

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE 17-802/87
Wd No 542/81 OF

NAME OF THE PARTIES G. Majeen Applicant

Versus

Union of Judges & Bar 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)

Thus file received from record room without

Rechecked on Dated 14/9/11 1 Batai

Counter Signed.....

[Signature]
Section Officer/In charge

[Signature]
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 Ravi Kumar)
Brigadier

Deputy Director General NCC (K&L)

Encls : 15 sheets

Copy to:-

✓ Deputy Registrar
Central Administrative Tribunal
Lucknow Bench Moti Mahal
LUCKNOW

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

22/11/94
20/12/94
14/10

Central Administrative Tribunal
Lucknow Bench

Cause Title TA. 002/87 of 1993

W.P. 542/91

Name of the Parties

Gulam Mujaeen

Applicant

Versus

Union of India and ors Respondents.

Part A. P.C.

Sl. No.

Description of documents

Date

1.

~~Check List~~

2.

Order Sheet.

- A1-A5

3.

Date 27/9/93

Judgement.

A6-A8

4.

Petition Copy.

A9-A31

5.

~~Annexure~~

6.

Power.

7.

Counter Affidavit.

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8.

Rejoinder Affidavit.

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Answer with power

9-

B - File

B93-B169

10

E - File

C170 - C173

C - File

Gulam Mujaeen
Court
16.03.93

002-077 82187
A1

10.7.91 -

No sitting adj to 13.9.91.

1

RA can not
find a record
S.K.Y

3.9.91

D.R.

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

[Redacted]

22.10.91

D.R.

Both the parties are present - Applicant to file Responden by 14/11/91.

[Signature]

Central Administrative Tribunal
Lucknow Bench, Lucknow.

ORDER SHEET

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

O.A./T.A. No.

Date Office Report

Order

25.8.92

D.R.

O.R.

CA/R.A. filed

on 2.11.92

S.F.O.

19/11/92

Due to Diwali Holidays

on 26.10.92 case is

stalled on 21.11.92.

S.F.O.

21.11.92

Case will be ready
on 22.12.92

19/11/92

Prate

22.12.92 - No sitting 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.

V.C.

MANISH/-

LUCKNOW BENCH, LUCKNOW.
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL(~~XXXXXXXXXXXXXXXXXXXX~~)

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

(W.P. No.542/81)

OF 199

D.A.NO.

T.A.NO.

Date of decision: 27/1/93

.....G. Muzam..... 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 ? *N*
2. To be referred to the Reporter or not ? *N*
3. Whether their Lordships wish to see the fair copy of the judgment ? *N*
4. Whether to be circulated to all other Benches ? *N*

NAQVI/

W
Signature

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

W

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.

Member (A)

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

Writ Petition No. 542 of 1980

Gulam Muyeen...

Petitioner.

Versus

Union of India and others.....

Opposite parties.

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Lucknow Dated

December 11, 1980

Jan 28, 1981

Presented by

S.P. Pathak
(S.P. Pathak)

Advocate

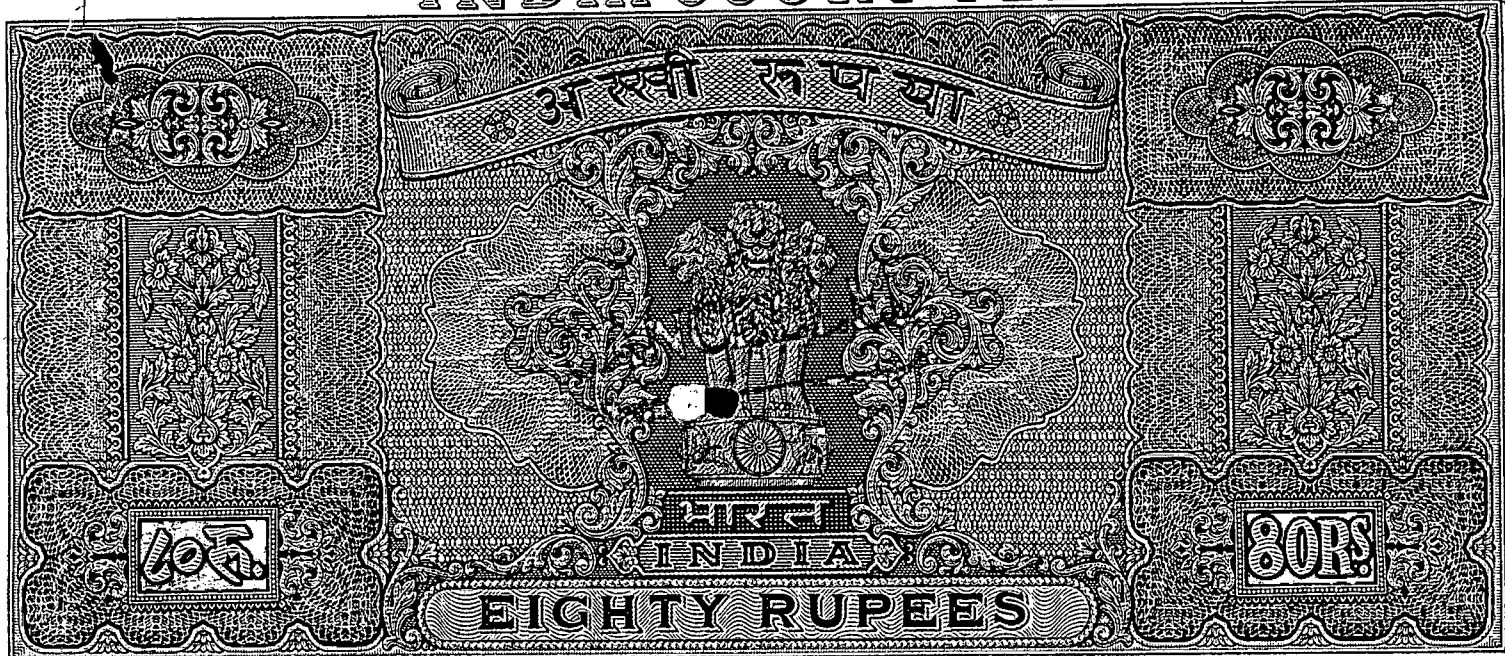
Counsel for the petitioner.

Notified 17/11/89

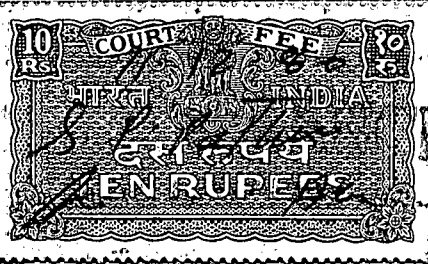
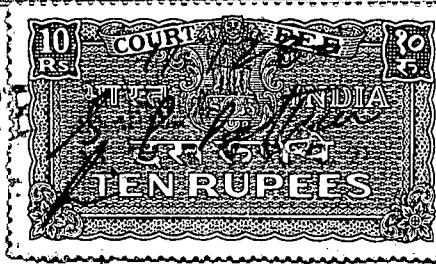
Gulam Muyeen
(Gulam Muyeen)

INDIA COURT FEE

80 RS



CANCELLED



PAID

In the Honble High Court of Judicature at Allahabad
Sitting at Lucknow

One Imp. No. 10
In CF No. 20
10/11

11.12.80

No. 542 of 1980

Gulam Mayeen Khan ——— Petitioner

vs.

Union of India and others — app. Parties

A3/1 A10
In the Hon'ble High Court of Judicature at Allahabad
Sitting at Lucknow

Writ Petition No 542 of 1980

X

Gulam Mujeen 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,

.....2/-



Gulam Mujeen

AM

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. ~~X~~

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 ~~are~~ either joined their ~~services~~ after joining of the petitioner or they are holding temporary post. The true copy of ^{the said} 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

.....3/-



Gulam Muzee

A12

Secunderabad 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

A13

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 Muzeen

A14

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-12-509, EB-15-560.

Gulam Muneen

16. That the petitioner is suffering continuous loss due to his being made junior and ~~this~~ ^{thereof} is a recurring 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 :-

G R O U N D S

(I) Because the opposite parties Nos 1 to 3 acted illegally and without jurisdiction by not considering the petitioner for re-fixation 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 a clear violation of the fundamental right of the petitioner under Article 16 of the Constitution of India.



S. Rathak
Advocate

AIS

(III) Because the opposite parties Nos. 1 to 3 committed a manifest error of law ~~and~~ 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 ~~only amended~~ dated 5th, September, 1979 ^{Contained in Annexure 1 to this} 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.

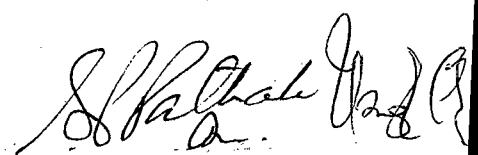
(c) To issue a writ order or direction to which the petitioner may be found entitled from the facts and circumstances mentioned in the writ petition and

(d) to allow this writ petition with cost.

Lucknow,

Dated : ~~14 Nov~~ 1980

Jan 28, 1981



(S.P. Pathak)
Advocate

Counsel for the Petitioner

7 A16

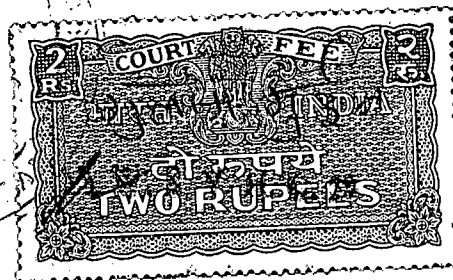
In the Hon'ble High Court of Judicature at Allahabad
Sitting at Lucknow

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.

Gulam Muyeen



.....2/-

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

Dated :

December, 11, 1980

Glulam Muzjeen
Deponent

X/11

A 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

Glulam Muzjeen

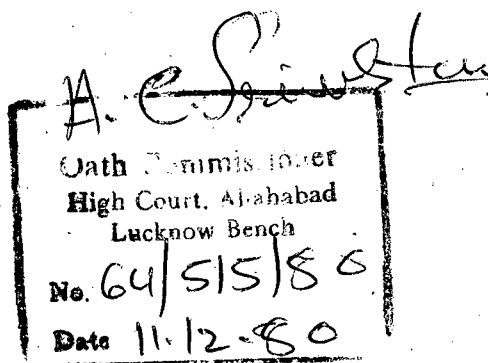
Deponent

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 *Glulam Muzjeen*
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.



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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. 1

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

Ser	Name & Designation	Date of birth	Educational qualification	Date of apptt	Date of Qpt Pt	Whether SC/ST	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8) (9)
1.	Shri GC Banaudha, OS	13.5.26	Matric	10.8.57		1.4.73 as UDC	
2.	Shri Mukund Ram, UDC	10.1.41	B.Com	12.6.60		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% % Wef 31.12.75	04.5.43	Matric	25.1.64		1.4.69 as LDC	
6.	Shri Kishan Ram, UDC* * Wef 19.5.75	4.5.44	Matric	29.3.67		1.4.71 as LDC	SC
7.	Shri LD Upreti, UDC% % Wef 19.5.76	4.4.44	Intermediate	01.4.63		1.4.73 as LDC	
8.	Shri Damodar Tiwari, UDC* *Wef 20.12.76	15.5.43	-do-	04.5.64		1.4.73 as LDC	
9.							

Gulam Muyeen

9. Shri Ram Narain Pd, LDC(Pt) 1.8.49 Intermediate 04.2.71 1.4.73 as SC He is in panel list efor UDC grade.
LDC

10. Shri TK Dey, LDC 5.8.52 MA 7.2.72 1.4.75 as LDC

11. Shri Dalev Singh, LDC 25.10.55 BA 28.11.73 28.11.76

12. Shri Chhotey Lal, LDC 2.7.43 MA LLB 1.1.72 1.1.75 as SC
4.6.46 LDC Qpt

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

14. Shri BN Balodi, LDC 10.12.39 Matric 26.4.76 - -

(Re-employed Mily pensioner)

15. Shri KC Sharma, LDC 02.8.23 Matric 1.5.76 at Pt and lien with his parent unit.
(Re-employed Mil pensioner) this HQ.

16. Shri Ashok Kumar, LDC 25.6.54 Inter 17.5.76

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

18. Shri Gulam Muyeen, LDC 5.4.46 Matric 10.5.72 10.5.75 Qpt
* 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 29.9.65 reported to this HQ.
29.1.79

Seniority List approved.

Sd/-x-x-x-x
(Naval Naz)
Lieut

Offg Administrative Officer
For ~~SSK~~ GOC-in-C

Station : Lucknow -2

Dated : 13 Sep 79

Gulam Muyeen

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A20
A/20

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 employeeed 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

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A21

-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 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.

A/c

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

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 afilic- D(Appts) dated 19.9.58 tion with TB or Pleurisy. 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 in other offices.

2. Subject to the provision of para 3 below, persons appointed in a sustantive 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

.....3/-



Gulam Nyeen

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) person 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. A22
13

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 ~~anything~~ 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 a 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 Muzeeb

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 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 ~~seniority~~ 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 candidates 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 ~~senior~~

Gulam Majeed

15- A24
below all direct recruits or promitees, as the case may be, selected on the same ocasion.

(iv) Where a person is transfered 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 wiothout 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.

8/2/74
Gulam Muzeen



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, LDC
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 ~~for~~ 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.

.....2/-

Gulam Muyeen



17 A26

-2-

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 A27
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.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 o 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

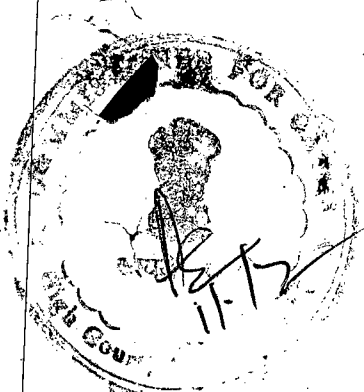
List 'D' Stats

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

.....2/-



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. X/30

Sd/-xx-x x
(DC Gupta)

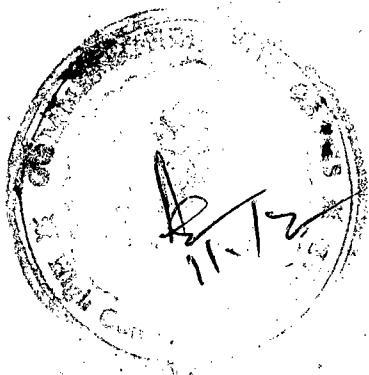
Civilian Staff Afsar/GSO 2

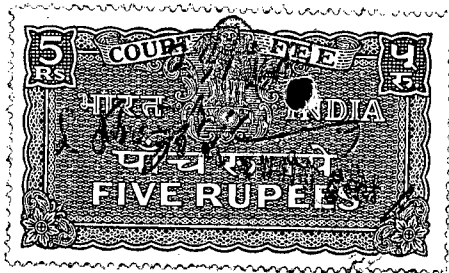
Kirtey Up Thal Senadhikash/

For Deputy Chief of the Army Staff

CONFIDENTIAL

Gulam Huseen





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12-6-82
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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
(LUCKNOW BENCH), LUCKNOW.

6483
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 some time 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)

8/3/81

A34 5/3

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



A/34

Writ Petition No. 542 of 1981

Gulam Muyeen. --- Petitioner.

Versus

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

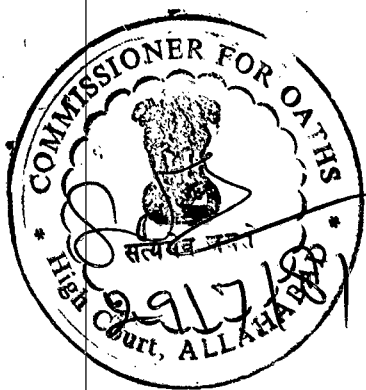
Counter Affidavit on behalf of
opposite parties 1 to 3.

I, Lieut Madhav Mhaskar aged about 25½ years,
son of Shri Yashwant Rao Mhaskar, Assistant Administrative
Officer, HQ . Central Command, Lucknow, do hereby solemnly
affirm and state on oath as under:-

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 Headquarter
Central Command, Lucknow, against regular temporary
vacancy. A true copy of the posting order issued
by Adjutant General Branch, Army Head Quarters,



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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 CPRO 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



Mark

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grounds. A true copy of CPRO 73/73 is being filed herewith as Annexure A-4 and that of CPRO 11/75 as Annexure A-5 to this counter affidavit. The above noted CPROs 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. CPRO 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 ~~affidavit~~ *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.



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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. 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 only after he is promoted.

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



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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.

Mark Singh
Deponent.

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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7.

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.

8/40

Lucknow Dated
July 29 1981.

Mural
Deponent.

I identify the deponent who has signed before me.

Attested. K. S. Sinha
Jr. G. Mr. S.
Clerk of Sri Brijesh Kumar.



Solemnly affirmed before me on 29.7.81

at 10.50 a.m./p.m. by Madhav Mhasikar.

the deponent who is identified by Sift. K. Sinha

AssH. to 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.

Oath Commissioner High Court, Allahabad Lucknow Bench	
No.	241242
Date	29/7/81

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5/10

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

A/11

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 Pt LDC	506 Army Base Wksp Jabalpur	HQ Central Command Lucknow.	Against Regular Ry Vacancy.	
		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 to 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 CPRO 73/73).



Copy to
All concerned.

Sd/- x

(LRNanda)

Civilian Staff Adhikari/GSO
Up Sahayak Adjutant General/DAAG
Kritey Adjutant General.

True copy
M. N. S. /

A43
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(APPENDIX 'A')
Compassionate

INSTRUCTIONS TO BE COMPLIED WITH BY THE UNITS

- A/W3
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 unit/sformation 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 CPRO 73/73.



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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
Mural

A46
5/15

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

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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 transfereed 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 GulamMuyee

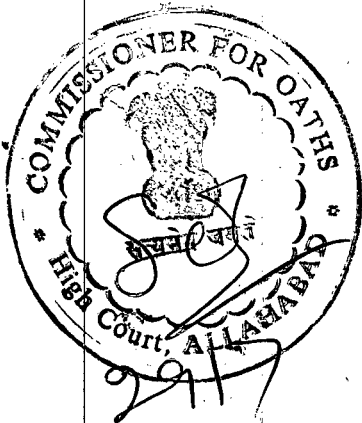
Countersigned.

Sd.

(V.K.Varma)
EME Officer (Civ)
Establishment officer
Commandant.

Station Jabalpur

Date: 13 Sept 77



True copy
Muyee

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.

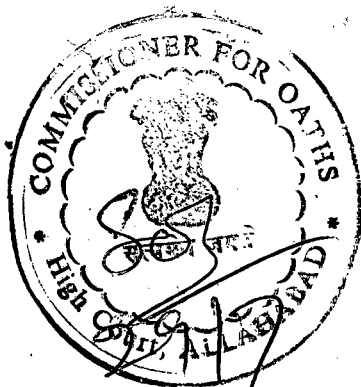
POSTING ON COMPSASSIONATE GROUNDS.

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 to 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



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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
M. S. J.

2.

ASO 5/73 A/50

2. 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-~~candidates~~ 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 of affliction with TB or pleurisy.

N & D OM No 8(1)/54 10313/D (Appts) date 19.9.56 extended to ex pleurisy patients vide OM No.8(1)/56/2 D(Appts) dated 15.1.50. AI 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



and promotion respectively in the Recruitment Rules .

7. Transferees:

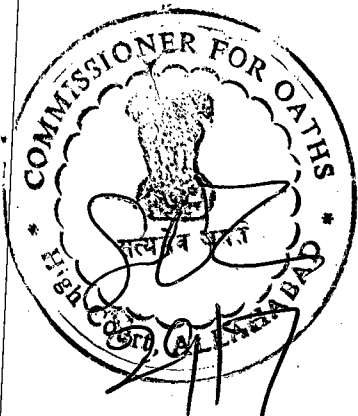
(i) The relative seniority of persons appointed by transfer to a grade/post from other departments of the Central or State Governments shall be determined in accordance with the orders of their selection for such transfer.

(ii) Where such transfers are effected against specific quotas prescribed in the recruitment rules, the relative seniority of such transferees visa-vis direct recruits and promotees shall be determined according to the retention 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.

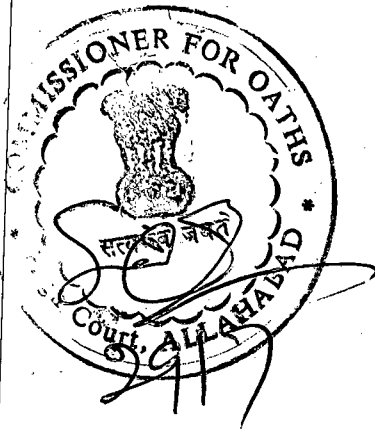


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appointed to the Central Services.

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 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 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.
RPS
- (d) Office Memorandum No. 9/58/56 dated 4th August 56

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
by 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



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Annexure

GENERAL PRINCIPLES FOR DETERMINATION OF SENORITY 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 principle 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 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:

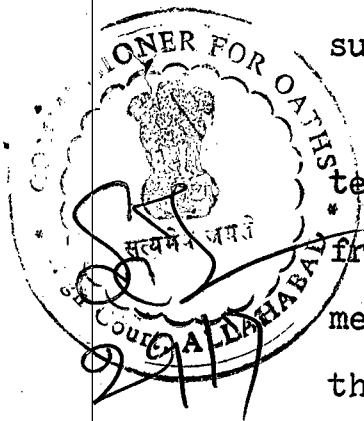
Notwithstanding the provisions of para 3 above, the relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointment, on the recommendations of the UPSC or other selecting authority persons appointed as a result of an earlier selection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

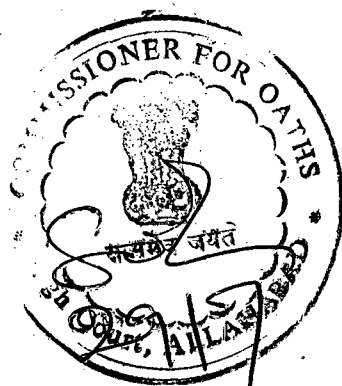
The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion respectively in the Recruitment Rules.

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.

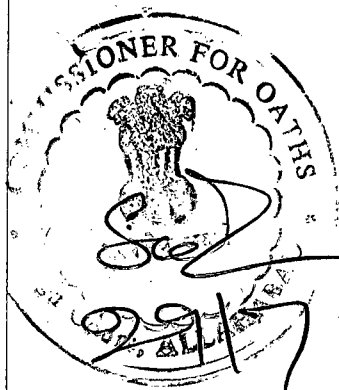
The Union Public Service Commission invariably indicate the order of preference at the time of selection and it will not, therefore, be difficult to determine the relative seniority of persons recruited through the Commission. In order to obviate difficulties in determining the relative seniority of 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 ~~entirely~~ eligible for promotion or confirmation.



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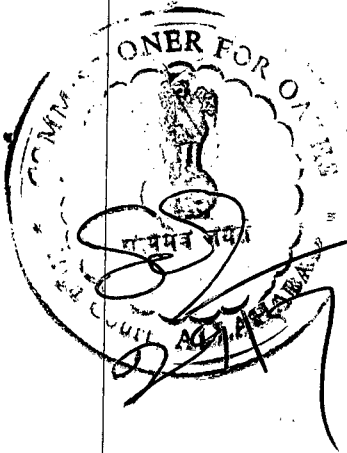
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Appendix 'C' to CPRO-73/73

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 an- subsequent selection.

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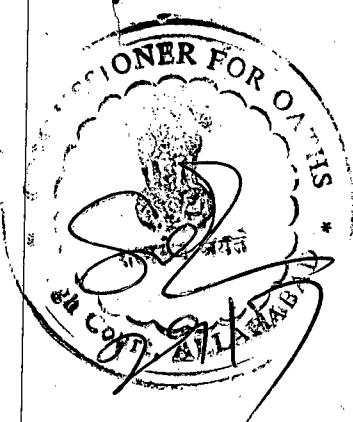
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on a temporary basis are confirmed subsequently in order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not be original order of merit. This means that seniority accompanies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

Apart from the position stated above, grant of permanent 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.

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

Reference CPRO 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. They have also been some doubts about the applicability of the revised principles of seniority



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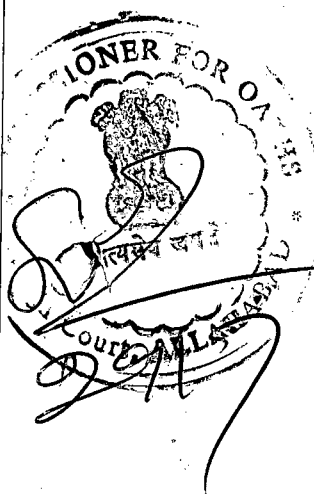
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in respect of individuals adjusted under surpluses and deficiencies scheme and transferred on compassionate grounds. Revised principles of seniority are applicable wef 1 Jul 73. In view of this, the seniority ~~are~~ of ~~applicable wef~~ locally controlled 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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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

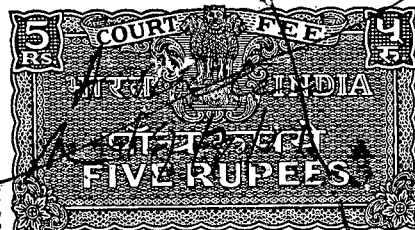
Gulam Muyeen ..

Petitioner

Versus

Union of India & others ..

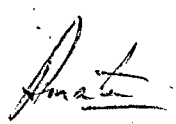
Opp. parties.



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),
Advocate

Lucknow:

Counsel for the applicant.

Dated: Sept. 19 1984

A70 62

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

Affidavit

In

C.M. Application No. of 1984 A70

Gulam Muyeen .. Applicant

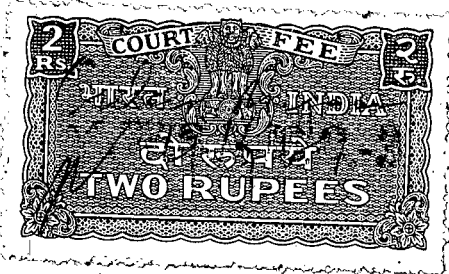
In re:

Writ Petition No. 542 of 1981

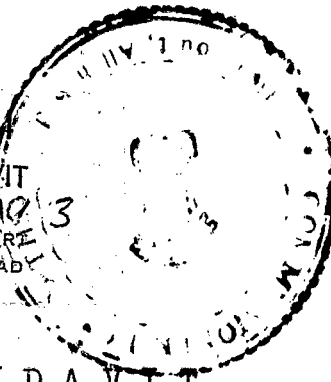
Gulam Muyeen .. Petitioner

Versus

Union of India & others.. Opp. Parties.



1981
AFFIDAVIT
95/10/3
HIGH COURT
ALLAHABAD



A F F I D A V I T

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.

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

Gulam Muzam

already been retired after attaining the age
of superannuation.

Lucknow:

Dated: Sept. 18[✓] 1984

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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 recors, papers
and details of the case narrated
to me by the person alleging
himself to be Sri Gulam Muyeen
is that person.

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,
(Lucknow Bench)

No. 95/943
Date 8/9/84

In the Honble High Court of Judicature At Allahabad
Lucknow Bench Lucknow

वादी
प्रतिवादी



W. P No 542/81

Gulam Muzen Petitioner

बनाम

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.

महोदय,

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं
इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी
व जवाब देही व प्रश्नोत्तर करें या कोई कागज दखिल करें या लौटावें या
हमारी ओर डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या
इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने
हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकदमा उठावें या कोई रुपया
जमा करें या हमारी या विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया
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।

हस्ताक्षर Gulam Muzen

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

१६ ई०

Accepted

Counsel For.....

Ravi Srivastava
Petitioner

A74

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

CIRCUIT BENCH, LUCKNOW

Misc. Application No. 958 of 1992

In

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

Gulam Muyeen

A
74

Applicant

Versus

Union of India & others

Respondents

P.T.
2-11-92
C

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.

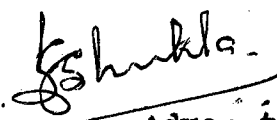
3. That the applicant has been informed by the Registry of the Hon'ble Tribunal that the Rejoinder Affidavit is not available in the case file. It was probably lost or misplaced during the course of the transfer of the case file from the Hon'ble High Court to this Tribunal. A/
25

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
Nov


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

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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 ~~quite~~ 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

A78

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 permanency 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

A79

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^{ne} of 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

ASD

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 deligation of the authority 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

AS

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 CPRO/73/73 that the seniority of the Government Employees will be reckoned from the date of joining the new units/establishment on transfer on ~~com~~ 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 CPRO 73/73. 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 CPRO 73/73, As regard CPRO 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.

A82

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.

A/84

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

15. That the contents of para 15 of the ~~xxxx~~ 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.

A84

concerned and under duress and compulsion the deponent was forced^t 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 employees 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 burden 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)^{as} 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 31st Aug 1981.

25. That the deponent could not file the rejoined 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'

(U.S. SHUKLA)
Advocate

29 Oct 92

A86

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

Gulam MuyeenPetitioner.

Versus

Union of India and other Opposite Parties.

Annexure No 7

CERTIFICATE

(a) Certified that I am satisfied of the genuineness 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.

Station : Jabalpur

Dated : 15 September 77

Sd/-

(E S PANESAR)

Col

Commandant

506 Army Base Workshop

A97

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 arose 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 ~~xxx~~ 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.

P88

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

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.
- A
89

ASg

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.

A
90

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/guidance 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.

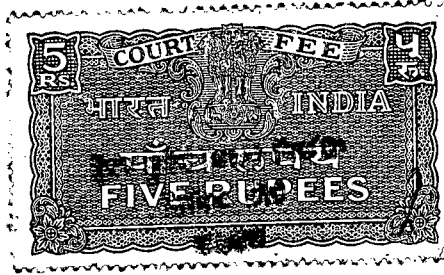
2. This issues with the concurrence of the Ministry of Finance (Defence) vide their U.O. No 328/PB of 1981.

Sd/-

(S PRASAD)

Under Secretary to the Govt. of India

ब अदालत श्रीमान Central Administrative Tribunal Circuit Bench Lucknow महोदय
 [वादी] अपीलान्त श्री Gulam Muyeen का **वकालतनामा**
 प्रतिवादी [रेस्पान्डेन्ट]



वादी (अपीलान्त) 95

Gulam Muyeen बनाम M. S. Shukla & Others प्रतिवादी (रेस्पान्डेन्ट)

मुकदमा नं० TA No. 802/87 (I) सन् 1981 पेशी की ता० 23-9-1992 ई०
U. S. Shukla, 92 Alal

ऊपर लिखे मुकदमा में अपनी ओर से श्री Road, (Behind Gurdwara) Sadar Bazar Lucknow वकील महोदय एडवोकेट

नाम अदालत TA No. 802/87
 मुकदमा नं० नाम ...
 फरीकन बनाम ...

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 वसूल 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 विपक्षी (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 पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है तो उसकी ज़िम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया ताकि प्रमाण रहे और समय पर काम आवे।

File
3.11.92

Accepted
Shukla
 Advocate
23/9/92

हस्ताक्षर GULAM MU YEEN

साक्षी (गवाह) साक्षी (गवाह)
 दिनांक महिना सन् १९ ई०

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 542

of 1981

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	Admitted	
	PROCESS FEE REPORT in W. P. C. M. Appln No. <u> </u> has <u> </u> Nos. <u>4 to 9</u> under <u> </u>	<u>6th</u> <u>24/2/81</u>
	<u>KS</u> <u>25/3</u>	
13-4-81	13-4-81 <u>OK</u> and <u>PR</u> <u>CH 25.3.81</u> <u>How 4-C.S.J.</u> <u>How K. N. Goyal J.</u> <u>24 hrs time is allowed to take steps</u> <u>in compliance with OR of 25.3.81.</u> <u>to</u> <u>to</u> <u>(13.4.81)</u>	
	<u>Steps taken</u>	
8.7.81	Fixed in W.P. for attendance <u>11/5</u>	
	Notices issued to O.Ps. No. 4 to 9 through Regd. Post for filing CH <u>11/5</u>	

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 542

of 1981

vs.

8
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95

Date	Note of progress of proceedings and route in orders	Dated of which case is adjourned
1	2	3
10/10/84	Fixed in C.M. 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.	
	Agudat 10/10/84	
	22.10.84 Jm	
	2. 9939 (w) of 84	OP G

81
A/96

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W D No. 542 of 1981

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
22/08/84	C.M. A. 9939 (W.K.T.) Hon. P.C.D.S. 5	
	50	
	2008	
	22/8/84	
10 31/8/84	C.M. A. 9939/84 for adj. Hon. P.C.D.S.	
	Stay granted	
	22/8/84	
	21/8/84	
	Bk	

DT 29/5-1572
N
6
A/ax

W.P.

542

89

Judham muryan Khan

Union of India and others

Shri K. C. Sharma L.D.C

Head quarters central command
Lucknow

817181

भारत सरकार के आदेशानुसार यह पत्रिका प्रकाशित की जा रही है। इस पत्रिका में विभिन्न विभागों के द्वारा भेजे गए पत्रों का प्रकाशन किया जाता है। इस पत्रिका का उद्देश्य है कि जनता को सरकार की नीतियों और कार्रवायियों के बारे में जानकारी मिल सके। इस पत्रिका में विभिन्न विभागों के द्वारा भेजे गए पत्रों का प्रकाशन किया जाता है। इस पत्रिका का उद्देश्य है कि जनता को सरकार की नीतियों और कार्रवायियों के बारे में जानकारी मिल सके।

1572

कतंक No. 882

115701

Amount of Stamps affixed Rs. 3.40 P. 1.00
 एक रजिस्ट्री बीमा*
 Received a Registered Insurance*
 बीमावाले का नाम... K. C. Sharma
 Addressed to Lucknow
 बीमा की रकम (अंकों में) (in words)
 Insured for Rs. (in figures)
 बीमा शुल्क Rs. 40.00 वजन (Weight)
 Insurance fee Rs. 40.00
 भेजनेवाले का नाम व पता
 Name and address of sender
 डाक घर निर्देशिका में दी गई
 डाक के अधीन जारी की गई
 Issued subject to terms and conditions in P. O. guide
 भेजनेवाले अधिकारी के हस्ताक्षर
 Signature of Receiving Officer



Bikash

रजिस्ट्रार

महाराजगढ़

महाराजगढ़, दिनांक 28, मई 1981

भारत सरकार के आदेशानुसार यह पत्रिका प्रकाशित की जा रही है।

DT 29/5 N 1572
B 1/5781

W.D. 542 81

ajulam muryem Khan

Union of India and others

Shri Bri Balodi L.D.C

Head quarters central command
Lucknow

017/81

1512 कमांक/NO 0080

Amount of Stamps affixed Rs. P. प्राप्त किया

Received a Registered Insured पानेवाले का नाम B.N. Balodi

Addressed to Lucknow

बीम का रकम (अंकों में) Insured for Rs. (in figures) P. वजन (Weight in)

बीमा शुल्क रु. Insurance fee Rs. P.

भेजनेवाले का नाम व पता Name and address of sender डाकघर निर्देशिका में दी गई शर्तों के अधीन जारी की गई Issued subject to terms and conditions in P. O. guide

पानेवाले अधिकारी के हस्ताक्षर Signature of Receiving Officer

11/5781

A
100

gulam muson khon

union of India and others

Shri Ashok Kumar L.D.C.

Head quarters central command
Lucpnow.

SECRET

सूचित किया जा रहा है कि प्रार्थना-पत्र को उपस्थित न होने पर पुनः दे दिया गया है -
 - - - - - के द्वारा प्रार्थना-पत्र दिया है, उक्त प्रार्थना-पत्र दे दिया जाता
 है कि साथ दिनांक - 8/7/81 को - - - - - को या उसके पहले
 उपस्थित होकर कारणा-पत्रों के प्रार्थना-पत्र को न स्वीकार कर दिया जाय।
 उक्त प्रार्थना-पत्र को सुनवाई करने को निकासनुसार विनियमित दिनांक और दिन।
 जारी।

विहित है कि यदि आप उनमें से किसी व्यक्ति पर या उससे पहले स्वयं अपना
सर्वोच्च या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए वाच्य
है, उपस्थित न करें तो आप द्वारा की गई सुनवाई और निर्णय आपकी
अपस्थिति में

1512 क्रमांक/No. 37425

लग्गाए गए टिकटों का मूल्य रु०..... पं०
Amount of Stamp affixed Rs. P.

एक रजिस्ट्री बीमा..... प्राप्त किया
Received a Registered Insurance..... Date stamp

पानेवाले का नाम.....
Addressed to

बीमे की रकम (अंकों में)..... (शब्दों में)
Insured for Rs. (in figures) (in words)

बीमा शुल्क रु०..... पं०..... वजन (शब्दों में)
Insurance fee Rs. P. Weight (in words)

भेजनेवाले का नाम व पता.....
Name and address of sender

डाकघर निर्देशिका में दी गई
Issued subject to terms and
शर्तों के अधीन जारी की गई
conditions in P. O. rule

पानेवाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

11/8701

रजिस्ट्रार
पुणे जिल्हा न्याय

1977 30, 1978 3 7

संस्थागत, पारंपरिक, वित्तीय, व सामाजिक

DT 29/5 1572
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W.P.

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efulam mugyeen Khan

Union of India and others

Shri Chhotary Lal L.D.C

Head quarters central command

Lucerna

817/81

1512 क्रमांक/No. 378

Amount of Stamps affixed Rs. P.

एक रजिस्ट्री बीमा* प्राप्त किया

Received a Registered Insurance* Date-stamp

पानेवाले का नाम* Addressed to

बीमे की रकम (अंकों में) Insured for Rs. (in figures)

बीमा शुल्क रु. पं. वज. (शब्दों में) Insurance fee Rs. P. Weight (in words)

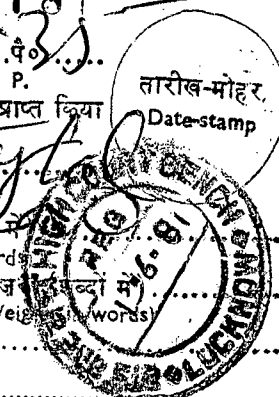
भेजनेवाले का नाम व पता Name and address of sender

डाकघर निवेदिता में दी गई

शर्तों के अधीन जारी की गई

Issued subject to terms and conditions in P. O. guide

पानेवाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer



11/5101

DT 29/5 N 1572
1

W.P.

542

81

Gulam Majeen Khan

4/103

Union of India and others

Shri Patev Singh L.D.C.

Head quarters central command
Lucknow

प्रतिभाषी के जग

श्रीक जगदीश प्रसाद जी के रूप में प्रमाणित किया गया है कि वे एक व्यक्ति हैं, जो अपने नाम से, जो आपकी पहचान किया जाता है कि आप दिनांक - 8/7/81 - को अपने पहले उपस्थित होकर और आपकी बातों में कि आपकी बातों में सुनिश्चित कर दिया जाय । उक्त प्रार्थना-पत्र की सुनवाई करने वाले निम्नलिखित दिनांक किसी और दिन होगा ।

विशेष की कि यदि आप कभी अपने दिनांक पर या अपने पहले स्वयं अपना किसी सुनवाई या को व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनन अधिकृत हैं, उपस्थित न होंगे तो उन प्रार्थना पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में ही जायेगा ।

11/57 (8)

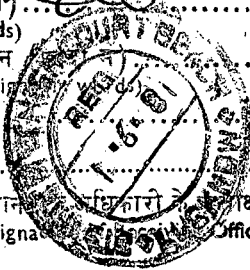
1572 कसक/No. 38738

लगाए गए डाक टिकटों का मूल्य रु०..... पैसे.....
Amount of Stamps affixed Rs. P.
एक रजिस्ट्री बीमा*..... प्राप्त किया
Received a Registered/Insured*
पानेवाले का नाम.....
Addressed to
बीमे की रकम (अंकों में).....
Insured for Rs. (in figures) (in words)
बीमा शुल्क रु०..... पैसे.....
Insurance fee Rs. P. Weight
भेजनेवाले का नाम व पता.....
Name and address of sender
डाकघर निर्देशिका में दी गई
शर्तों के अधीन जारी की गई
Issued subject to terms and
conditions in P. O. guide

तारीख-मोहर
Date-stamp

पानेवाले का नाम व पता
Name and address of recipient
डाकघर निर्देशिका में दी गई
शर्तों के अधीन जारी की गई
Issued subject to terms and
conditions in P. O. guide

पानेवाले का नाम व पता
Name and address of recipient
डाकघर निर्देशिका में दी गई
शर्तों के अधीन जारी की गई
Issued subject to terms and
conditions in P. O. guide



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
23-A, Thornhill Road, Allahabad-201 001

TA***802 of 87

No. SAT/Alld/Jud/

40313 10/14

dated the :

14/15

Gulam Muneen

APPLICANT'S

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105

Union of India & os

RESPONDENT'S

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. 5412
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. (Gandhi Bh)
Lucknow (C.P. Shahid 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.

directly

DEPUTY REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residency
Lucknow -

No. CAT/LKO/Jud/CB/ 24 03/2290

Dated the 14/12/84

T.A. No. of 002 137 (T)

105

Correspondence

AFFIDAVIT's

Versus

name of the

RESPONDENT's

To

Whereas the marginally noted cases has been transferred by
the Under the provision of the Administrative
Tribunal Act 13 of 1945 and registered in this Tribunal as above.

Writ Petition No. *24/00*

of 198

of the Court of *the*

arising out

of Order dated

passed by

The Tribunal has fixed date of
7.2.85 198. The hearing
of the matter.

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

21 day of *11* 1989.

Shreshth

52
DEPUTY REGISTRAR

3. *Dr. Jagdish Chandra Tripathy, Advocate, Lucknow*
4. *Dr. V. K. Singh, Advocate, Lucknow*
5. *Dr. A. K. Singh, Advocate, Lucknow*
6. *Dr. B. K. Singh, Advocate, Lucknow*
7. *Dr. C. K. Singh, Advocate, Lucknow*
8. *Dr. D. K. Singh, Advocate, Lucknow*
9. *Dr. E. K. Singh, Advocate, Lucknow*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residency
Lucknow -

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

Dated the

14/12/89

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

Guram Mulyen

AFFIDAVIT'S

Versus

Union of India

RESPONDENT'S

u.o.g.

① To
② Adjutant General, Adjutant General's Branch
Army. H. C. New Delhi

Whereas the marginally noted cases has been transferred by
H. C. LKO Under the provision of the Administrative
Tribunal Act 13 of 1935 and registered in this Tribunal as above.

Writ Petition No. 542/80
of 198

of the Court of H. C. LKO

arising out

of Order dated

passed by

The Tribunal has fixed date of

7.2.90 198. 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/

DEPUTY REGISTRAR

③ Brigadier Incharge, Administration, H. C.
Central Command, LKO

④ Shri Rakesh Singh, L.D.C.

⑤ " Chhotey, 2nd L.D.C.

⑥ " Shyam Sood, 2nd L.D.C.

⑦ " B. N. Balodi, L.D.C.

⑧ " K. C. Sharma, 2nd L.D.C.

⑨ " AS/Chhotey, 2nd L.D.C.

Headquarters
Central Command
Lucknow

173

(वादीअपीलान्ट)

$$\frac{A}{108}$$

नं० मुकदमा ^{TA-802} सन् १९८७ पेशी को ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री Dr. Jinch Chander

All: Gen. Secy. Standing Counsel वकील
 महोदय
 एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं कि इस मुकद्दमा में बकील 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 वसूल करें या सुलहनाम बइकबालदावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा 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 वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या अपने किसी पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसीलिए वह वकालत बामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर

La Col

॥ श्रीगणेशाय नमः ॥

Adm Officer

सुर्यालय भव्य कला

HO Central Commas

साक्षी (गवाह) साक्षी (गवाह) HQ Central Commission

दिनांक महीना सन् १८ ई०

स्वीकृत