged difficulties in determining the relative seniority of direct recruits recruited otherwise than through the UPSC, the selecting authority should indicate the order of merit at the time of selection.

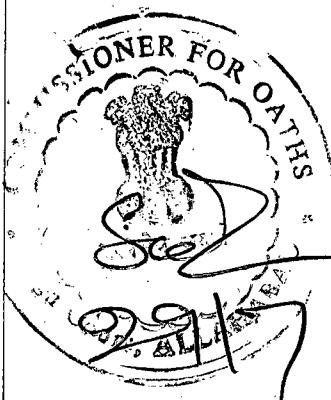
#### General Principle 5(i)

Where promotions are made on the basis of selection by a Departmental Promotion Committee, the seniority of such promotees shall be in the order in which they are recommended for such promotion by the Committee. Where promotions are made on the basis of seniority subject to the rejections of the unfit, the seniority of persons considered fit for promotion at the same time shall be the same as the relative seniority in the lower grade from which they are promoted.

Where, however, a person is considered as unfit for promotion and is superseded by a junior such person shall not if he is subsequently found suitable and promoted, take seniority in the higher grade over the junior person who had superseded him.

#### General Principle 5(ii) Illustration:

Where 75% of the vacancies in the grade of Head Clerk are reserved for promotion from the grade of Upper Division clerk and 25% from the grade of Store Keeper, the eligible Upper Division clerks and Store Keepers shall be arranged in separate lists with reference to their relative seniority in those grades. The D.P.C. will make selection of three candidates from the list of U.D.C. and one from the list of Storekeepers. Thereafter the selected persons from each list shall be arranged in a single list in a consolidation order of merit assessed by the DPC which will determine the



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seniority of the persons on promotion to higher grade.

General Principle 6:

A roster should be maintained based on the reservation for direct recruitment and promotion in the Recruitment Rules. Where the reservation for each Method is 50% the roster will run as follows (1) Promotion, (2) Direct Recruitment, (3) Promotion, (4) Direct recruitment and so on. Appointment should be made in accordance with this roster and seniority determined accordingly,

Illustration

Where 75% of the vacancies are reserved for promotion and 25% for direct recruitment, each direct recruit shall be ranked in seniority below 3 promotees. Where the quotas are 50% each, every direct recruit shall be ranked below a promotee. If for any reason a direct recruit or a promotee ceases to hold the appointment in the grade, the seniority list shall not be re-arranged merely for the purposes of ensuring the proportion referred to above.

General Principle 7(i)

The principle laid down in para 7(i) will not present any difficulty where recruitment by transfer is made singly and at intervals but it will be found wanting in cases where two or more persons are selected from different sources on the same occasion and the selection is spread over a number of days. It will, therefore, be necessary for the authorities responsible for approving appointments by transfer to indicate the inter se order of merit of the selected persons in such cases.

General principle 8

While the seniority of persons appointed on an ad-hoc basis will be determined as indicated in para 8 of the annexure the seniority list should clearly show that a person is not ~~entitl~~ eligible for promotion or confirmation.

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Copy of Govt of India, Ministry of Home Affairs, Office Memorandum No. 9/45/60-Estt(D) dated 20 April 61.

Subject: General principles for determination seniority of various categories of persons employed in Central Services, Interpretations of relating of seniority of direct recruits who are confirmed in an order different from the original order of merit, including these belonging to Scheduled Castes/Tribes.

The undersigned is directed to invite reference to paragraphs 3 and 4 of the annexures to this Ministry's Office Memorandum No. 9/11/55 RPS dated the 22nd December, 1959, on the subject noted above, which provide that permanent officers of each grade shall be ranked senior to persons who are officiating in that grade and that notwithstanding this provision the relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointment, on the recommendations of the Union Public service Commission or other selecting authority, persons appointed as a result of an earliest selection being senior to those appointed as a result of a subsequent selection.

Inquiries have been received in the Ministry from time to time whether after confirmation in accordance with the special representation orders Scheduled Castes/Scheduled Tribes candidates should be treated senior to other temporary/officiating officers of the grade concerned, even though the latter might have been recruited earlier to that grade or secured a higher order of merit in the same selection than the former.

2. Ordinarily, the order of confirmation is determined by the position occupied by a candidate in the merit list, but where a departure is made from the normal rules and one occupying a lower position is given preference for confirmation, he would legitimately expect exceptional treatment also in the matter of seniority. It is with this view that a proviso has been added to para 4 of the annexure referred to above which provides that where persons recruited/promoted initially on

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on a temporary basis are confirmed subsequently in order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not be original order of merit. This means that seniority accompanies confirmation.

Apart from the position stated above, grant of permanency following a period of temporary appointment stands on the same footing as a permanent appointment made ab-initio, and the fact that person belonging to a scheduled caste or a scheduled Tribe had held a temporary appointment before he was made permanent would not justify treating him less favourably than if he had been appointed permanently to a reserved vacancy straightaway. It often happens that a Scheduled caste or a scheduled tribe candidate occupying a lower position in the merit list is appointed permanently to a reserved vacancy, while candidates above him in the merit list are not appointed at that time. If such candidates are appointed in the following year, they are not entitled to higher seniority on the ground that in the previous year they had obtained a higher position in the merit list. The position is not basically different when the initial appointments are made from the same list, and at the same time, on a temporary basis and the scheduled caste or the scheduled tribe employee is in spite of his lower position in the merit list, made permanent earlier in accordance with the special representation orders.

3. In the light of the position explained above it is clarified that, after confirmation, the scheduled caste/scheduled Tribe candidates will rank senior to the temporary/officiating officers of the grade and amongst the permanent officers of that grade their seniority will follow the order of their confirmation. It is requested that the above clarification may kindly be brought to the

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notice of all concerned in the Ministries including their attached and subordinate offices for information and guidance.

EXPLANATORY MEMORANDUM

General Principle 4:

The UPSC invariably indicate the order of preference at the time of selection and it will not, therefore be difficult to determine the relative seniority of persons recruited through the commission. In order to obviate difficulties in determining the relative seniority of direct recruits recruited otherwise than through the U.P.S.C, the selecting authority should indicate the order of merit at the time of selection.

General Principle 5(i):

Promotions to all class I and Class II posts in the Defence Services being made on the basis of selection by a DPC the seniority of such promotees shall be in the order in which they are recommended for such promotion by the Committee.

General Principle 6:

A roster should be maintained based on the reservation for direct recruitment and promotion in the Recruitment Rules where the reservation for each method is 50% the roster will run as follows: (1) Promotion, (2) Direct Recruitment, (3) Promotion, (4) Direct Recruitment and so on. Appointment should be made in accordance with this roster and seniority determined accordingly.

Illustration:

Where 75% of the above vacancies are reserved for promotion and 25% for direct recruitment, each direct recruit shall be ranked in seniority below 3 promotees. When the quotas are 50% each every direct recruit shall be ranked below a promotee. If for any reason, a direct recruit or a promotee ceases to hold the appointment in the grade, the



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seniority list shall not be re-arranged merely for the purpose of ensuring the proportion referred to above.

General Principle 7(1)

The principle laid down in para 7(i) will not present any difficulty where recruitment by transfer is made singly and at intervals but it will be found wanting in cases where two or more persons are selected from different sources on the same occasion and the selection is spread over a number of days. It will, therefore, be necessary for the authorities responsible for approving appointments by transfer to indicate the inter-se order of merit of the selected persons in such cases and for this purpose the Selecting authority concerned should be asked to indicate inter-se order of merit of selected persons in such cases.

General Principle 8

While the seniority of persons appointed on an ad-hoc basis will be determined as indicated in para 8 of the annexure the seniority list should clearly show that such persons are not eligible for promotion or confirmation.

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

Writ Petition No. of 1981.

Gulam Muyeen . --- -- Petitioner.

Versus

Union of India and others. Opp. Parties.

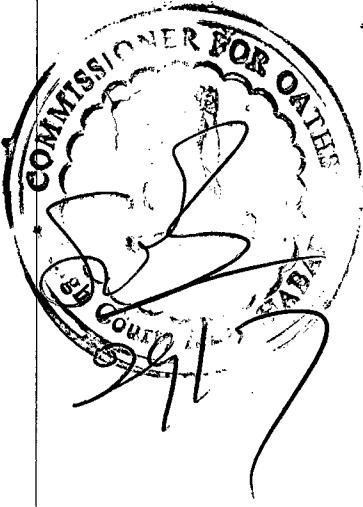
Annexure A-5.

CPR0 11/65 General principles for determining seniority of various categories of persons employed in Central Services.

Reference CPR0 73/73

2. In accordance with the revised principles of seniority, no benefit or past service is given to the surplus staff adjusted in other Corps/Service/Units for purpose of fixation of seniority in the grade in which they are adjusted. Their seniority on their adjustment in new appointments will be determined in accordance with their date of joining the new unit on their adjustment. It has now been decided that when two or more surplus persons of an office are rendered surplus on different dates for absorption in the same receiving unit, their inter seniority as it existed in the office in which they worked before being rendered surplus should be maintained in the grade in which they are absorbed in the new organisation provided that no direct recruitment has been selected for appointment to that grade in between those dates.

3. There have also been some doubts about the applicability of the revised principles of seniority



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in respect of individuals adjusted under surpluses and deficiencies scheme and transferred on compassionate grounds. Revised principles of seniority are applicable wef 1 Jul 73. In view of this, the seniority ~~are~~ of ~~applicable wef~~ locally controlled staff, rendered surplus and adjusted or transferred on compassionate grounds, prior to 1 July 73 will be determined in accordance with AI 241/50. Seniority of the individuals adjusted or transferred on compassionate grounds on or after 1 Jul 73 will be determined in accordance with the revised principles of seniority. In other words, those adjusted/transferred on or after 1 Jul 73 will not get the benefit of their previous service on their reporting to the new units.

4. Seniority of the individuals centrally controlled on Corps/Service roster will not be disturbed under the revised seniority rules if they are adjusted/transferred within the corps /Service.

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Ans

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In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow.

C.M. Application No. 9939(w) of 1984

Gulam Muyeen

Applicant

In re:

Writ Petition No. 542 of 1981

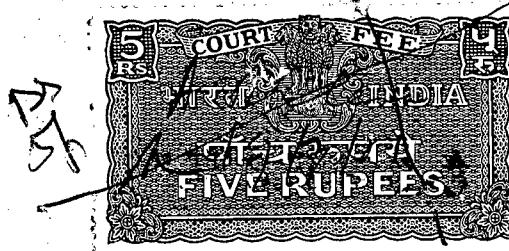
Gulam Muyeen

Petitioner

Versus

Union of India & others ..

Opp. parties.



Application for Interim Relief

The above named applicant most respectfully  
beg to submit as under:-

That for the facts and reasons disclosed in  
the accompanying affidavit it is most respectfully  
prayed that this Hon'ble Court may graciously be  
pleased to put a rider on the promotions of opposite  
parties No. 4 to 9 and one Sri Ramesh Chandra and Sri  
R.P. Awasthi who have been shown senior in the seniority  
list of August, 1984 than the applicant.

*Abdul Mateen*  
( Abdul Mateen ),  
Advocate  
Counsel for the applicant.

Lucknow: Dated: Sept. 17 1984

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

Affidavit

In

C.M. Application No. of 1984

Gulam Muyeen .. Applicant

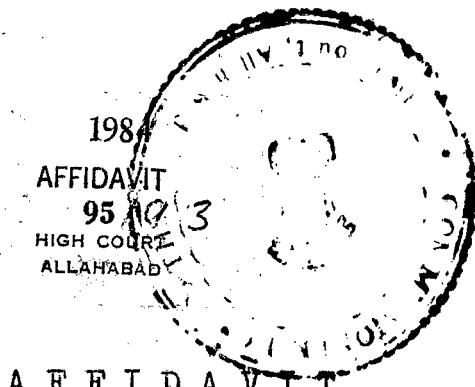
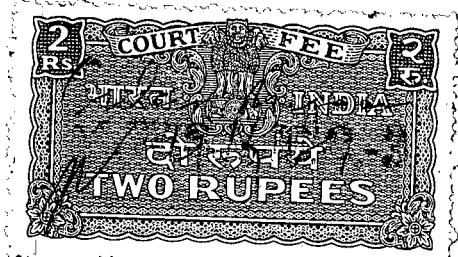
In re:

Writ Petition No.542 of 1981

Gulam Muyeen .. Petitioner

Versus

Union of India & others.. Opp. Parties.



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I, Gulam Muyeen aged about 34 years son of Late Sri Abdul Subhan Khan, Head quarters Central Command, Lucknow do hereby solemnly affirm and state on oath as under:-

2. That the deponent is the petitioner himself in the above writ petition as such he is fully conversant with the facts of the case.
3. That the above noted writ petition was

Gulam Muyeen

filed by the deponent against fixation of seniority of opposite parties No.4 to 9 in the Office of Opposite parties No.1 to 3.

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4. That this petition was filed in the year 1981 which was admitted on 28.1.1984.

5. That the counter affidavit and rejoinder affidavit have already been exchanged.

6. That the opposite parties No.1 to 3 had again circulated a seniority list in the month of August, 1984 and according to this seniority list the opposite parties No.1 to 3 are trying to promote the opposite parties No.4 and 5 on the post of Upper Division Clerk.

7. That the deponent has come to know that the promotion orders of opposite parties No.4 and 5 have already been passed but they have not been given effect to as yet and it is also expected that the opposite parties No. 1 to 3 may further promote the opposite parties 6 to 9 excluding opposite party No.8 who had

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already been retired after attaining the age  
of superannuation.

Lucknow:

Dated: Sept. 18 1984

*Gulam Muyeen*  
Deponent

Verification

I, the above named deponent do hereby verify that the contents of paras 1 to 7 of this affidavit are true to my personal knowledge. No part of it is false and nothing material has been concealed in it so help me God.

Lucknow:

Dated: Sept. 18 1984

*Gulam Muyeen*  
Deponent

I declare that I am satisfied by the perusal of the records, papers and details of the case narrated to me by the person alleging himself to be Sri Gulam Muyeen is that person.

Abdul Mateen  
Advocate.

Solemnly affirmed before me on 18/9/84 at 8 a.m./p.m. by the deponent who is identified by Sri Abdul Mateen, Advocate, High Court, Lucknow Bench, Lucknow.

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

*Ravi Srivastava*

OATH COMMISSIONER  
High Court, Allahabad,

95/913 (Lucknow Bench)

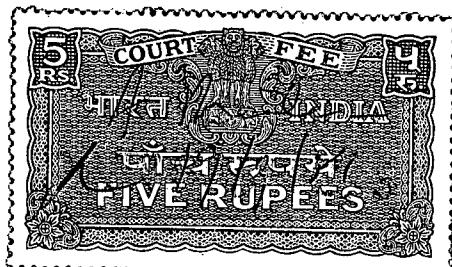
No.....

Date.....

8/9/84

In the Hon'ble High Court of Judicature At Allahabad  
Lucknow Bench Lucknow

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W. P No 542/81

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Gulam Majeen ..... Petitioner

वनाम

Union of India & Others ..... Opp. parties

ऊपर लिखे मुकदमा में अपनी ओर से श्री **ABDUL MATEEN, Advocate**  
RAVI SRIVASTAVA Adv  
152, Ghasyari Mandi, LUCKNOW-226001.

AB

महोदय,

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ  
इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी  
व जवाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या  
हमारी ओर डिगरी जारी करावें और रूपया वसूल करें या सुलहनामा या  
इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने  
हस्ताक्षर से दाखिल करें और तस्वीक करें या मुकदमा उठावें या कोई रूपया  
जमा करें या हमारी या विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया  
अपने या अपने हस्ताक्षर युक्त (दस्तखती) रसोद से लेवें या पंच नियुक्त करें  
वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है  
और होगी इसलिये यह वकालत नामा लिख दिया कि प्रमाण रहे और  
समय पर काम आवे।

Gulam Majeen  
हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

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Accepted

Counsel For.....

Abdul Mateen  
Petitioner

ATM

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

CIRCUIT BENCH, LUCKNOW

Misc. Application No. 958 of 1992

In

T.A. No. 802/87 (T)

Gulam Muyeen

Applicant

Versus

Union of India & others

Respondents

P.T.

2-11-92

The above named applicant most respectfully submits as under:

1. That WP No. 542 of 1981 was filed by the applicant in the Hon'ble High Court of Judicature, Allahabad, Lucknow Bench LUCKNOW during the month of Jan 1981. The said WP was subsequently transferred to this Tribunal during 1987 and registered as T.A. No. 802/87 (T).

2. That as per order dated 31-10-1984 passed by Hon'ble Mr. Justice R.C. Deo Sharma of Lucknow Bench of Allahabad High Court which is on record in the case file, Counter and Rejoinder Affidavits have already been exchanged.

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3. That the applicant has been informed by the Registry of the Hon'ble Tribunal that the Rejoinder Affidavit is not available in the case file. It was probably lost or misplaced during the course of the transfer of the case file from the Hon'ble High Court to this Tribunal.

4. WHEREFORE it is respectfully prayed that the applicant may be permitted to file a Certified True Copy of the missing Rejoinder Affidavit which has been prepared from the office copy available in the file of the applicant's counsel.

5. A Certified True Copy of the Rejoinder Affidavit is enclosed with this application, which may be allowed by the Hon'ble Tribunal to be taken on record for the purpose of final disposal of the case.

Lucknow

02 Oct 92  
A.D.

*U.S. Shukla*  
Advocate  
(U.S. SHUKLA)  
COUNSEL FOR THE APPLICANT

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

A76

SITTING AT LUCKNOW

WRIT PETITION NO 542 OF 1981

Gulam Muyeen.

.....Petitioner.

Versus

Union of India and others.

.....Opp. Parties.

REJOINDER AFFIDAVIT OF THE PETITIONER TO COUNTER AFFIDAVIT  
FIELD ON BEHALF OF THE OPPOSITE PARTIES NOS 1 TO 3

I, Gulam Muyeen aged about 36 Years s/o late Shri Abdul Subhan Khan, Headquarters Central Command Lucknow, do hereby solemnly affirm and state as under :-

1. That the deponent is the petitioner in the aforesaid writ petition as such he is fully conversant with the facts of the case.
2. That paras 1 and 2 of the counter affidavit are not denied.
3. That with regard to the contents of para 3 of the counter affidavit, so far as the contents of the Annexure A-1 to A-3 are concerned are matters of record, are not denied. In so far as the averment in the counter affidavit that the petitioner will not get the seniority due to the fact that the petitioner himself opted the transfer to Lucknow, is not correct hence denied. That in the posting order issued by the Adjutant General's Branch, Army Headquarters Delhi which is only the Department of all Civilian Employees Paid from the Defence Services Estimates, the deponent is advised to state that his

Seniority will be ~~reckoned~~ reckoned on reporting for duty in the new units/establishments as per revised instructions contained in Ministry of Defence letter No 26(6)/67/D (Appts) dated 29th June 73 reproduced in CPRO (civilian Personnel Routine Orders) 73/73 published by the aforesaid Adjutant General's Branch, Army Headquarters New Delhi, the Department of all civilian Employees Paid from the Defence Services Estimates. Copy of the posting order has been filed at Annexure A-1 to the counter affidavit by opposite parties Nos 1 to 3. The copy of CPRO 73/73 has also been filed by the petitioner as well as by the opposite parties Nos 1 to 3 at Annexure A2 and Annexure 4 respectively, which is fully applicable in the petitioner's case. According to paras 3 to 5 each of appendices i.e Appendix 'A', 'B' and 'C' of the CPRO 73/73 it ~~is~~ is quite clear that permanent officers of each grade shall be ranked senior to the persons who are officiating in that grade and seniority shall follow the date of confirmation. In para 3 of the counter affidavit it has been admitted that the petitioner is serving since 20th March 1978 in Headquarters Central Command, Lucknow being transferred from Jabalpur. It is stated that the petitioner was initially appointed on 10th May 1972 and since then he is continuing in service in various places Lucknow, Allahabad, Jabalpur and now Lucknow under the same Adjutant General's Branch Army Headquarters, New Delhi. Hence the opposite parties No 1 to 3 are bound to follow the rules applicable to the preparation of seniority in the light of CPRO 73/73. It is further stated that the petitioner had applied for transfer from Jabalpur to Lucknow or Kanpur to the Adjutant General's

Branch, Army Headquarters New Delhi through proper channel vide his application dated 9th Sep 1977 in which the petitioner never stated that he is willing to accept temporary post and he will become most junior on transfer and he will be deprived of his permanent post. As according to the existing rules only once an individual will be confirmed for one grade or post. There is no such provision that the permanent Government employees will lose their permanancy on transfer and he will be re-confirmed and made permanent again the same post, which is contrary to the law and rules. So far as the option certificate is concerned which is filed at Annexure A-2 to the counter affidavit that the petitioner was willing to accept temporary appointment, it is stated that the option certificate was prepared by 506 Army Base Workshop Jabalpur through whom the petitioner applied for transfer and the petitioner was compelled to sign on that, which is evident from the option certificate that the date of option certificate is 13 September 1977 and date of application of the petitioner for transfer is 9th September 1977. Moreover, obtaining such undertaking on compulsion is unjust and illegal and also contrary to the instructions laid down in the CPRO 73/73. It also stated that the petitioner applied for his transfer to Lucknow or Kanpur earlier on the same grounds vide his application dated 01th September 1975 addressed to the Adjutant General's Branch Army Headquarters, New Delhi but the same was not forwarded to the addressee by the Commandant 506 Army Base Workshop Jabalpur. Subsequently petitioner's mother approached the Defence Minister, Ministry of Defence Govt. of India to get the transfer of the petitioner. The request of the petitioner's mother was considered and Adjutant General's

Branch Army Headquarters, New Delhi had been instructed to do the needful for the transfer of the petitioner from Jabalpur to Lucknow. On being instructed by Defence Ministry, Adjutant General's Branch further instructed to the Commandant 506 Army Base Workshop Jabalpur through their channel to forward the particulars of the petitioner to him for transfer to the petitioner. The required particulars were sent to the Adjutant General's Branch Army Headquarters by 506 Army Base Workshop through proper channel and meanwhile the petitioner was asked verbally by the 506 Army Base Workshop Jabalpur to submit fresh application again for transfer, then the petitioner submitted his transfer application again on 9th September 1977 ~~mas~~ filed at Annexure A.3 to the counter affidavit. The petitioner's application was forwarded to the Adjutant General's Branch Army Headquarters New Delhi by 506 Army Base Workshop Jabalpur through proper channel alongwith the supporting certificate of the Commandant 506 Army Base Workshop Jabalpur stating that he (Commandant) is satisfied of the genuiness <sup>of</sup> the grounds on which the petitioner permanent LDC (Shri Gulam Muyeen) had applied for posting as such verification of the facts through Civil authority was waived. The said certificate is, being filed at Annexure No-7 to this rejoinder affidavit. This fact has not been disclosed by the opposite parties Nos 1 to 3 of the writ petition.

4. That with regard to the contents of para 4 of the counter affidavit it is stated that the seniority is always maintained unitwise but on transfer from one Army Units/ Establishment to other under Adjutant General's Branch, Army Headquarters New Delhi on compassionate grounds or otherwise was fixed according to the date of appointment or

ASO

date of confirmation as the case may be, till the 30th June 1973. The alleged change in principle of fixation of seniority made by Staff Duties Directorate (SD-6B), Army Headquarters vide his letter No 86510/SD-6B dated 20th September 78 as filed the opposite parties Nos 1 to 3 to the counter affidavit at Annexure A-6, is quite contrary to the rules for fixation of seniority. The change made the aforesaid Staff Duties Directorate (SD-6B) Army Headquarters was without any authority or delegation of the authority <sup>A/81</sup> for doing so, as per annexure of Ministry of Home Affairs Office Memorandum No 9/11/55/RPS dated 22 December 1959 reproduced in CPRO 73/73 filed at Annexure A-4 to the counter affidavit. Moreover Staff Duties Directorate (SD-6B) Branch is not the department of the civilian employees of India, CPRO 73/73 as filed at Annexure-4 to the counter affidavit are fully applicable in petitioner's case, according to which the seniority of the petitioner is to be fixed by giving the benefit of his previous service. So far as regard to the CPRO 11/75 as filed at Annexure-5 to the counter affidavit is concerned it is stated that the said CPRO 11/75 was published by Army Headquarters, Adjutant General's Branch, New Delhi without any base of the Govt orders and the said CPRO 11/75 has already been cancelled by him vide para 10 of Adjutant General's Branch Army Headquarters letter No 70538/243/Org 4 (Civ) (b) dated 21 Jul 77. Further, a copy of the latest instructions in this regard issued by Adjutant General's Branch Army Headquarters New Delhi, under his letter No 85362/Org 4 (Civ) (a) dated 19th May 1981 is being filed at Annexure-8, to this rejoinder affidavit.

5. That with regards to the contents of para 5 of the counter affidavit it is stated that the fixation of seniority of the petitioner from the date of joining on

transfer to Headquarters Central Command Lucknow by ignoring the date of his initial appointment as well as date of his confirmation is wholly unjust and illegal as the petitioner has been made junior to those employees who were serving in Headquarters Central Command on 20th March 1978 as temporary some were also in probationary period. It is further stated that LDC, Shri Dalev Singh opposite party No. 4 of the writ petition was also previously serving in D.S.C. Group, Headquarters Bombay as a temporary and also had been transferred to Headquarters Central Command Lucknow on compassionate grounds on 6th January 1975 and he has been given the benefit of his previous service. In this connection an extract of Headquarters Central Command Daily Order Part-II No 4/Civ/75 dated 11th January 1975 is being filed as Annexure No 9 to this rejoinder affidavit. It is further stated that just after reporting to Headquarters Central Command Shri Dalev Singh, LDC opposite party No 4 has been confirmed in his rank of LDC with effect from 28th November, 1976, within three years of his total service directly without making him Quasi Permanent as the existing rules, because he on transfer to Headquarters was serving in Administrative Branch (Establishment Section). It is also stated that normally the individual having completed three years continual service, is made Quasi Permanent and when the vacancy of permanent post is vacant then the individual is considered for confirmation. Also date of confirmation is only awarded from 1st April of the year ~~except~~ except in some special exceptional cases, but the opposite party No.4 was confirmed with effect from 28th November, 1976, in normal condition, which is illegal and against the rules.

6. That with regard to the contents of para 6 of the

counter affidavit, it is stated that it has not been mentioned in CPR0/73/73 that the seniority of the Government Employees will be reckoned from the date of joining the new units/establishment on transfer on ~~some~~ compassionate grounds from unit to other unit in the Army under the same department, i.e Adjutant General's Branch, Army Headquarters. In this connection paragraph 4 of this rejoinder affidavit may also kindly be perused.

7. That with regard to the contents of paragraph 7 of the counter affidavit, it is stated that the contents of letter No 27513/15/R/EST(Civ) dated 4.10.78 as referred is unjust and contrary to the rules and law applicable for fixing up of seniority as laid down in CPR073/73. In this connection para 4 of this rejoinder affidavit may also kindly be perused.

8. That the contents of para 8 of the counter affidavit are denied. The seniority of the petitioner has not been fixed according to CPR0 73/73, As regard CPR0 11/75, para 4 of this rejoinder affidavit may kindly be perused.

9. That the contents of para 9 of the counter affidavit are denied and the contents of para 8 of the writ petition are reiterated as correct.

10. That the contents of para 10 of the counter affidavit are denied and the contents of para 9 of the writ petition are reiterated as correct.

11. That the contents of para 11 of the counter affidavit are denied and it is stated that all Army units/Establishment located in Uttar Pradesh, Madhya Pradesh, Bihar and Orrissa states come under the jurisdiction of Headquarters Central Command Lucknow. Further in this connection para 4 of this rejoinder affidavit may kindly be perused.

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12. That with regard to the contents of para 12 of the counter affidavit only this much is admitted that the petitioner was transferred on compassionate grounds to Headquarters Central Command, Lucknow on 20th March 1978 from Jabalpur. The rest of the contents of para 12 of the counter affidavit are denied. In this connection para 3 and 4 of this rejoinder affidavit may kindly be perused.

13. That the contents of para 13 of the counter affidavit are denied and it is stated that in this connection para 4 of this rejoinder affidavit may also kindly be perused.

14. That para 14 of the counter affidavit is not denied.

15. That the contents of para 15 of the ~~xxx~~ counter affidavit are denied and the contents of para 14 of the writ petition are reiterated as correct. It is also stated and submitted that the petitioner's promotion is due since 27th February 1981 as per the revision of Ratio between Upper Division Clerks and Lower Division Clerks made by Government of India Ministry of Defence OM No 15(I)80/D (Civ-I) dated 27th February 1981, reproduced in Appendix 'A' to the Administrative Orders No 77/81 of Headquarters Central Command dated 31 Mar 1981. An extract of which is being filed as annexure 10 to this rejoinder affidavit.

16. That para 16 of the counter affidavit is not denied.

17. That the contents of para 17 of the counter affidavit are denied and para 16 of the writ petition are reiterated as correct.

18. That paras 18 and 19 of the counter affidavit are denied and para 17 and 18 of the writ petition are reiterated as correct.

19. That with regard to para 20 of the counter affidavit it is stated that the preparation of seniority and the rules meant for preparation of the seniority cannot be flouted on the ground that the deponent himself submitted to illegal and unjust conditions, put by the authorities.

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concerned and under duress and compulsion the deponent was forced to sign illegal and unjust conditions as alleged. The deponent is advised to state that the principle of estoppel is not applicable in the present case as the fixation of seniority depends on the rules and law framed by the Government of India Ministry of Home Affairs and the fact of any officer or subordinate cannot over-ride these rules, which are applicable in the petitioner's case. In any case, the deponent who is a confirmed and permanent employee cannot be made temporary employee on the illegal undertaking taken from him that he will not claim seniority, cannot be used against him to treat temporary employees and employees on probation in service senior to the petitioner and the opposite parties Nos 4 to 9 are by no means entitled to give such employee's seniority against the petitioner as laid down in Annexure No 4 to the counter affidavit.

20. That with regard to the contents of para 21 of the counter affidavit it is stated that the question of fixation of the seniority of the petitioner is permanent cause and the wrong is being continuously done against the petitioner so long as it continues. The seniority is not correctly fixed a running cause of action is there in the case of the petitioner and the contesting opposite parties cannot over throw their burdon on this pretext.

21. That the deponent is advised to state that the opposite parties Nos 1 to 3 are not going to suffer any loss or damage in event of the preparation of correct and just seniority list according to the rules made by the Government of India Ministry of Home Affairs. It is the petitioner who is sustaining irreparable loss every day.

22. That in the Department of the petitioner promotions are due and Departmental Promotion Committee has been

constituted and if the opposite parties Nos 1 to 3 are not going to prepare the correct seniority list by ignoring the date of appointment or date of confirmation of the deponent service, he shall ~~be~~ suffer substantial and irreparable loss.

23. That the petitioner was made permanent in his present post of Lower Division Clerk with effect from 1.4.1976 and he joined the service in the same post on 10.5.1972. According to defence taken by the opposite parties Nos 1 to 3 the petitioner has been placed as ~~as~~ (treated) <sup>as</sup> temporary employee even has been made junior to those employees who joined their services much later and are probationers and temporary ~~respectively~~, have been made senior to the petitioner though they are very junior to the petitioner.

24. That Shr KC Sharma, LDC opposite party No 8 to the writ petition has been retired from service on 31th Aug 1981.

25. That the deponent could not file the rejoinder affidavit within time due to the fact that he could not obtain the complete information for preparation of the rejoinder affidavit as such delay occurred in filing the same which may kindly be condoned in the interest of justice.

Lucknow, Dated

February, 1982

Sd. Gulam Muyeen

Deponent

I, the above named deponent, do hereby verify that the contents of paragraph 1 to 25 of this rejoinder affidavit are true to my own knowledge. No part of it false and nothing material has been concealed, so help me God.

Sd. Gulam Muyeen

Lucknow, Dated

Deponent

February, 1982

'Certified True Copy'

29 Oct 92

*S. S. Shukla*  
(U.S. SHUKLA)  
Advocate

ASL

In the Hon'ble High Court of Judicature at Allahabad,  
Sitting at Lucknow  
Writ Petition No 542 of 1981

Gulam Muyeen . . . . . Petitioner.

Versus

Union of India and other .... Opposite Parties.

Annexure No 7

CERTIFICATE

(a) Certified that I am satisfied of the genuiness of the grounds on which Shri GULAM MUYEEN (Permanent) LDC has applied for posting to the stations of his choice. As such verification of the facts through civil authorities may be waived.

(b) Certified that on receipt of the posting order and after ascertaining the availability of the vacancy from the receiving unit, Shri GULAM MUYEEN (Permanent) LDC will be relieved within 7 days.

Sd/-

(B S PANESAR)

Col

Commandant

506 Army Base Workshop

Station : Jabalpur

Dated : 15 September 77

(P) 67

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

Sitting at Lucknow

Writ Petition No 542 of 1981

Gulam Muyeen . . .

Petitioner.

Versus

Union of India and others...

Opposite Parties.

Annexure No 8

Tele 374491

REGISTERED/SDS

Sangathan Nideshalaya/Org 4 (Civ) (a)  
Adjutant General Shakha  
Thal Sena Mukhyalaya  
Organisation Directorate/Org 4 (Civ) (a)  
Adjutant General's Branch  
Army Headquarters  
DHO PO New Delhi - 110011

85362/Org 4 (Civ) (a) 19 May 81

Headquarters

Southern Command

Eastern Command

Western Command

Central Command

Northern Command

SENIORITY OF CENTRAL GOVERNMENT EMPLOYEE-QUESTION  
OF REVIEW IN RE-CONFIRMATIONS AND BEEN MADE IN  
ACCORDANCE WITH THE QUOTAS PRESCRIBED FOR THE  
VARIOUS METHODS OF RECRUITMENT AND NOT ON THE BASIS  
OF SENIORITY LIST OF THE GRADE CONCERNED

1. Reference our letter of even number dated 23 Mar 81.
2. Consequent upon the issue of Department of Personnel & AR OM No 20036/1/80/Estt(D) dated 06 Jan 81, a doubt arrose as to whether the instructions contained in this OM supersede the instruction contained in Raksha Mantralaya Memorandum No 10(1)60/F (Appts) dated 11 Mar 65 and No 28(6)/67/D (Appts) dated 29 Jun 73 (reproduced in CPROs 59/65 exx and 73/73, respectively. The matter has accordingly been examined in consultation with the Raksha Mantralaya. The position in this regard is clarified in the succeeding paras.

PSS

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

Sitting at Lucknow

Writ Petition No 542 of 1981

Gulam Muyeen ....

Petitioner.

Versus

Union of India and others.

Opposite Parties.

Annexure No 9

Mukhyalaya Madhya Kaman  
Headquarters Central Command  
(Adm)

DAILY ORDERS PART II NO 4/Civ/75 dated 11 Jan 1975

(CIVILIAN)

LAST DAILY ORDER PART II NO 3/Civ/75 DATED 04 Jan 1975

8/89

Strength Increase

Posting In

1. Shri Dalev Singh, LDC (Ty) - Permanently posted from Group Station DSC Office (Gp I) HQ Bombay Sub Area, Colaba Bombay - 5 to this HQ on compassionate grounds at his own request and taken on strength with effect from 6 Jan 75 (F.N.). He is not entitled to claim any TA/DA.

Authority : Army Headquarters letter No 70538/Oct/2/74/Org 4 (Civ) (b) dated 31 Oct 74 and even number dated 26 Nov 74. Reported arrival on 9 Jan 75 (F.N.). He has been granted 3 days Earned Leave (i.e for 06 Jan 75 to 08 Jan 75) to complete his journey period.

His pay and allowances upto and for 5 Jan 75 will be claimed by the previous unit. His pay and allowances with effect from 06 Jan 75 (F.N) are being claimed by this office.

Authority : Group Station DSC Office (Gp I)  
Headquarters Bombay Sub Area Bombay  
Movement Order No 167/3/DSC dated 04 Jan 75.

Sd/-

(OPS TEOTIA)  
Captain  
Administrative Officer  
For Brigadier Incharge Administration

Distribution

1. AG's Branch/Org 4 (Civ) (b)
2. GS's Branch/SD 6 B
3. CDA Central Command Meerut
4. Group Station DSC Office (Gp I)  
HQ Bombay Sub Area, Colaba Bombay. 5
5. UA BSO - Lucknow
6. All Branches/Services concerned
7. DO Pt II Folder
8. Pay Bill

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

Sitting at Lucknow

Writ Petition No 542 of 1981

Gulam Muyeen...

Petitioner.

Versus

Union of India and others.....

Opposite Parties.

Annexure No 10

RESTRICTED

ADMINISTRATIVE ORDERS

BY

LT COL LD KANDPAL, OC TROOPS, HQ CENTRAL COMMAND

LUCKNOW

TUESDAY

31 MAR 81

(Srl 73/81 to 66/81      XXX      XXX      XXX      XXX

77/81. REVISION OF RATIO BETWEEN UPPER DIVISION CLERKS  
AND LOWER DIVISION CLERKS OF VARIOUS DEFENCE  
ESTABLISHMENTS. Govt of India Ministry of Defence  
letter No 15 (1) 80/D (Civil) dated 27 Feb 81 is reproduced  
at Appx 'A' to this Adm Order for information/guidence of  
all concerned.

(Srl 78/81 to 81/81      XXX      XXX      XXX      XXX      XXX      XXX

Sd/-

(O P Balhera)

Capt

Adm Offr

OC Troops

List 'D'

APPENDIX 'A' TO ADM ORDER NO 77/81

REVISION OF RATIO BETWEEN UPPER DIVISION CLERKS AND  
LOWER DIVISION CLERKS OF VARIOUS DEFENCE ESTABLISHMENTS

1. The undersigned is directed to say that the question of revision of ratio between UDCs and LDCs of Lower formations under the three Services and Inter Service Organisations so as to provide promotion avenues to Lower Division Clerks has been under consideration for some time past. The President is now pleased to decide that in supersession of the existing orders the ratio between UDCs and LDCs shall be revised from 4 : 8 to 4 : 6 with immediate effect.
2. This issues with the concurrence of the Ministry of Finance (Defence) vide their U.O. No 328/PB of 1981.

Sd/-

(S PRASAD)

Under Secretary to the Govt. of India

Central Administrative Tribunal. P.C.O.

ब अदालत श्रीमान बिल-बेंच लखनऊ.

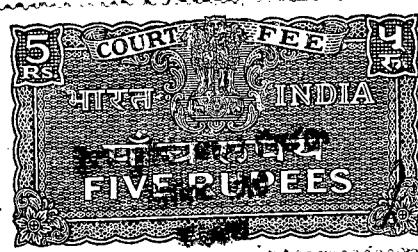
महोदय

[वादी] अपीलान्ट

प्रतिवादी [रेस्पान्डेन्ट]

श्री Gulam Muyeen

का वकालतनामा



वादी (अपीलान्ट) A. १३

★ Gulam Muyeen

बनाम M. + Others प्रतिवादी (रेस्पान्डेन्ट)

मुकदमा नं० ८०२/८७ (र) सन् १९८१ पेशी की ता० २३-९-१९९१ ई०  
M. S. Shukla, 92 Alal

ऊपर लिखे मुकदमा में अपनी ओर से श्री

वकील, (Behind Gurdwara) Sadar Bazar Lucknow.

वकील  
महोदय  
एडवोकेट

नाम अदालत नाम अपीलान्ट  
नाम प्रतिवादी अपीलान्ट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया बसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विष्क्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पंरोकार को भेजता रहूँगा और मुकदमा अदम पैरवी में एक तरफ़ा मेरे खिलाफ फ़ैसला हो जाता है तो उसकी ज़िम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

File  
3-11-92

Accepted

G. Shukla  
Advocate  
23/9/92

लेट  
हस्ताक्षर (GULAM MUYEEN)

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९९१ ई०

## ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 542

of 1981

vs.

8/1

A/94

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	<i>Dismissed</i>	
	<b>PROCESS FEE REPORT in W.</b> C. M. Appn. No. .... has..... No. .... 4 To 9 under.....	<i>6th</i> <i>2/2/81</i>
		<i>KS</i> <i>25/3</i>
13-4-81	<i>13-4-81-0174 W and PPK</i> <i>ct 25.3/81 To 9</i>	
		<i>Hon. 4-C.S.J.</i> <i>Hon. K. N. Goyal, S.</i>
	<i>2nd line time is allowed to take steps in compliance with O.R. 8/25.3.81.</i>	
		<i>6</i> <i>6</i> <i>(13. 4. 81.)</i>
	<i>Stop-halt</i>	
8.7.81	<i>Fixed in W.P. for attendance.</i>	
		<i>11/5</i>
	<i>Notices issued to O.Ps. No. 4 to 9 through Regd. Post for filing on 8/11/81</i>	

## **ORDER SHEET**

**IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD**

No. 542

-of 198 ].

Date	Note of progress of proceedings and routine orders		Dated of which case is adjourned
1			3
10/10/84	fixed in C.M. Bn. no- 9939 (w) of 84.		
	<u>Hon'ble G. B. Singh, J.</u>		
	The name of Sri Abdul Mateen Advocate for petitioner has not been shown in the list. Let the case be listed after after showing his name.		
	<i>(Signature)</i> 10/10/84		
	22.10.84 J.M.C.		
	2.9939 (w) 84		

81/3  
X/ab

**ORDER SHEET**

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 542 of 1981

W.D. vs.

Date

Note of progress of proceedings and routine orders

Dated of  
which  
case is  
adjourned

1

2

3

22/10/84 CM No 9939 (W.D.)  
Hans CDS 5

SD

SOCH

SDS  
22/10/84 BLS

10  
21/10/84

CM No 9939 (W.D.)  
Hans R.D.H.

Stay granted

SDS  
21/10/84 BLS

BLC



Dt. N  
29/5 1572  
B  
K/ao

W.P. 542 81

afulam myeena khan

Union of India and others

Shri B.N. Balodi, L.D.C.

Head quarters central command  
Lucknow

817/81

151 नमांक/No. 00080

लगाए गए डाक टिकटों का मूल्य ८०	पैसे	प्राप्त किया गया रेत्री	सेहर
Amount of Stamps 80	Rs.	Received a Registered Inst.	
एक रजिस्ट्री रीमा*			
Received a Registered Inst.			
पानेवाले का नाम			
Addressed to			
दीमे का रकम (अंकों में)	पैसे	वजन	Weight (in)
Insured for Rs. (in figures)			
दीमा शल्क ८०	पैसे	Weight (in)	
Insurance fee Rs.	P.		
भेजनेवाले का नाम व पता			
Name and address of sender			
डाकघर निदेशिका में दी गई			
ग्रन्ती के नाम जैसा कि गई			
Issued subject to terms and			
conditions in P. O. guide			

B.N. Balodi  
Lucknow

(in words)

पानेवाले अधिकारी के हस्ताक्षर  
Signature of Receiving Officer

11/5781

Dr. N  
295 1572  
3

W. P.

542

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Julam myseen khan

union of India and others

Shri Ashok Kumar L.D.C.

Head quarters Central command  
Lucknow.

817101 यह एक विशेष रूप से उपस्थिति का लिखा गया एक लिपिभूक्त दस्तावेज़ है। इसमें उपस्थिति की विवरणों की जांच करने के लिए एक विशेष दस्तावेज़ है। इसमें उपस्थिति की विवरणों की जांच करने के लिए एक विशेष दस्तावेज़ है। उपस्थिति की विवरणों की जांच करने के लिए एक विशेष दस्तावेज़ है।

विवरण हैं कि यह एक उपस्थिति है जो विशेष कर या उपस्थिति के लिए उपस्थिति की विवरणों की जांच करने के लिए एक विशेष दस्तावेज़ है। उपस्थिति की विवरणों की जांच करने के लिए एक विशेष दस्तावेज़ है। उपस्थिति की विवरणों की जांच करने के लिए एक विशेष दस्तावेज़ है।

1572 क्रमांक/No.

87935

लगाए गए जारीकर्तों का मूल्य रु०

Amount of Stamps affixed Rs.

P.

एक रजिस्टरी वीचर

Received a Registered Insur

तारीख-मोहर

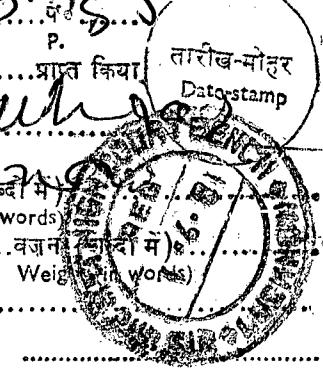
Date-stamp

पानेवाले का नाम:

Addressed to

बीमा की रकम (अंकों में)

Insured for Rs. (in figures)



(in words)

बीमा शुल्क रु०

Insurance fee Rs.

मेजनेवाले का नाम व पना:

Name and address of sender

डाकधर निर्देशिका में दी गई

शर्तों के अधीन जारी की गई

Issued subject to terms and

conditions in P. O. guide

पानेवाले विधिकारी के हस्ताक्षर  
Signature of Receiving Officer

11/8/101

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11/8/101

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लक्ष्यवाचक पानेवाले विधिकारी के हस्ताक्षर

07 11  
295- 1572  
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W.P. 542

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162

gulam myeen Khan

Union of India and others

Shri Chhotey Lal L.D.C.

Head quarters central command

Lucknow

817101

1512 क्रमांक/No.

378

लगाए गए लकड़ियों का मूल्य रु. .... पै. ....

Amount of Stamps affixed Rs. P.

एक रजिस्टरी वीमां प्राप्त किया

Received a Registered Insurance

पानेवाले का नाम

Addressed to

बीमे की रकम (अंकों में)

Insured for Rs. (in figures)

दीमा रुपये रु. ....

Insurance fee Rs.

भेजनेवाले का नाम व पता

Name and address of sender

डाकबार नियोजिता में ही गई

शर्तों के अधीन आरी की गई

Issued subject to terms and

conditions in P. O. guide

तारीख-मोहर  
Date-stamp

Chhotey Lal

Lucknow

11/5/81

पानेवाले विधिकारी के हस्ताक्षर  
Signature of Receiving Officer



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
23-A, Thorughill Road, Allahabad-211 001

Regd.

Ar  
C  
170

TA\*\*802 of 87

No.CAT/Alld/Jud/

40313 to 19

dated the : 19/1/87

WLS

Gulam Myzeen

APPLICANT'S

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105

Name of Addre & nos

RESPONDENT'S

① Shri S P Pathak Advocate, Lucknow High Court, Lucknow  
To  
② Chief Standing Counsel (C.S) Lucknow High Court, Lucknow.

Whereas the marginally noted cases has been transferred by Lucknow High Court Under Section the provision of the Administrative Tribunal Act XIII of 1985 and registered in this Tribunal as above.

W Petition No. 542  
of 1981.  
of the Court of Lucknow High Court arising out of order  
dated \_\_\_\_\_  
passed by \_\_\_\_\_ in \_\_\_\_\_

The Tribunal has fixed date  
of 17-11-89 1989, the  
hearing of the matter. At (Gandhi Bhawan)  
Lucknow (Opp Shheed Smarak)  
If no appearance is made  
on your behalf by your some  
one duly authorised to Act and  
plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this  
day of \_\_\_\_\_ 1989.

dated /

DEPUTY REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH, LUCKNOW

No. 2490 Gandhi Bhawan, Opp. Residency  
Lucknow -

No. CAT/LKO/Jud/CB/ 24/03/2004 Dated the : 14/12/04

T.A.No. of 052 199 (T) K 105

Complaint

AFFILIATE'S

Versus

State of Uttar Pradesh

RESPONDENT'S

To

Administrator, Central Industrial Commission, Lucknow  
by way of letter

Whereas the marginally noted cases has been transferred by  
the like Under the provision of the Administrative  
Tribunal Act 13 of 1985 and registered in this Tribunal as above.

Writ Petition No. 42/04  
of 198  
of the Court of the like  
arising out  
of Order dated  
passed by the like

The Tribunal has fixed date of  
7/12/04 199. The hearing  
of the matter.

If no appearance is made  
on your behalf by your same  
one duly authorised to Act  
and plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this  
7 day of 11 1989.

Dinesh/

Dinesh DEPUTY REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residency  
Lucknow -

No. CAT/LKO/Jud/CB/24/83

Dated the 16/12/83

T.A. No. of 802 1987 (T)

Gulam Majeed

AFFICANT'S

versus  
Anom of India  
v.o.g.

RESPONDENT'S

① To  
② Adjutant General, Adjutant General's Branch  
Army HQ New Delhi

Whereas the marginally noted cases has been transferred by  
H.C. LKO Under the provision of the Administrative  
Tribunal Act 13 of 1975 and registered in this Tribunal as above.

Writ REGISTRATION No. 5-42/80  
of 198  
of the Court of H.C. LKO  
arising out  
of Order dated  
passed by

The Tribunal has fixed date of  
7.2.88 1988. The hearing order  
of the matter.

If no appearance is made  
on your behalf by your same  
one duly authorised to Act  
and plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this

20 day of 11 1989.

dinesh/

③ Brigadier Incharge, DEPUTY REGISTRAR  
Central Command H.C.  
④ Shri Rakesh Singh, L.D.C.  
⑤ " Chhotey, Lal L.D.C. } Headquarters  
⑥ " Shyam Sircar, L.D.C. } Central Command  
⑦ " B.N. Balode, L.D.C. } Lucknow  
⑧ " K.C. Sharma, L.D.C.  
⑨ " A.S. Chakraborty, L.D.C.

व अदालत क्षीमान

[वादी] अपीलान्ट

प्रतिवादी [रेस्पान्डेन्ट]

Conc. Bank, Lucknow

श्री

महोदय

## वकालतनामा

टिकट

(वादीअपीलान्ट)

X/108

Chalum Naseem vs King India बनाम

प्रतिवादी (रेस्पान्डेन्ट)

नं० मुकदमा TA. ४०२ सन् १९८७ पेशी को ता०

१८ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री जी. चौधरी

Adv. Mr. Smt. S. S. Choudhury

वकील

महोदय

Lucknow

एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा(इकरार) करता हूं और लिखे देता हूं कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया बसूल करें या सुलहनाम बद्दलकरावा तथा अपील निगरानी हमारी ओर से हमारे द्वा अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें वफांल महोदय द्वारा को गई वह सब कायें ताहो हम को सर्वथा स्वोकार हैं और होगी मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या अपने किसी पैरोकार को भेजता रहुंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिसमें दारी मेरे वकील पर नहीं होगी इसीलिए वह वकालत बासा लिख दिया प्रमाण रहे और समय पर काम आवे।

१०

L. Col

हस्ताक्षर

महोदय अधिकारी

Addl Officer

मुख्यालय सच्च वकालत

HQ Central Committee

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

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स्वीकृत