

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE TA NO 808/87
W.P. NO 1083/81 OF

NAME OF THE PARTIES Rajhu Bin, Saran Arora Applicant

Versus

V.P.I. Corp. Respondent

Part A.

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CERTIFICATE

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

This file received from record room

check on Dated 28/9/11 *Without Batta*

Counter Signed.....

Rajan
3/15/11

Section Officer/In charge

m
Signature of the
Dealing Assistant

Central Administrative Tribunal
Lucknow Bench

Cause Title IA 203/07 of 1993

Name of the Parties R. L. Mehta

Applicant

Versus

Union of India & others

Respondents.

Part 1 P.C

Sl. No.

Description of documents

Date

1.

Check List

2.

Order Sheet.

11/12

3.

Judgement. 22/1/91

13/12

4.

High Court Petition Copy.

16/12

5.

Annexure.

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Power.

7.

Counter Affidavit.

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Supplement Rejoinder Affidavit.

17/12

High Court / Order Sheet

16/12

B - File

P/C

1301 - 1313

B - File

C - File 1313

GENERAL ADMINISTRATIVE TRIBUNAL
COURT OF JUSTICE

Application No. _____ of 19


Transfer application No. _____ of 19

Original writ Petition No. _____ of 19

CERTIFICATE

Certified that not further action is required to
to be taken and that the case is fit for consignment in the
record room.

Counter Signed.


Signature of the
Dealing Assistant.

Section Officer/Court Officer.

2.3.1990

Hon. Justice K. Nath, V.C.
Hon. K.J. Raman, A.M.

On the request made on behalf of Shri
 D.S. Ranghawa learned counsel for the opposite
 parties the case is adjourned for final hearing
 on 25.4.1990.

101

A.M.

V...

sd.

OR

25/4/90

Hon. Mr. D.K. Agrawal, Jm.
Hon. Mr. K. Obayye, AM

S F H

L
24/5

Shri A.K. Chaturvedi, for the
 petitioner and Shri V.K. Chandhary,
 for the respondents are present.
 Shri V.K. Chandhary, desire adjournment
 to which Shri A.K. Chaturvedi, has
 no objection. Therefore, despite,
 the fact, that the petition is of
 1981, we are granting adjournment.

It is for hearing on 1/11/90.
 The respondents shall produce the
 original record for which they
 have sought adjournment today.

A.M.

J.C.
J.P.

sd

1/11/90

Due to holiday adj to 31/12/90

31-12-90

No sitting adj to 19-2-91

19-2-91

No sitting adjourned to 30-4-91.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 800 of 198 7 (7)

R. S. Arora

APPELLANT
APPLICANT

VERSUS

U.O. 2 & 4

DEFENDANT
RESPONDENT

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
99-28-2	<p>माननीय न्यायमूर्ति के नाम, उपाध्यक्ष माननीय के जे. रामन, लखनऊ</p> <p>माननीय अध्यक्ष प्रतिवादी के अधिवक्ता के. अजय प्रताप सिंह 22-11-89 युनवांस के लिए सूचनाएं भेजा जाता है</p> <p><i>[Signature]</i> (उपक्ष (प्र))</p> <p>उपाध्यक्ष</p> <p>No Selby Adj. 31-1-90</p> <p><i>[Signature]</i> 23/1/90</p> <p>From Justice K. Prath, VC From K. J. Ramani, AM.</p> <p>Sir A.K. Chatterjee for the applicant files Supplementary Rejoinder The case be listed for final hearing on 2/3/90.</p> <p><i>[Signature]</i> AM</p>	<p>OR</p> <p>This case has been recd from C.A.T. Aided. on 11-7-89. R.P. is admitted. C.A/R.A has been filed. Case is ready for hearing. Notices issued from C.A.T. Aided. O/c attached. Submitted for hearing.</p> <p><i>[Signature]</i> 01/8</p> <p>OR</p> <p>S.F.H</p> <p><i>[Signature]</i> 12/10</p>

23-11-89

22-11-89 was holiday for election

23/1/90

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 000 of 198 7 (7)

R. S. Arora

APPELLANT
APPLICANT

VERSUS

U. O. 2 Nos

DEFENDANT
RESPONDENT

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
99-28-25	<p>माननीय न्यायमूर्ति कं. राय, उपाध्यक्ष माननीय कं. जं. राय, सदस्य</p> <p>आवेदन प्रतिवादी व. प्रतिवादी क. अजय प्र. फाई ²²⁻¹¹⁻⁸⁹ 22-11-89 22-11-89 22-11-89 सुनवाई के लिए सुनवाई किया जाता है</p> <p><i>[Signature]</i> (उपस्थ) (प्र) उपाध्यक्ष</p> <p>No. Seling Adj. 31/1/90 <i>[Signature]</i> 23/1/90</p> <p>For Justice K. Pruthi, Jc For K. J. Raman, Jm.</p> <p>Smt. A.K. Chaturvedi for the applicant files Supplementary Rejoinder The case be listed for final hearing on 2/3/90.</p> <p><i>[Signature]</i> Am</p>	<p>OR</p> <p>This case has been recd. from C.A.T. Adid. on 11-7-89. R.P. is admitted. C.A/R:A has been filed. Case is ready for hearing. Notices issued from C.A.T Adid. ofc attached. Submitted for recd.</p> <p><i>[Signature]</i> S.F.H</p> <p><i>[Signature]</i> 12/1/90</p>

25-11-89

22.11. was holiday
for election

31/1/90

2.3.1990

Hon. Justice K.Nath, V.C.
Hon. K.J. Raman, A.M.

On the request made on behalf of Shri D.S. Ranghawa learned counsel for the opposite parties the case is adjourned for final hearing on 25.4.1990.

[Signature]

A.M.

[Signature]
V.C.

sd.

OR

25/4/90

Hon. Mr. D.K. Agrawal, Jm.
Hon. Mr. K. Obayye, AM

S F H
 L
 24/5

Shri A.K. Chaturvedi, for the petitioner and Shri V.K. Chaudhary, for the respondents are present. Shri V.K. Chaudhary, desire adjournment to which Shri A.K. Chaturvedi, has no objection. Therefore, despite, the fact, that the petition is of 1981, we are granting adjournment.

lit it for hearing on 1/11/90. The respondents shall produce the original record for which they have sought adjournment today.

[Signature]
A.M.

[Signature]
Jm

sd

1.11.90

Due to holiday Adj to 31/12/90

31.12.90

No sitting Adj to 19.2.91

19.2.91

No sitting adjourned to 30.4.91

30.4.91

No filing adj to 29.7.91

29.7.91

No filing adj to 3.9.91
Jc

X₁

3.9.91

Hon. Mr. D. K. Agrawal - J.M.
Hon. Mr. K. G. G. - J.M.

On the request of counsel
for both of the parties case
is adjourned to 11.11.91 for
hearing.

J.M.

J.M.

*

11.11.91

Hon. Mr. A. B. G. - J.M.
Hon. Mr. S. M. Prasad - J.M.

On the request of counsel
for the both parties adj to
20.1.92.

J.M.

J.M.

*

20.1.92

No filing of D.B adj to 6.3.92
C

6.3.92

Due to S. K. a) K. K. C. S.
Case is adjourned to 21.4.92
Jc
Prasad

21.4.92

No filing of D.B adj to
19.5.92

SFH
S. J.

1957

~~Jahrl. Mr. J. G. Bialo & Sauer~~ K
Jahrl. Mr. L. Bayre Dm

On the request of Learned
Counsel the respondent case
is adjourned to 22.5.92 to

hemp

Am

n

on
Case is ready
for trial
8/24
20/5

30.4.91

No Billing Adj to 29.7.91

29.7.91

No Billing Adj to 3.9.91

Jr

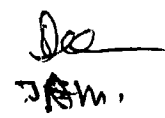
1/2

3.9.91

Hon. Mr. D. K. Agrawal - J.M.
Hon. Mr. K. ~~Aggarwal~~ - J.M.

On the request of counsel
for both of the parties case
is adjourned to 11.11.91 for
hearing.


J.M.


J.M.

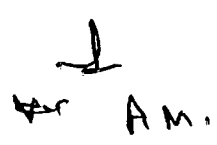
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11.11.91

Hon. Mr. A. B. Gordon - J.M.
Hon. Mr. S. M. Prasad - J.M.

On the request of counsel
for the both parties adj to
20.1.92.




J.M.

J.M.

4

or
SFH
8
57.

20.1.92

No Billing of D.B adj to 6.3.92

6.3.92

Due to strike of Rebro Cols
Chennai adjourn to 21.4.92
J
Bae

21.4.92

No Billing of D.B adj to
19.5.92

Jr

(A³)

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW.

...

Registration T.A. No. 808 of 1987
(W.P. No. 1063 of 1981)

Raghubir Saran Arora Applicant.
Petitioner.

Versus

Union of India,
and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

This is a transferred case under Section 29 of the Administrative Tribunals Act, 1985. The applicant filed a writ petition before the High Court challenging the order dated 3.12.1980 directing that the applicant who was promoted may be brought down to his regular post of Superintendent B/S II from his adhoc appointment to Superintendent B/S I in terms of Government of India, Ministry of Defence letter dated 3.12.1965, as he was, infact, involved in a disciplinary case relating to the discrepancies in furniture of GE(E) Lucknow, as well as order dated 3.3.1981 intimating the applicant that he was initially promoted on adhoc basis for a period of six months which was extended from time to time and last extension expired on 3.11.1980, as such, he can not hold the adhoc appointment after 3.11.1980.

2. The applicant who started his service career as Store Keeper Grade-II as Civilian Employee in the Military Engineering Services was promoted to the post of Supervisor Barracks and Stores Grade-II in the year 1970. The applicant passed the departmental examination for promotion to the post of Supervisor, Barracks and Stores, Grade-I in the year 1975 and that is why he was promoted on adhoc basis vide

Contd 2p/-

order dated 4.1.1979. After promotion he was transferred from Kanpur to Khakeri and after completion of one year on the post of Supervisor Grade-I, he was also granted an increment w.e.f. 1.2.1980. A charge-sheet was issued to the applicant on 29.5.1980 regarding certain discrepancies in the furniture etc while he was posted at Chakeri. The applicant denied the said and no enquiry proceeded thereafter and after seven months, that on 23rd February, 1981 the applicant was shown the documents upon which the disciplinary authority intends to rely in support of the charges and the inspection is yet not complete as some/ several documents were not available on 23.2.2981. Vide order dated 22.10.1980, the promotion of the applicant to the post of Supervisor Grade- I was regularised and on 3.12.1980, an order was passed reverting the applicant in the form of the directions that the applicant be brought down to his regular post. At the time of the applicant's posting on promotion, the Administrative Officer of the Headquarters of Commander Works Engineer Kanpur, has mentioned that he was not involved in any disciplinary case or court enquiry and the charge-sheet was issued to the applicant after 16 months of his promotion. The applicant has challenged these orders on the ground that when applicant was promoted, there was no criminal case against him and no departmental proceeding was pending against him. Even if, some enquiry was going on behind his back, that was not a substitute of a disciplinary enquiry and the disciplinary enquiry starts only after the service of the charge-sheet. The applicant was promoted much before the issuance of the charge-sheet and the issuance of the charge-sheet subsequently, can not be taken to be a

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ground for reverting the applicant on the ground that he was involved in a disciplinary case. The legal position in this behalf is quite clear.

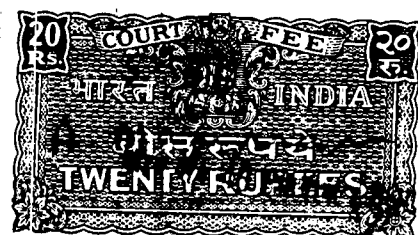
3. Accordingly, this application deserves to be allowed and the impugned orders dated 3.12.1980 and 3.3.1981 are quashed. However, and the applicant will be restored back in service to his original position with consequential benefits. It will be open for the respondents to go ahead with the disciplinary proceedings and to take any action against the applicant on his promoted post in accordance with law. The application is disposed of with the above directions. Parties to bear their own costs.


Member(A)


Vice-Chairman

Dated: 22.5.1992

(n.u.)

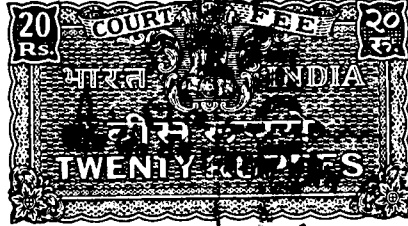
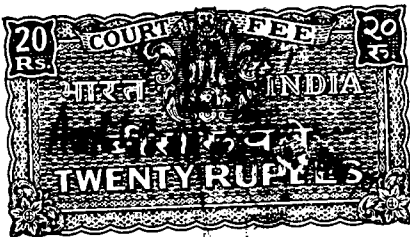


IN THE HONOURABLE COURT OF JUSTICES, AT DELHI:

Between, *Arjun Singh, Plaintiff.*

And *Union of India, Defendant.*

1961.



Arjun Singh Plaintiff, aged about 39 years, Son of *Arjun Singh* (deceased), Resident of T-5/1, Old Delhi, Delhi, Plaintiff.

Versus.

1. Union of India, through the Secretary, Defence, New Delhi;
2. The Chief Engineer, Northern Zone, (Military Engineering Services), Cantonment, Lucknow;

22

....

Opposite Parties.

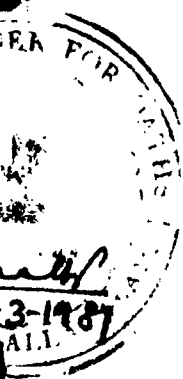
IN THE COURT OF THE JUDGE, DELHI.

OF THE JUDICATURE OF DELHI.

.....

The above named Petitioner most humbly submits as under :-

1. That the Petitioner was originally appointed in October, 1962, on the post of Store-keeper Grade II as a Civilian Employee in the Military Engineering Services.
2. That the Petitioner performed his duties honestly and efficiently with the result that he was soon promoted to the post of Store-keeper Grade I in the year 1965.



Arjun Singh

4

Received copy
 J. M. C.
 9/8/51 B. S. M. L. A.
 6/3/51

Hon. Gopi Nath J.
 Hon. S. K. Dasgupta J.

Standing Counsel
 for Union of India
 prays for and is
 allowed to file counter
 affidavit

Expressed
 Fine Adhesive Rs. 100/-
 Total
 Correct but final Court fee will be made on receipt of lower Court record.
 In time up to
 Papers filed. Copy of R. & C. should also be filed
 7/4 - Bench

Hon. Gopi Nath J.
 Hon. S. K. Dasgupta J.

Standing Counsel for
 Union of India prays for
 is allowed
 & three weeks' time to file
 counter affidavit.

list for miss
 thereafter.
 M. S.

last impugned order
 Annexure 5 = 3.387

19.10.51
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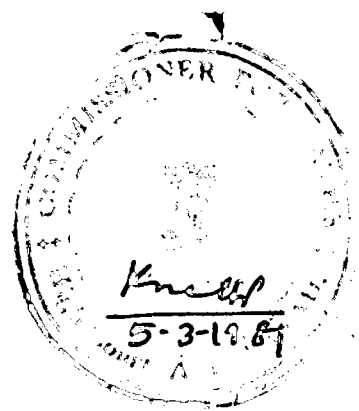
3. That the Petitioner was further promoted to the post of Supervisor Barrack and Stores, Grade II in the year 1970.

4. That for the next promotion to the post of the Supervisor, Barracks and Stores, Grade I one has to pass a departmental examination, which the Petitioner passed in the year 1975 and thus became qualified and eligible for the said promotion. In consequence of it the Petitioner was ad-hocally promoted to the post of the Supervisor Barracks and stores, Grade I, through an order dated 4th January, 1979, passed by the Engineer-In-Chief at the Army Headquarters, New Delhi, which is an authority higher in rank and grade than the Opposite Party number 2. The Opposite Party number 2 is a subordinate authority to the Engineer-In-Chief. The relevant extracts of the orders dated 4th January, 1979 are annexed as Annexure Number 1 to this writ Petition.

5. That in pursuance of this promotion the Petitioner was transferred from Meerut to Jhansi and this promotion of the Petitioner was also published in P.T.O., by the Garrison Engineer, I. E. S., Jhansi (Meerut).

6. That on successful completion of one year on the post of the supervisor Grade I, the Petitioner was also granted an increment in that scale, with effect from 1st February, 1980,

7. That after some time a charge-sheet was issued to the Petitioner by the Chief Engineer, Northern Zone, Lucknow, on 29th May, 1980, served upon the Petitioner



[Handwritten signature]

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

Put up on 13.3.81 to
enable the Counsel for Central
Government to obtain instructions
in the matter.

L Ks
6.3.81
mg

Hon. S. C. Mathur, J.
Hon. S. S. Anand, J.

Counter affidavits and
reply affidavits have
been exchanged.
Writ petition is
admitted.

Let it be listed for
regular hearing, at
possible in the month
of March, 1983.

DK 21.2.83
R25
}

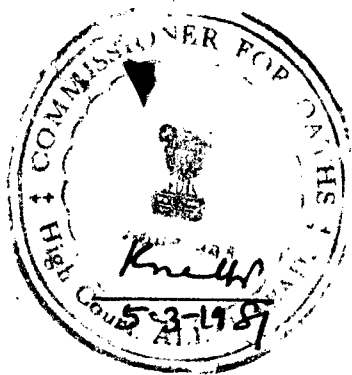
San L

on 18th June, 1980, regarding certain discrepancies in the furniture etc, while the Petitioner was posted at CHAKERI.

8. That the Petitioner replied the said charges, denied the allegations and reply was submitted on 27th June, 1980 and supplemented by further reply on 17th July, 1980. Then the enquiry did not proceed practically and after seven months, that on 23rd February, 1981, the Petitioner was shown the documents upon which the disciplinary authority intend to rely in support of the charges and the inspection is yet not complete as some /several documents were not available on 23rd February, 1981.

9. That through an order dated 22nd October, 1980, passed by the Engineer In Chief of the Army Headquarters, the promotion of the Petitioner on the post of the Supervisor Grade I was regularised, The said regularisation was circulated by the Chief Engineer, Central Command on 30th December, 1980. The relevant extracts of the same are annexed as Annexure Number 2 to this Writ Petition.

10. That on 3rd December, 1980, the Opposite Party number 2 has passed an order reverting the Petitioner in the form of the directions that the Petitioner be brought down to his regular post of Supervisor, B & S. Grade II, it was asserted that the ad-hoc promotion was not in terms of Government Order dated 3rd December, 1965, in which it has been laid down that the person involved in a disciplinary proceedings should not be given ad-hoc promotion. A copy of this order is annexed as Annexure No. 3 to this Writ Petition.



[Handwritten signature]

(A11)

- : 4 : -

11. That at the time of the Petitioner's posting on promotion, the Administrative Officer of the Headquarters of Commander Works Engineer, Kanpur, through his letter dated 8th February, 1979, categorically mentioned that the Petitioner is not involved in any disciplinary case or court enquiry. A copy of this order is annexed as Annexure Number 4 to this Writ Petition. A/11

12. That on facts also the charge-sheet was issued to the Petitioner after 16 months of his promotion, a person is said to be involved in the disciplinary proceedings from the date on which the charge-sheet is issued to him.

13. That the impugned reversion of the Petitioner to be effected on the basis of an order contained in Annexure number 3, is wholly arbitrary and will cause irreparable loss to the Petitioner.

14. That the orders contained in (Annexure Number 3) were not immediately implemented as there was some correspondence between the Chief Engineer, Northern Zone, and other officers, but it has been learnt that the same is going to be implemented.

15. That the Petitioner could not file the Writ Petition earlier as he was on leave firstly due to the illness and then due to the death of his son on 29th January, 1981.

16. That the formal orders of ~~reversions~~ ^{3rd March} have been served upon the Petitioner on ~~25th February~~, 1981. A copy of the same is annexed as Annexure No. 5 to this Writ Petition.



Signature

17. That the said order, annexure number 5, purports to mention that the Petitioner was only an ad-hoc promotee and further extension of the ad-hoc promotion is not possible, due to the involvement of the Petitioner in the disciplinary proceedings. It is wholly incorrect as the promotion of the Petitioner was regularised by the Engineer-in-Chief, it is no more an ad-hoc promotion and after the regularisation the extensions were not required, now under the garb of order contained in Annexure No. 5, actually the reversion of the Petitioner is perpetuated and inflicted on the pretext of the pendency of the departmental proceedings, which were initiated much after the promotion of the Petitioner and that rule arising out of the Government Order is not applicable in the case of the Petitioner.

18. That once the promotion is made that too regularised it cannot be undone by way of reversion or any other manner on the pretext of the pendency of the disciplinary proceedings or the departmental proceedings, as such reversion is stigmatic and amounts to punishment within the meaning of Article 311 of the Constitution of India.

19. That the Petitioner is still holding the post as no one has taken charge from the petitioner so far and if the Petitioner is reverted he will suffer irreparable loss.

20. That in this view of the matter the Petitioner has been left with no option, but to evince the jurisdiction



Signature

of this Hon'ble High Court, among others on the following

GROUND S:-

- (a) Because, the order contained in Annexure Number amounts to reversion by way of punishment which is in utter violation of the provisions of Article 311 of the Constitution of India,
- (b) Because, the Government Order dated of 1965 (3rd December, 1965) is not applicable in the case of the Petitioner.
- (c) Because, the reversion of the Petitioner is in violation of the provisions of Article 14 and 16 of the Constitution of India, being wholly arbitrary and discriminatory.
- (d) Because, neither the Opposite Party number 2, nor the Opposite Party number 3 had the jurisdiction to revert the Petitioner.
- (e) Because, the Petitioner has been discriminated in as much as that he had been differently treated than the other persons similarly situated and similarly placed and regularised along with the Petitioner. And thus his Fundamental Rights guaranteed under Article 14 and 16 of the Constitution of India have been violated.
- (f) Because, the decision in the so-called disciplinary proceedings has been deliberately delayed to harm the Petitioner.
- (g) Because, the order of reversion of the Petitioner are wholly arbitrary and malafide.

Signature

AM

8/14

THEREFORE, it is most humbly prayed that this Hon'ble High Court may be pleased to issue :-

- (i) A Writ, Order or Directions in the nature of Certiorari, quashing Annexure Number ^{3 and} 5, the impugned order of the reversion of the Petitioner, after summoning it's original from the records of the Opposite Parties.
- (ii) A Writ, Order or Command in the nature of Mandamus, commanding the Opposite Parties to allow the Petitioner to continue on the post of the Supervisor B/S) Grade I, without any interruption and grant all consequential benefits in respect of continuity, salary, increments etc.
- (iii) Any other Writ, Order or Directions deemed proper.
- (iv) To waive off the notice to the Opposite Parties as the matter is VERY URGENT.
- (v) Allow the Writ Petition with costs.

DATED: LUCKNOW:
MARCH 6, 1981.

A. Prannan
Counsel for the Petitioner.

There is no defect in this writ petition

A. Prannan
Adv.

Keeton

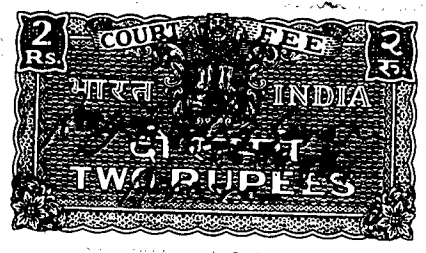
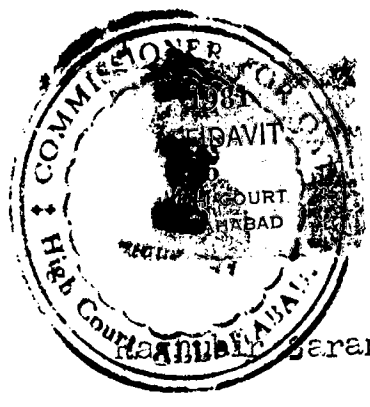
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IN THE HON'BLE HIGH COURT OF JUDICATURE, AT ALLAHABAD:

LUCKNOW BENCH, LUCKNOW.

WRIT PETITION NUMBER OF 1981.



Saran Arora.

...

Petitioner.

Versus.

The Union of India and another.

...

Opposite Parties.

A F F I D A V I T.

I, Raghubir Saran Arora, aged about 39 years, Son of late Shri Kanhaiya Ram Arora, Resident of T-5/1, Old M. H. Area, Cantonment, Kanpur, states on oath as under :-

1. That the deponent is the Petitioner in the above mentioned Writ Petition, as such he is fully conversant with the facts and the circumstances stated in the said Writ Petition.
2. That the contents of paragraph number 1 to 20 of the Writ Petition are true to my own knowledge.
3. That the deponent, himself, has compared the Annexure Number 1 to 5, either with the copies maintained by him, or served upon him, or as could be secured by him, ~~they~~ are their true copies.

DATED: LUCKNOW:
FEBRUARY, 1981.
March 5

(Raghubir Saran Arora)
Deponent.



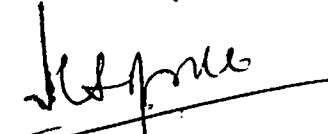
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116

- : 9 : -

VERIFICATION.

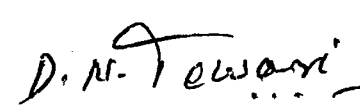
I, the above named deponent do hereby verify that the contents of paragraph number 1, 2 and 3 of this affidavit are true to my own knowledge. Nothing in it is wrong and nothing material has been concealed, so help me GOD.

DATED: LUCKNOW:
~~FEBRUARY~~ - , 1981.
March 5


(Raghubir Saren Arora)
Deponent


I, know the deponent, identify him, who has signed before me.

DATED: LUCKNOW:


~~FEBRUARY~~ - , 1981. Clerk to Shri Abdul Mannan, Advocate
March 5 Counsel for the Petitioner.

Solemnly affirmed before me on this the 5th day of February, 1981, at 7.00 p.m., by Shri Raghubir Saren Arora, the deponent, who has been identified by the Clerk to Shri Abdul Mannan, Advocate, Allahabad High Court Lucknow Bench, Lucknow.

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


JUDGE
High Court, Allahabad,
Lucknow Bench.
No. 380 of 1981
Date 5-3-1981

- : 10 : -

A/17
A/17

IN THE HON'BLE HIGH COURT OF JUDICATURE, AT DELHI:

LUCKNOW, LUCKNOW.

WRIT PETITION NUMBER OF 1981.

Raghubir Saron Arora.

...

Petitioner.

Versus.

The Union of India and another.

...

Opposite Parties.

APPENDIX NO. 1.

Tele: 372344

Coord & Pers Directorate/ETR
Engineer-In-Chief's Branch,
RAIL HEADQUARTERS,
DINAKAR PO, DELHI-110001

68020/BS I/AD-HOC/78/ETR

04. Jan. 1979.

Lists 'A' and 'B',
C.I.E.,
DG MP, Visakhapatnam,
DG INDES, Bombay.

SELECTION OF SUPERVISORS B/S GRADE II FOR PROMOTION TO THE GRADE OF SUPERVISOR B/S GRADE I ON AD-HOC.

On the recommendations of a D.P.C. held at this Headquarters, the Supervisors B/S Grade II shown in the attached Appendix 'A' are approved for promotion to the Grade of Supervisor B/S Grade I, on ad-hoc basis for a period of six months from the date of this letter.

Sd/- (DG INDES)
Lt. Col.
Pranukh Engineer/Engineer
in-Chief.

COPY TO :-

DGMR/ETD.
E COORD-1.
E I C.

[Handwritten signature]



7/18

Sl. No.	RefNo. NO.	Name.
------------	------------	-------

XXX XXX XXX XXX

XXXXX XXXX XXXXX XXXXX.

• — • — •

~~Heysou~~

Kneller
5-3-1987

- : 12 : -

I. THE HON'BLE HIGH COURT OF JUDICATURE, AT DELHI:
LUCKNOW Bench, Lucknow.

WAT. PETITION NUMBER OF 1981.

Raghubir Saran Arora. Petitioners.

Versus.

The Union of India and another. Opposite Parties.

ANNEXURE NUMBER 2.

Tele: Mil 662 Chief Engineer,
Headquarters, Central Command,
LUCKNOW-226002.

No. 901709/XXI/13/EID(3) 30 DEC. 80.

Engineer-in-Chief's Branch (E Coord I)
Army Headquarters,
DHQ PO NEW DELHI-110011.

Chief Engineer,
Northern Zone, Lucknow,
West U.P. Zone, Bareilly,
Central Zone, Jabalpur,
(Project) Itarsi.

PROMOTION : SUPVR. B/S GDE II TO SUPVR B/S GDE I.

1. Reference EinC's Branch, Army Hq., letter no. 68020/BS I/80/EIR dated 10/22 Oct. 80.
2. The following promotions are hereby made from the panel for promotion from Supvr. B/S Gde II to Supvr B/S Grade I, issued under E In C's Branch, Army Hq. above quoted letter. Consequent on promotion, the promotees will be promoted / adjusted in the same station/
formation :-

SUPVR B/S GDE II TO SUPVR B/S Gde I.

K. S. Arora

Sl. No.	I.E.S. No. and Name.	Formation	Remarks
---------	----------------------	-----------	---------

1.	2.	3.	4.
----	----	----	----

1.	450199	Sr Mohindra Prasad Jain	GE(P) Pithoragerh.
----	--------	-------------------------	-----------------------

XXXX	XXXX	XXXX	XXX	XXX	XXX
------	------	------	-----	-----	-----

36.	430141	Sri R. S. Arora (Petitioner)	CE E/M, Chh. Ind.
-----	--------	---------------------------------	----------------------

3. The above individuals will be promoted to Supvr B/S Gde I on 2 years probation from the dates of their assuming the higher appointment. The ad-hoc appointment of Supvr B/S Gde I, covered in the above mentioned promotion orders, will cease with immediate effect on assumption of regular appointment.

4. These promotions are subject to the conditions that they are not involved in any disciplinary case and also the conditions laid down in the Art. 202 CSR (Chowdhri's Compilation) and Government decisions thereunder. Before the above individuals are brought in position against the higher post, please ensure and confirm that they are not involved in any disciplinary case and that there is nothing against them to warrant withholding of their promotions.

5. The dates from which the above individuals are brought in position against the post of Supvr. B/S Gde I, should please be intimated to this Hqr. The actual date of their promotion as Supvr B/S Gde I and seniority as fixed by the DPC will then be notified by this office.

Sd/- K. L. S. M
Lt. Col.
SO II (Pers)
for Chief Engineer.

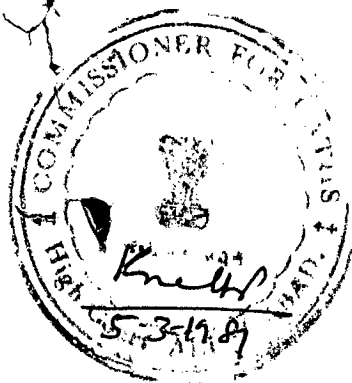
Response



Copy to:-

EinC's Br. (EIR)
Army HQ DHQ, PO New Delhi.

C.W.E. (P) Pithoragarh;	B.S.O. (I) C.P.S. Jabalpur.
C.W.E. Bhopal.	G.E., Fy Wks, Kanpur.
C.W.E., Allahabad.	G.E., Allahabad.
C.W.E. Bareilly,	G.E., Agra.
C.W.E., (P) No. 1, Itarsi.	G.E., Dehradun.
C.W.E., Ramgarh,	G.E., Jhansi.
C.W.E. (P) Lucknow.	A.G.E. (I) Maharajpur.
C.W.E., Jabalpur.	G.E. (I) (P) Stores, Itarsi.
C.W.E., Kanpur.	G.E., Mhow.
C.W.E., (Fy), Nagpur.	A.G.E. (I) Talbehat.
C.W.E., Agra.	G.E. (P), Allahabad.
C.W.E., Dehradun.	A.G.E., Varanasi.
C.W.E., Jhansi.	A.G.E. (H.E.S.) Banbasa.
G.E. (P) Pithoragarh,	G.E. (E) Jabalpur.
G.E., Bhopal,	G.E. (P), Chilka.
G.E. E.P. Allahabad.	G.E. E/M, Chakeri.
G.E., Bareilly.	G.D.A. CC, Meerut.
G.E. (P) Bareilly.	Pay Office (Army) Lucknow.
G.E., Ranchi.	Pay Office (Army) Jabalpur.
G.E., Saugar.	
G.E. (R), Lucknow.	
G.E. (A.F.) Izatnagar.	
Internal E-7 (Adm) E.E.C. (I), E.I.D (Records) E.I.D.	
(E) NO Sec. Panel Holder.	



Kejriwal

15

Mr

X/22

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

WRIT PETITION NO. . OF 1981

Raghbir Sara Arora Petitioner

Versus

The Union of India & Others Opp-Parties


ALLEX NO. III

C-12/606/MZ/8/E.D

GENZ LKO
03/12/80

ONE LAMPUR

PROMOTION : SUPR. B/SII TO SUPR. B/S I
ON ADHOC BASIS : SHRI R.S. ARORA



1. The promotion of Shri R.S. Arora, Supr. B/s II to Supr. B/S I on Ad-hoc basis was ordered in GESC Lucknow No. 901709/IV/1/E10(3) dated 31.1.79. It was to be ensured before the individual was placed in position in the higher appointment, that he was not involved in a disciplinary case etc. Sri R.S. Arora was placed in position as Supr. B/s I (Ad-hoc) on 9/2/79 vide Gr. E/in Chakeri PTO No. 10/2/79.

2. It subsequently came to the notice that when his promotion was ordered, Shri R.S. Arora was in fact involved in a disciplinary case relating to the discrepancies in furniture of GE (3) Lucknow.

3. Shri R.S. Arora having been placed in position on 9/2/79 as Supr. B/S I (Adhoc), was therefore incorrect. The said Shri R.S. Arora is, therefore, required to be brought down to his regular post of

Signature

A23

Supr. 3/5 I from his ad-hoc appointment to Supr.
3/5 I in terms of Government of India, Ministry of
Defence letter no. 3(1)/63/559/1A (Sir.I) dated 3.12.65.

Please take immediate action accordingly
a report compliance.

4/7

lthy. JSSS No. 901701/3/17/53/MD(3)
dated 4.2.60

No. 901701/XX/67/MD(3) dt. 2.5.60

No. 901701/XX/24/MD(3) dt. 20.6.60

No. 901701/XX/85/MD(3) dt. 11/10/60

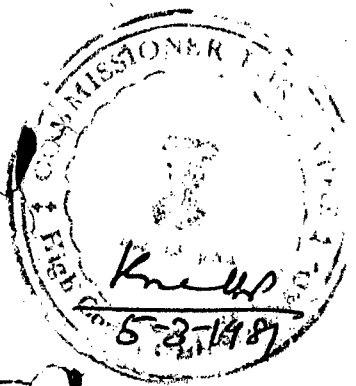
Sd/- xxxxxxx

(J. L. B. L. PPO)
BRIG.
CIN LKO.

Copy to

JSSS Lko.

THIS COPY



[Handwritten signature]

BM
K/22

- : 17 : -

IN THE HON'BLE HIGH COURT OF JUDICATURE, AT ALMORAH:
LUCKNOW BENCH, LUCKNOW.

WRIT PETITION NO. OF 1981.

Raghubir Saran Arora. Petitioner.

Versus.

The Union of India and another. ... Opposite Parties.

ANNEXURE NUMBER 4.

TELE : 53142

Lukhyalaya Comdr. Nirman Engrs.
HQ Commander Works Engrs.
No. I, Wheeler Barracks,
Kanpur Cantt.

1166/762/EI

08 Feb. 79.

IES/430141.

Shri Raghubir Saran Arora, Spvr B/S II (Supvr B/S Gde I
Desig) through S.B.C.O).

POSTINGS/TRANSFER ON PROMOTION FROM SUPVR B/S GDE
II TO GDE I.

1. You are hereby permanently transferred to G.E.
M, Chakeri in the interest of state to take over the
appointment of Supvr B/S Gde I on Ad-Hoc basis for a
period of six months from the date of assuming the appo
ment in your new unit.

2. The above promotion is ordered on the specifi
condition that in the event of your not being selected
the Regular D.P.C., you will be reverted to your lower



[Handwritten signature]

14

appointment of Supvr B/S Gde II without assigning any reason for such action. Further the service rendered on ad-hoc basis in the grade would not count for the purpose of seniority in the grade and for eligibility for promotion to next higher grade.

3. You will be relieved of your duties on 09 FEB. 79 (AN) and will report for duty to G.E., E/M, Chakeri.

4. You will submit the following before leaving the Station:-

(a) Security Pass, (b) Departure Report, (c) C.G.H.S. Card, (d) Clearance Certificate from all concerned.

5. No TA/DA is admissible.

6. It may please be noted that your pay and allowances for the month of Mar 79 will be claimed by your new formation only after your arrival for duty there.

AUTHY. :- E-In-C's Br.AHQ Letter No. 68020/BS-I/AD-HOC/
/78/EIR Dt. 04 Jan.79 & G.E., C.C. Lucknow, letter No. 901709/XIV/1/EID(3) Dt. 31 Jan. 79.

Sd/- Madan Lal
ADM OFFICER,
for COMDR. WORKS ENGINEERS.

Copy to:-

1. CE CC, Lucknow | It is confirmed that the individual is
CE NZ, Lucknow | not involved in any disciplinary case,
Court of inquiry.

Officer-in-Charge	Pay	DA/ADA	HRA	CCA.
Pay Office Army, Lucknow.	404/-	169.70	-	18.20

G.E., E/M, Chakeri. Deduction.

U.A., G.E., Kanpur. 1. G.P.Fund Subs. Rs. 50/- p.m.
(A/c No. 141634)
2. C.G.H.S. Subs. Rs. 1.50 p.m.
3. C.G.E.I., Subs. Rs. 5.00 P.M.

INTERNAL.

- : 19 : -

A26
x
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PAY CLERK.

PTO Clerk.

DOC Clerk.

EI (CO.FD).

1146/EI.

4. Flood Inv. Rs.500/- Bal.Rs.425/- is to be recovered in 17th Inst. Rs. 25/- P.I.
5. His date of birth - 1.1.42
6. His date of next increment - 1.5.79
7. He has availed nil days CL and nil days RH in the Calender year 1979.

.-.-

Knecht

5-3-1981

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PAY CLERK.

PFO Clerk.

DOC Clerk.

EI (CONFED).

1146/EI.

4. Flood Av. Rs.500/- Bal. Rs.425/- is to be recovered in 17th Inst. Rs. 25/- P.I.
5. His date of birth - 1.1.42
6. His date of next increment - 1.5.79
7. He has availed 111 days SL and 111 days SH in the Calendar year 1979.

...-

[Handwritten signature]

Kneller
5-3-1987

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IN THE HONORABLE HIGH COURT OF JUDICATURE, AT LUCKNOW:
LUCKNOW Bench, LUCKNOW.

WRIT PETITION NUMBER OF 1981.

Raghubir Saran Arora. Petitioner.

Versus.

The Union of India and another. ... Opposite Parties.

ANNEXURE NUMBER 5.

No. C-108/CDS/38/EI.

OFFICE OF THE AGC (I)
CENTRAL DIVISION STATION,
T/3, H.S. ROAD, RAULAN,
KANPUR CANTT. 4.

IES/430141.

03 MAR, 81.

Shri R. S. Arora,
SUPVR.B/S, Gde I.

P.O. ORDER - SUPVR B/S GDE II TO SUPVR B/S GDE I.

1. It has been intimated by the higher authorities that you being involved in disciplinary case cannot be placed in position as Supvr.B/S Gde I on regular promotion.
2. As regards your continuance as ad-hoc Supvr. it is further intimated that you were initially promoted on ad-hoc basis for a period of six months which was extended (from) time to time and last extension expired on 03rd Nov. 1980 as such you cannot hold the ad-hoc appointment as Supvr. B/S Gde I after 03rd Nov., 1980.
3. Please acknowledge. gd/- R P SHUKLA
BSO, AGC(I) CDS R. A. L.

Copy to:-
C.E. KANPUR - w.r.t. his letter No. 1165/893/EI,
dated 24 Feb. 1981.

[Handwritten signature]

84/1 A28

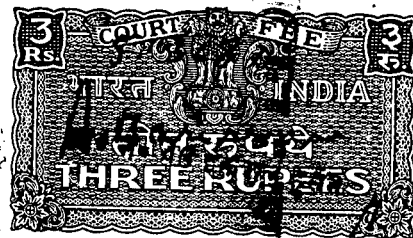
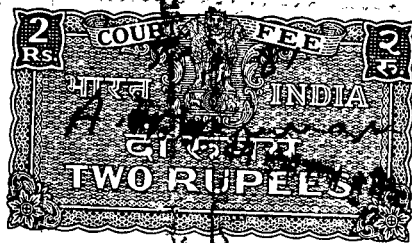
व अदालत श्रीमान

High Court Lucknow Bench,
Lko. महोदय

वादी (मुद्दे)

प्रतिवादी (मुद्दा अलेह)

का वकालतनामा



Raghubir Saran Awasthi वादी (मुद्दे) 2425-12
बनाम 6387

The Union of India प्रतिवादी (मुद्दा अलेह)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री A. Manman एडवोकेट

.....
नाम फरीकन	नं० मुकद्दमा	दालत

महोदय वकील

को अपना वकील नियुक्त करके प्रतिज्ञा [इकरार] करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी [फरीकसानी] का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त [दस्तखती] रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

Accepted

A. Manman Adv.

हस्ताक्षर

[Signature]

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक 6 महीना 3 १६४१ ई०

[illegible]

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RECEIVED

[illegible]

1. Case of 1911, 1912 to 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592,

1990

4. The Chief Engineer, Port of Call, (List of a vessel
for review), should be, and follow:

... with notes.

$\frac{1}{\sqrt{\pi}} \int_{-\infty}^{\infty} f(x) e^{-x^2} dx = \frac{1}{\sqrt{\pi}} \int_{-\infty}^{\infty} f(x) e^{-x^2} dx$

10-11-68

The above noted petitions are hereby submitted
as under :-

1. That the Detention was originally instituted in October, 1962, on the part of "State-Department" and II is a civilian employee in the Military Intelligence Service.

That the petitioner performed his duties honestly and efficiently with the result that he has now advanced to the post of store-keeper Grade 1 in the year 1905.

3. That the Petitioner was further promoted to the post of Supervisor Barracks and Stores, Grade II in the year 1970.

4. That for the next promotion to the post of the Supervisor, Barracks and Stores, Grade I one has to pass a departmental examination, which the Petitioner passed in the year 1975 and thus became qualified and eligible for the said promotion. In consequence of it the Petitioner was ad-hocally promoted to the post of the Supervisor Barracks and Stores, Grade I, through an order dated 4th January, 1979, passed by the Engineer-In-Chief at the Army Headquarters, New Delhi, which is an authority higher in rank and grade than the Opposite Party number 2. The Opposite Party number 2 is a subordinate authority to the Engineer-In-Chief. The relevant extracts of the orders dated 4th January, 1979 are annexed as Annexure Number 1 to this Writ Petition.

5. That in pursuance of this promotion the Petitioner was transferred from Kanpur to CHAKRI and this promotion of the Petitioner was also published in P.O., by the Garrison Engineer, N.E.S., CHAKRI (Kanpur).

6. That on successful completion of one year on the post of the Supervisor Grade I, the Petitioner was also granted an increment in that scale, with effect from 1st February, 1980.

7. That after some time a charge-sheet was issued to the Petitioner by the Chief Engineer, Northern Zone, Lucknow, on 29th May, 1980, served upon the Petitioner.

11. That at the time of the Petitioner's posting on promotion, the Administrative Officer of the Headquarters of Commander Works Engineer, Kanpur, through his letter dated 8th February, 1979, categorically mentioned that the Petitioner is not involved in any disciplinary case or court enquiry. A copy of this order is annexed as Annexure Number 4 to this Writ Petition.

12. That on facts also the charge-sheet was issued to the Petitioner after 16 months of his promotion, a person is said to be involved in the disciplinary proceedings from the date on which the charge-sheet is issued to him.

13. That the impugned reversion of the Petitioner to be effected on the basis of an order contained in Annexure Number 3, is wholly arbitrary and will cause irreparable loss to the Petitioner.

14. That the orders contained in (Annexure Number 3) were not immediately implemented as there was some correspondence between the Chief Engineer, Northern Zone, and other officers, but it has been learnt that the same is going to be implemented.

15. That the Petitioner could not file the writ Petition earlier as he was on leave firstly due to the illness and then due to the death of his son on 29th January, 1981.

16. That the formal orders of reversions have been served upon the Petitioner on 25th February, 1981. A copy of the same is annexed as Annexure No. 5 to this Writ Petition.

17. That the said order, annexure number 5, purports to mention that the Petitioner was only an ad-hoc promotion and further extension of the ad-hoc promotion is not possible, due to the involvement of the Petitioner in the disciplinary proceedings. It is wholly incorrect as the promotion of the Petitioner was regularised by the Engineer-in-Chief, it is no more an ad-hoc promotion and after the regularisation the extensions were not required, now under the garb of order contained in Annexure No. 5, actually the reversion of the Petitioner is perpetuated and inflicted on the pretext of the pendency of the departmental proceedings, which were initiated much after the promotion of the Petitioner and that G.O. rule arising out of the Government Order is not applicable in the case of the Petitioner.

18. That once the promotion is made that too regularised it can not be undone by way of reversion or any other manner on the pretext of the pendency of the disciplinary proceedings or the departmental proceedings, as such reversion is stigmatic and amounts to punishment within the meaning of Article 311 of the Constitution of India.

19. That the Petitioner is still holding the post as no one has taken charge from the petitioner so far and if the Petitioner is reverted he will suffer irreparable loss.

20. That in this view of the matter the Petitioner has been left with no option, but to evoke the jurisdiction

of this Hon'ble High Court, among others on the following

GROUND S:-

- (a) Because, the order contained in Annexure Number 5 amounts to reversion by way of punishment which is in utter violation of the provisions of Article 311 of the Constitution of India,
- (b) Because, the Government Order dated 27 1965 (3rd December, 1965) is not applicable in the case of the Petitioner,
- (c) Because, the reversion of the Petitioner is in violation of the provisions of Article 14 and 16 of the Constitution of India, being wholly arbitrary and discriminatory,
- (d) Because, neither the Opposite Party number 2, nor the Opposite Party number 3 had the jurisdiction to revert the Petitioner,
- (e) Because, the Petitioner has been discriminated in as much as that he had been differently treated than the other persons similarly situated and similarly placed and regularised along with the Petitioner. And thus his Fundamental Rights guaranteed under Article 14 and 16 of the Constitution of India have been violated,
- (f) Because, the decision in the so-called disciplinary proceedings has been deliberately delayed to harm the Petitioner,
- (g) Because, the order of reversion of the Petitioner are wholly arbitrary and malafide.

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

CM No. 8275-Cd/01



Civil Misc. Appln. no.

(W) of 1981

1. Union of India through the Secretary, Ministry of Defence, New Delhi.
2. Chief Engineer, Northern Zone (Military Engineering Service) Cantonment, Lucknow.

....Applicants (O.P. no. 1 & 2)

In re

Writ Petition no. 1063 of 1981

Raghubir Saran Arora

....Petitioner

Versus

Union of India and others

.....Opp. Parties.

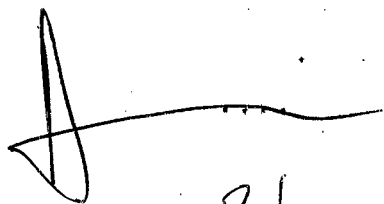
APPLICATION FOR VACATION OF ORDER DATED 13.3.1981

The applicants abovenamed most respectfully state
as under:

1. That the aforementioned writ petition had been presented before a Division Bench comprising of Their Lordships Hon'ble Mr. Justice K.S. Verma and Hon'ble Mr. Justice S.C. Mathur on 6.3.1981 and Their Lordships were pleased to permit the counsel for the applicant to obtain instructions and the writ petition was directed to be listed alongwith the application for interim relief on 13.3.1981.

2. That on 13.3.1981 the applicants' counsel

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prayed for further time to obtain specific order regarding the pendency of the disciplinary proceedings on the date the order of promotion was passed and the case was ordered to be listed on 18th March, 1981 and this Hon'ble Court had been further pleased to direct that in the meanwhile provided no one else has joined the promoted post, the petitioner was holding, the order of ^{reversion} ~~reversion~~ will not be given effect too.

3. That on 18.3.1981, the case, at the request of the learned counsel for the petitioner, was adjourned to 25.3.1981.

4. That on 25.3.1981 the case was ordered to be listed on the next date i.e. 26.3.1981. On 26.3.1981 the case was ordered to be listed on 30.3.1981 but on 30.3.1981 the case was ordered to be listed in the next week.

5. That on 6.4.1981 the case was ordered to be listed in the next week before a Division Bench.

6. That however, on 16.4.1981 the case was adjourned ^{on} ~~with~~ the request of the applicants counsel and eventually the case was listed on 22.4.1981 when an undertaking had been given on behalf of the applicants counsel to produce the records on 24.4.1981 and it was ordered that the case would be taken up as an unlisted case on 24.4.1981.

7. That the necessary records were available with the applicants counsel, however, on 24.4.1981 this Hon'ble Court was pleased to order ^{that} the case be listed in the next week.

8. That on 1.5.1981 when the case was listed the same was adjourned upon the request of the petitioner's counsel.

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9. That thereafter the case was listed on 7.5.1981 but the same was adjourned and so also on 13.5.1981.

10. That the applicants counsel has the necessary and relevant records to show that the impugned order is perfectly valid and justified and suffers from no infirmity whatsoever.

11. That for one reason or the other, inspite of the fact that the arguments were heard on several occasions the application for interim relief could not be disposed nor could any orders be passed ^{for} ~~the~~ admission or the rejection of the writ petition.

12. That by stating incorrect facts the petitioner has obtained an ad interim order which fact could be born out from the perusal of the documents that shall be shown by the counsel for the applicants.

13. That it is expedient in the ends of justice and equity and in view of the facts stated above that the interim order dated 13.3.1981 is vacated and the writ petition aforementioned be dismissed after perusing the documents shown by the applicants counsel.

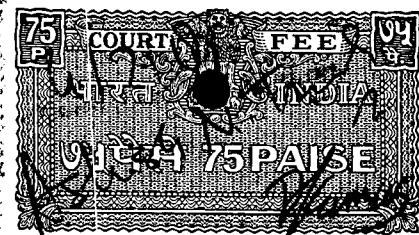
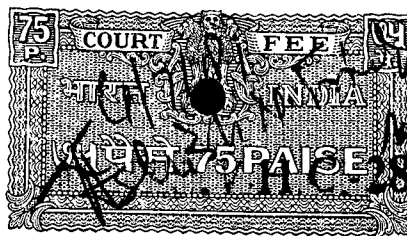
Wherefore, it is most respectfully prayed that this Hon'ble Court may be pleased to vacate the interim order dated 13.3.1981 and be further pleased to dismiss the writ petition after perusing the records shown by the applicants counsel and for which act of kindness the applicants shall ever pray as in duty bound.

Ashish N. Trivedi
(Ashish N. Trivedi)
Advocate
Counsel for the applicants

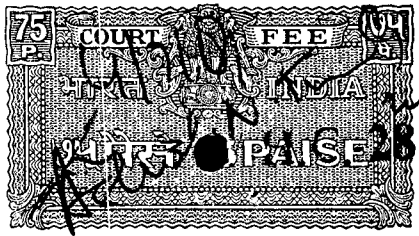
Lucknow:
13-8-1981

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APPLICATION FOR INSPECTION



To,
The Deputy Registrar,
High Court of Judicature at Allahabad,
(Lucknow Bench) Lucknow.

Please allow inspection of the papers passed below. The application is urgent / ordinary. The applicant is not a party to the case.

3-2-87/2-255

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Full Description of case	Whether case Pending or decided	Full particulars Papers of which Inspection is required	Name of person who will inspect record	If applicant is not a party reason for inspection	Office report and order
Rajbansh - Pabitra The Union of ...	Pending	High Court Record	Sri Ashish N. Trivedi Advocate Sri G. C. Sharma Advocate	Applicant is a party	Please comply Office report D.R. Allow if in Order for Inspection Deputy Registrar Date 4/8/87

Date

Signature of applicant or his Advocate

Inspection commenced at

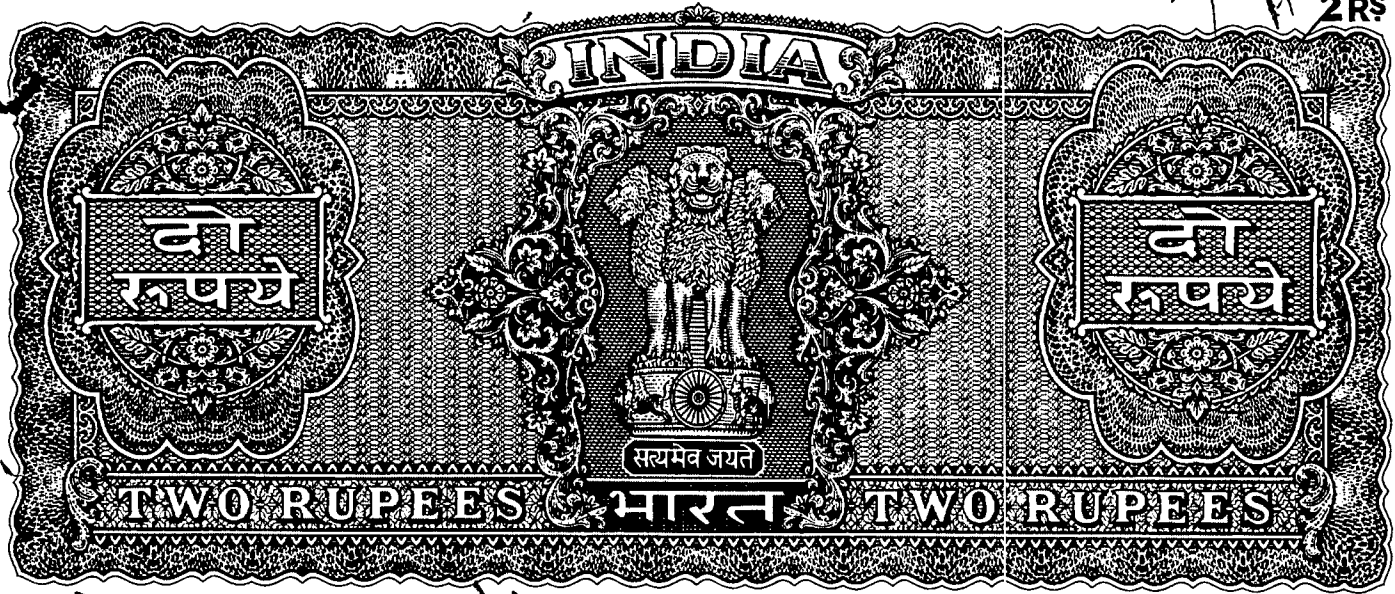
Inspection concluded at

Inspection fee paid by the applicant

Additional fee if any

Inspected on 4/8/87

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In the Hon'ble High Court, Lucknow,
Bench, Lucknow.

w.p. No. 1063 of 1981

[Signature]
5.4.82

Sri. Raghunath Saran Anra — Petitioner
vs

Union of India —

— opp. parties

11/4/82

7-11-82

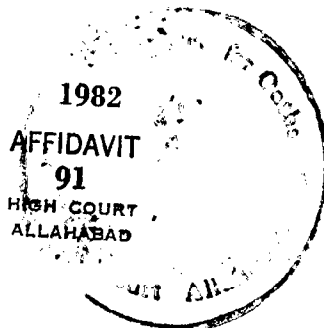
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In the Hon'ble High Court of Judicature at Allahabad,
Sitting at Lucknow.

Writ Petition No.1063 of 1981

Shri Raghubir Saran Arora.....Petitioner,

Versus

Union of India and others.....Opposite Parties.

Counter Affidavit on behalf of the
Opposite Parties Nos. 1 and 2.

G.V.R.Subramanian,

aged about years, 46

son of Shri Rajgopal

S.O.-3(Pers) Section of

The Ch.Engineer, (N.Z.)

Lucknow. -2.


....Deponent

I, the deponent abovenamed, do hereby
solemnly affirm and state as under :-

1. That the deponent is the S.O.-3(Personal)
Office of the Chief Engineer, Northern Zone, Lucknow-2
and has been authorised by the opposite parties nos.1
and 2 to file this counter affidavit on their behalf.



Received by

 Twice
Cass A. Mannen

Adv.
1-4-82

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The deponent has read the copy of the writ petition as well as the copies of the annexures supplied to the counsel for the opposite parties and has understood the contents thereof and is fully conversant with the facts stated in this counter affidavit.

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2. That before giving the parawise reply to the averments made in the writ petition it appears necessary that certain facts and circumstances which have not been mentioned in the writ petition are stated in this counter affidavit so as to clarify the controversy sought to be raised by the petitioner and has been ^{concealed} ~~concealed~~ by him and the writ petition is liable to be dismissed.

3. That the petitioner was employed as Supervisor Barrack and Stores Grade-II under Garrison Engineer (East), Lucknow from 14.10.1974 to 7.11.1976 and was posted in the office of the Commandar Works Engineer, Kanpur on 8.11.1976.

4. That the petitioner was selected along with others for promotion on adhoc basis to the higher post of Supervisor B/S Grade I, in January, 1979. The select panel was received under Engineer-in-Chief Army Headquarters letter No. 68020/BG-I/Ad-hoc/78/EIR, dated 4.1.1979 and based on this select panel, ^{promotion of these in} Central Command was ordered in Chief Engineer, Central Command Lucknow's letter No. 901709/XIV/1/EID(3), dated 31.1.'79. The petitioner was posted from CWF Kanpur to GE E/M Chakeri consequent on this ad hoc promotion, and he was placed in position as Supervisor B/S, Grade I (Adhoc) on 9.2.1979 forenoon.

Dr. B. S. Manjhi

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5. That the above ad hoc promotion was initially approved for a period of six months and was extended from time to time until 3.11.1980. //

6. That a regular Departmental Promotion Committee met in Engineer-in-Chief's Branch, Army Headquarters, New Delhi in September, 1980 and selected Supervisors B/S Grade II for regular Promotion to Supervisor B/S Grade I. This select panel was sent to Chief Engineer of Command under Engineer-in-Chief's letter No. 68020/BS I/80/EIR, dated 10/22.10.1980.

7. That the name of the petitioner was also in the select panel mentioned above in paragraph no.6 of this counter affidavit. Orders for the regular promotion of those in the Northern Zone including the petitioner were issued by the Chief Engineer, Central Command vide the letter No. 901709/XXI/13/EID(3) dated 30.12.1980.

8. ^{to have} That the petitioner was earlier prima facie found committed irregularities along with five others for certain large discrepancies in the furniture held in the charge of Garrison Engineer (East), Lucknow. These findings were by a Court of inquiry in 1977 and disciplinary action was sought to be initiated against the petitioner.

9. That the promotion order dated 31.1.1979 issued by Chief Engineer, Central Command stipulated in paragraph 6 above that before the individuals were brought in position against the higher post it must be ensured that they were not involved in any disciplinary case and

that there was nothing against them to warrant with-holding of their promotion. CWF Kanpur under whom the petitioner was then employed was not aware of the involvement of the petitioner in a disciplinary case pertaining to the deficiencies of furniture in Lucknow. Therefore, he was erroneously placed in position as Supervisor B/S Grade-I (Adhoc) on 9.2.1981 although he was involved in a disciplinary case prior to his adhoc promotion. In accordance with the decision contained in para 3 of the Ministry of Home Affairs (Department of Personnel and Administrative Reforms) OM No.22011/3/77-Estt.(A), dated 14.7.1977, a true copy of which is being annexed as Annexure-A-1 to this counter affidavit, a Government servant is deemed to be involved in a disciplinary case when the Competent Authority after investigation, has formed the opinion that a charge sheet may be issued to him on specific imputations where departmental action is contemplated, which fact would be evident from the perusal of the letter No.900613/84/98/E-I (Confdl.) dated 6.11.1976 on behalf of the Chief Engineer Headquarters, Central Command addressed to the Chief Engineer, Northern Zone, Lucknow with record inter alia to the involvement of the petitioner in a disciplinary case pertaining to deficiencies of furniture.

10. That it is not necessary that a charge sheet should have been actually issued. There is invariably a time lag due to procedural delay, between the date a competent authority has so formed an opinion and taken a decision and the date the charge sheet is actually issued.



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11. That it came to light subsequently that the petitioner having been placed in position in the higher ad hoc appointment of Supervisor B/S Grade-I in February, 1979 was erroneous as stated above. Instructions of Government exists in Ministry of Defence letter No.3(1)63/660/D(Civ-I), dated 3.2.1965 a true copy whereof is being annexed as Annexure-A-2 to this counter affidavit that as soon as it is brought to the notice of the appointing Authority that a Promotion or an appointment has resulted from a factual error, the Government servant concerned should immediately be brought to the position to which he would have held but for the incorrect and erroneous promotion or appointment. The CWF Kanpur who had erroneously implemented the ad hoc promotion of the petitioner in February, 1979 was, therefore, directed in December, 1980 to take remedial action according to the above Government order.

12. That as regards the disciplinary case relating to the deficiencies of furniture in GE(East) Lucknow Division, a charge sheet was issued to the petitioner on 29.5.1980 and the case is in progress. ~~The true copy of the charge sheet dated 29.5.1980 is being annexed as Annexure-A-3 to this counter affidavit.~~

13. That because of the involvement of the petitioner in a disciplinary case his regular promotion to the post of Supervisor B/S Grade I ordered by the Chief Engineer, Central Command in his letter dated 30.12.1980 could not be implemented.

K. S. Manjhi

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This letter also stipulated in paragraph 4 that before the individuals are brought in position against the higher post, it should be ensured that they are not involved in any disciplinary case and that there is nothing against them to warrant withholding of their promotion.

14. That the Barrack Stores Officer, Incharge, Central ¹Divisional Stock, Kanpur under whom the petitioner is presently employed had conveyed to the petitioner in his letter dated 3.3.1981 the position mentioned above. The petitioner was informed that his adhoc appointment of Supervisor B/S Grade I cannot in any case continue beyond 3.11.1980 as no extension for that adhoc appointment has been given by the Engineer-in-Chief beyond that date.

15. That adhoc promotion to Supervisor B/S Grade I was meant to be only a stop gap arrangement until selection for regular promotion to that post could be made. Once a regular Departmental Promotion Committee selected persons for promotion to Supervisor B/S Grade I in September, 1980 and the select panel forwarded by the Engineer-in-Chief to the Command Chief Engineer in October, 1980, there was no further necessity for the adhoc appointment of Supervisor B/S Grade I and it was for this reason that further extension of the adhoc promotion beyond 3.11.1980 was not given by the Engineer-in-Chief to the petitioner.

Dr. S. S. Manjhi

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16. That, therefore, the adhoc promotion of

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Supervisors B/S Grade I cease to be effective beyond this date. Apart from this in the case of the petitioner his initial promotion to the adhoc post of Supervisor B/S Grade I was itself erroneous and had to be remedied.

17. That cessation of an adhoc appointment or promotion cannot be termed as reversion.

18. That the contents of paragraph 1 of the writ petition are not ^Ldisputed.

19. That the allegation contained in paragraph 2 of the writ petition that the petitioner was promoted Storekeeper Grade I in the year 1965 is not correct. The true fact is that the petitioner was promoted Storekeeper Grade I on 12.5.1966.

20. That the allegations contained in paragraph 3 of the writ petition are not admitted being incorrect and wrong. The petitioner was promoted Supervisor Barrack Stores Grade-II on 25.4.1975. He might have been selected for promotion to the Grade of Supervisor B/S Grade II much earlier but he assumed the higher appointment from 25.4.1975 only.

21. That the allegations contained in paragraph 4 of the writ petition that the petitioner passed the Departmental Examination for Supervisor B/S Grade I in the year 1975 is not denied. The allegation that the petitioner was promoted to the post of Supervisor B/S Grade I through an order dated 4.1.1979 passed by the Engineer-in-Chief is not admitted being incorrect and

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wrong. The communication dated 4.1.1979 of the Engineer-in-Chief is not an order notifying the promotion. In this connection the names of those persons who were selected by a Departmental Promotion Committee for promotion to the post of Supervisor B/S Grade I on adhoc basis were only communicated. The averments that Chief Engineer Northern Zone & cited as opposite party no.2 is a subordinate authority to the Engineer-in-Chief is not disputed.

22. That the allegations contained in para 5 of the writ petition are not admitted. It was not in pursuance of the select panel published in Engineer-in-Chief's communication dated 4.1.1979 that the petitioner was transferred from Kanpur to Chakeri. His transfer from Kanpur to Chakeri was based on promotion and posting order of ~~Eng~~ Chief Engineer Central Command, notified in his No.901709/XIV/1/EID(3), dated 31.1.1979, a true copy whereof is being annexed as Annexure-A-3 to this counter affidavit.

23. That the allegations contained in paragraphs 6 and 7 of the writ petition are not disputed.

24. That the allegations contained in para 8 of the writ petition that the petitioner denied the charges in his reply dated 27.6.1980 and 17.7.1980 and that the petitioner was shown the relevant documents in the hearing of the inquiry held on 23.2.1981, is only accepted. The allegations that

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some of several documents were not available on 25.2.1981 cannot be verified now as the position is known to the Inquiry Officer only.

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25. That the allegations contained in para 9 of the writ petition are denied. In reply it is further stated that the Engineer-in-Chief's communication dated 22.10.1980 a copy of which has been annexed to the writ petition as Annexure-II is not an order regularising the adhoc promotion. The said communication only gives out the Select panel of the individuals who were selected for regular promotion to the grade of Supervisor B/S Grade I. The Chief Engineer, Central Command's letter dated 30.12.1980 cited in this paragraph of the writ petition does not circulate the Engineer-in-Chief's letter but is a communication ordering the regular promotion of certain individual from the select panel notified by the Engineer-in-Chief. A copy of the said communication of 30.12.1980 from the Chief Engineer, Central Command is Annexure-I to the writ petition.

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26(i). That the allegations contained in paragraph 10 of the writ petition are denied. In reply it is further stated that the communication dated 3.12.1980 of the Chief Engineer, Northern Zone, cited in this paragraph under reply is not an order reverting the petitioner. It was only a departmental directives to a subordinate authority namely the Commander Works Engineer, Kanpur pointing out certain irregularities in the earlier ad hoc promotion of the petitioner to the post of

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Supervisor B/S Grade I and calling upon the said subordinate authority to rectify the error.

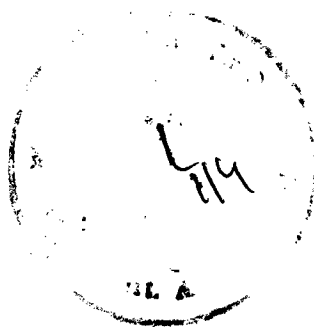
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26(ii). That in reply it is further stated that it was mentioned in this communication that the adhoc promotion was not in terms of Government Order dated 3.12.1965. In fact no reference to any Government Order dated 3.12.1965 was quoted in the said communication. Further the contents of the Government order dated 3.12.1965 as brought out in paragraph 10 of the writ petition are also not known. The said communication dated ~~xxxxxx~~ 3.12.1980 of the ~~Eng~~ Chief Engineer, Northern Zone, Lucknow is a classified (Confidential) letter to a subordinate authority. The petitioner not merely obtained a copy thereof clandestinely and illegally but also distorted its contents in the paragraph under reply and also enclosed a distorted copy thereof to the writ petition.

27. That the allegations contained in para 11 of the writ petition are not disputed.

28. That the allegations contained in para 12 of the writ petition are denied. In reply it is stated that a person is said to be involved in disciplinary proceedings when the competent Authority has formed the opinion after initial investigation that a charge sheet may be issued to him on specific imputation where departmental action is contemplated. This is in accordance with the guidelines contained in Ministry of Home Affairs, Department of Personnel and Administrative Reforms OM No.22011/5/77-Estt(A), dated 14.7.1977, a copy of which has been annexed as Annexure A-1 to this counter affidavit.

K. B. Manjhi



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29. That the allegations contained in paragraph 13 of the writ petition are denied. Bringing down the petitioner to his regular post of Supervisor B/S Grade II from his adhoc appointment of Supervisor B/S Grade-I is only a rectification of the irregularity committed earlier in February, 1979 when the petitioner was placed in position in the higher adhoc appointment of Supervisor B/S Grade I when he was involved in disciplinary case such rectification is in order and is in accordance with the directive contained in Government of India, Ministry of Defence letter No.3(1)63/660/D(Civ-II) dated 3.2.1965, a copy of which has been annexed as Annexure-A-2 to this counter affidavit.

30. That the allegations contained in para 14 of the writ petition are denied. In reply it is stated that there was no correspondence between the Chief Engineer, Northern Zone and other officers as alleged.

31. That the contents of paragraph 15 of the writ petition need no comments.

32. That the allegations contained in paragraph 16 of the writ petition are denied. The communication dated 3.3.1981 from the B.S.O.C.D.S., Kanpur a copy of which has been annexed to the writ petition as Annexure-V cannot by any means, be called or interpreted as a formal order of reversion. It merely informs the petitioner that the petitioner cannot hold the adhoc appointment of Supervisor B/S Grade I after the last extension of such an adhoc appointment has expired.

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33. That the allegations contained in para 17 of the writ petition are denied. The contents of the communication dated 3.3.1981 (Annexure V to the writ ¹⁵ petition) are distorted in this paragraph under reply. No where in this communication is mentioned and further extension of the petitioner's adhoc promotion is not possible due to the involvement of the petitioner in disciplinary proceedings. The petitioner has also distorted the facts by saying that the promotion of the petitioner was regularised by the Engineer-in-Chief. The regular Promotion (as distinct from adhoc promotion) to the grade of Supervisor B/S Grade-I ordered in Chief Engineer Central Command letter No.901709/XXI/13/EID(3) dated 30.12.1980, could not be implemented in so far as the petitioner was concerned since the petitioner was involved in a disciplinary case.

34. That the allegations contained in para 18 of the writ petition are denied. As stated in reply to the paragraph 17 of the writ petition the adhoc promotion has not been regularised, nor is there any question of regularisation. Certain persons were selected for promotion to the post of Supervisor B/S Grade-I on adhoc basis in January, 1979. Later in September, 1980, a regular Departmental Promotion Committee selected persons for the regular promotion to the Grade of Supervisor B/S Grade-I. Those who were selected by the Departmental Promotion Committee were to be promoted on a regular basis from a date subsequent to September, 1980. Thus the earlier adhoc promotion ~~and~~ had nothing to do with the subsequent regular promotion and therefore the letter was not a regularisation of the former. It is further stated that

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firstly there is no reversion in this case as the promotion was purely on adhoc basis for specific periods extended from time to time. Even if such a termination of adhoc appointment in a higher post is termed as reversion, this cannot constitute a penalty and therefore does not attract Article 31 of the Constitution. In this connection the provisions contained in Rule 11, Explanation (iv) of Central Civil Services (Classification, Control and Appeal), Rules, 1965 is reproduced below :-

" Penalties.

11. The following penalties may, for good and sufficient reasons and as hereinafter provided.....

Minor Penalties

(i) Censure

Explanation :- The following shall not amount to a penalty within the meaning of this rule, namely:-

(i) withholding of increment xx xx

xx xx xx

(iv) reversion of a Government servant officiating in a higher services, grade, or post to a lower service, grade or post, on the ground that he is considered to be unsuitable for such higher service, grade, or post or on any administrative ground unconnected with his conducts.

xx xx xx xx "

35. That the allegations contained in para 19 of the writ petition are denied. In the face of

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BSO CDS Kanpur communication dated 3.3.1981
a copy of which the petitioner himself has annexed
as Annexure V to the writ petition, the petitioner
cannot call himself Supervisor B/S Grade.I.

36. That the grounds taken by the petitioner
are untenable in law and the writ petition lacks
merits and is liable to be dismissed with costs.

37. That the disciplinary proceedings
being quasi judicial in nature necessarily and
unavoidably involve considerable procedural delay.
Five other persons, apart from the petitioner are
also involved in the same disciplinary case as
the petitioner. Disciplinary proceedings in
respect of all the six persons are in progress.
To say that the decision in the disciplinary
proceedings has been deliberately delayed to harm
the petitioner is nothing but a distortion of
facts.

38. That the petitioner does not deny
that he was involved in a disciplinary case then.
An incorrect promotion even on ad hoc basis has
to be rectified when detected. No relief can be

Dr. S. S. Sanyal



granted to the petitioner to entitle him to continue and perpetuate an erroneous promotion.

LUCKNOW, Dated,
February 1, 1982.

Abhishek Ram
Deponent

Verification

I, the deponent abovenamed, do hereby verify that the contents of paras 1 and 2 are true to my own knowledge and the contents of paras 3 to 35 and 37 of the above counter affidavit are true to my own personal knowledge based on the records maintained in the office, the contents of paras 36 and 38 are based on legal advice which I believe to be true, and believe the contents of paras 1 to be true. No part of it is false and nothing material has been concealed by me. So help me God.

Signed and verified this counter affidavit on
1 day of April, 1982 at Lucknow.

Abhishek Ram
Deponent

I identify the deponent who has signed before me.

Raja Ram
(Ashish N. Trivedi)
Advocate

Solemnly affirmed before me on 1.4.1982 at 4.30 AM/PM by Shri C. V. R. Sathyanarayanan, the deponent who has been identified by *in Raja Ram* Shri Ashish N. Trivedi, Advocate, High Court of Judicature at Allahabad, Lucknow Bench, Lucknow.

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

A. N. Sanyal

91/297

14/1/82

6
17

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

Writ petition No. 1063 of 1981

Shri Raghubir Saran Arora.....Petitioner,

Versus

Union of India and others.....Opposite Parties.

Annexure-A-1

Copy of Deptt. of Personnel and Administrative Reforms
Letter No.22011/3/77-Estt(A), Dated the 14th July,
1977 regarding Promotion of Officers whose conduct
is under investigation-clarification regarding.

.....

The undersigned is directed to refer to
the Ministry of Home Affairs O.M.No.39/4/56-Estt(A),
dated the 3rd November, 1958 and O.M.No.39/3/59-Estt(A)
dated the 31st August, 1960 regarding the procedure
to be followed by the Departmental Promotion
Committees in the case of officers under suspension
and officers against inquiries are pending and to say
that this Department has been receiving references
seeking clarification as to the interpretation of the
expression 'Officers whose conduct is under
investigation' and whether a Government servant
against whom a PE or a RC has been registered by
the Central Bureau of Investigation can be promoted
or confirmed.

2. The matter has been, considered carefully
and it has been decided that the sealed cover
procedure prescribed in the Office Memorandum of
31st August, 1960, should be followed in those cases
where after investigation, the evidence collected
indicates a prima facie case against the officer
concerned. The mere fact that a PE or RC has been

K. B. Samant



6/18 ASO

registered by the Central Bureau of Investigation against an officer or complaints are being looked into in a preliminary departmental inquiry or otherwise but no conclusion has been reached about the prima facie ⁸₅₀ guilt of the officer, should not be the ground for treating the said official as one whose conduct is under investigation.

3. In the light of the above decision, it is clarified that in respect of officers whose conduct is under investigation, the sealed cover procedure as prescribed in the Ministry of Home Affairs Office Memorandum No.39/3/59-Estt(A), dated the 31st August, 1960 should be followed only after the conclusion of of the investigation and when the competent authority on consideration of the results of the investigation, either by Central Bureau of Investigation or any other agency, departmental or otherwise, has formed the opinion that a charge sheet may be issued to him on specific imputations where departmental action is contemplated, or that sanction for prosecution may be accorded where prosecution is proposed. Until the competent authority arrives at such a conclusion, the officer may be treated on a par with others in the matter of promotion, confirmation, etc.

R. Subramanyam

4. It is also clarified that if a Government servant is facing prosecution in a Court of Law on any matter involving moral turpitude or lack of integrity, his case for promotion should also be dealt with in accordance with the procedure laid down in the Ministry of Home Affairs Memorandum dated 31st August, 1960.

5. Ministry of Finance etc. are requested to

114

6/19 ASI

bring the contents of this office memorandum to the notice of all the authorities under their control for information and guidance.

8/51

6. Hindi version of this office memorandum will follow.

CTC

(MB Hosamani)

AO I
For Chief Engineer

Sd/- (RC Gupta)
Dy. Secretary to the Govt. of
India

Mar 81

True Copy

R. B. Hosamani
(Deponent)

119

6/26 ASL

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

Writ Petition No. 1063 of 1981

Shri Raghubir Saran Arora.....Petitioner,

Versus

Union of India and others.....Opposite Parties.

Annexure-A-2

No.3(1)63/660/D(Civ-I),

Government of India,

Ministry of Defence,

New Delhi, the 3rd Feb. 1965.

Office Memorandum

Subject :- Regulation of Pay and Increments of a
Government servant whose promotion/appointment
to a post is decided to be erroneous.

1. The undersigned is directed to say that in pursuance of Civil Service Regulation 107A (copy enclosed) the President is pleased to decide that the following provisions shall govern the pay and increments of civilian Government servants whose promotion or appointment in a substantive capacity to a post is later found to be erroneous on the basis of facts.

2. The orders or notification of promotion or appointment of a Government servant should be cancelled as soon as it is brought to the notice of the appointing authority that such a promotion or appointment has resulted from a factual error and the Government servant concerned should immediately on such ~~error~~ cancellation, be brought to the position which he would have held but

6/22
A54

4. The question whether promotion/ appointment of a particular Government servant to a post was erroneous or not, should be decided by an authority next higher than the appointing authority in accordance with the established principles governing promotion/appointment. Doubtful cases should be referred to this Ministry.

5. The President is also pleased to direct that cases of erroneous promotion/appointment in a substantive ~~or~~ or officiating capacity should be viewed with serious concern and suitable disciplinary action should be taken against the officers and staff responsible for such erroneous promotion. A copy of order refixing the pay in all such cases should be endorsed to this Ministry and the Ministry of Finance (Defence).

6. These orders will take effect from 29th July, 1964.

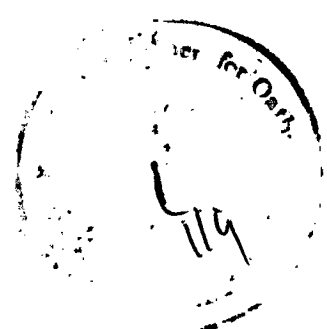
7. This office Memorandum issues with the concurrence of the Ministry of Finance (Defence) vide their u.o.No.169-FB of 1965.

Copy of Article 107-A, Civil Services Regulations

'107-A Notwithstanding anything in these Regulations, the pay of a Govt. servant whose promotion or appointment to a post it is found to be or to have been erroneous, shall be regulated in accordance with the general or special orders issued by the President in this behalf.'

True Copy

K. S. Manojan



6/2/3 AS

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

Writ Petition No. 1063 of 1981

Shri Raghubir Saran Arora.....Petitioner, X/55

Versus

Union of India and others.....Opposite Parties.

Annexure-A-X.

Mil Tele : 666

Mukhya Engineer

Mukhyalaya Madhya Kaman

Chief Engineer

Hq Central Command

Lucknow-2

31 Jan 1979.

901709/SIV/ 1/EID(3)

Chief Engineer

Northern Zone Lucknow

West UP Zone Bareilly

Central Zone Jabalpur

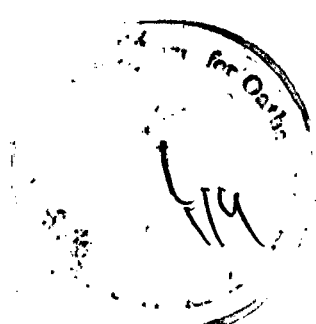
(Project) Itarsi

Dry Dock Visakhapatnam

Promotion/Posting : Supvr B/S GDE II to
SUPVR B/S GDE I On Ad hoc basis.

1. Refer to E-in-C's Branch, Army No letter
No. 8020/BS I/AD-HOC/78/EIR dated 04 Jan 79.

2. The following promotion are approved on adhoc
basis for six months. Consequent on the above promotion
the individuals are posted to the formations as noted
against each :-



6/24 ASB

Supvr B/S Gde II to Supvr B/S Gde I ^{8/51}
(On adhoc basis)

Sl. No.	MEs No. and Name	Formation where serving	Posted to	Remarks
1	2	3	4	5
1.	8458787 Shri Gopal Dev	CWE(P) Lucknow	GE(W) Lucknow	
xxxx	xxxx	xxxx	xxxx	
27.	430141 Shri Raghunir Saran Arora	CWE Kanpur	GE E/M Kanpur	
xxxxxxx	xxxxxx	xxxxxxx	xxxxxxx	
40	430067 Shri Nikhil Rajan Dutta	GE Roorkee	GE Mhos.	

3. The above promotions are ordered on the specific conditions that in the event of their not being selected by the Regular DPC, they will be reverted to their lower appointment of Supvr B/S gde II without assigning any reason for such action. These promotions will not, therefore, give any right to the individual concerned in the matter of their future selection to the post of Supvr B/S Gde I when regular promotions are made. It should also be made clear to the individual that the service rendered on ad hoc basis in the grade would not count for the purpose of seniority in the grade and for eligibility for promotion to next higher grade. They will be duly informed to this effect by the unit where they are posted.

4. These promotions are subject to the conditions that they are not involved in any disciplinary case and also the conditions laid

K. S. Manojan

114

6/2/8 K

down in Art. 202 CSR (Chowdhri's Compilation) and Govt. decisions thereunder. Before these individuals are brought in position against the higher post please ensure and confirm that they are not involved in any disciplinary case and that there is nothing against them to warrant withholding of their promotion.

5. The date from which the above individuals are brought in position against the post of Supervisor B/S Grade I on ad hoc basis should please be intimated to this Hq. The actual date of their promotion as Supervisor B/S Grade I on adhoc basis will then be notified by this office.

6. Volunteers, if any, should be posted in place of promotees.

7. Promotion order in respect of remaining individuals are being issued separately.

S/d ~~XXXXXX~~
(N.N.Viswanathan)
AO I
Chief Engineer

True Copy

114
Robert Ramanyam
Depo n e n t

In the Hon.ble High Court of Judicature at Allahabad
(Lucknow Bench Lucknow) ¹⁴
writ petition no 1463 of 01 ¹⁴

Raghuvir Saran Prora - - - - - Petitioner

VS

Union of India others - - - - - Opp Parties

In the above noted writ
petition appearance memo is filed for
opposit parties no 1 and 2.

Lucknow

Dated 0-2-03
21

D. S. Rameshwar
(D. S. Rameshwar)

Memo

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

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D/S

X
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cont-felition...No 1063 of 1981/

....*Raghuvar. Saran. Bara*....petitioner,

versus

...*Union of India & others*...Opposite-Parties.

REGISTRAR,

Senior

I AM appearing as the ^{Senior} Central Government
Standing Counsel, on behalf of Applicant/
~~Respondent~~/Opposite Parties. *No. 1 and 2*.....

21

As and by 2nd hand

Dated *21*.....1983 *Senior* Central Government
Standing Counsel.

2

10. That in reply to the contents of para 20 of the counter-affidavit the contented para 3 of the writ petition are substantiated as correct.

11. That the contents of para 21 of the counter-affidavit are denied and the contents of para 4 of the writ petition are substantiated as correct. It may be further pointed out that the orders of the higher authority cannot be prevented or stopped by the lower authority.

12. That the contents of para 22 of the counter-affidavit are not admitted as correct and the contents of para 5 of the writ petition are substantiated as correct.

13. That the contents of para 24 of the counter-affidavit are denied and the contented para 6 of the writ petition are substantiated and correct. The opposite parties are deliberately delaying the disciplinary proceedings.

14. That the contents of ^{including (13) and (14)} para 25 and 26 of the counter-affidavit are denied and the contents of para 9 and 12 of the writ petition are substantiated as correct. It may be pointed out that the petitioners could not be arrested on account of the suspension of disciplinary proceedings. It will be met by Article 331 of the Constitution.

15. That the contents of para 27, 28 and 29 of the counter-affidavit are not admitted as correct. It may be further pointed out that the petitioners could not be arrested, the contents of para 12, 13 and 14 of the writ petition are substantiated as correct.

That the contents of para 32 to 38 of the counter-affidavit are denied and the contents of para 16 to 19 of the writ petition are reiterated as correct. Annexure A-2 is not applicable in the case of the petitioner.

Dated: Lucknow:

Deponent.

April , 1982

Verification

I, the above-named deponent, do hereby verify that the contents of paras 1 to 16 of this rejoinder affidavit are true to my own knowledge. Nothing is wrong in and nothing material has been concealed, so help me GOD.

Dated: Lucknow:

Deponent.

April , 1982

I know the above-named deponent, identify him, who has signed before me.

Dated: Lucknow:

Clerk to Sri A. Hannan, Advocate.

April , 1982

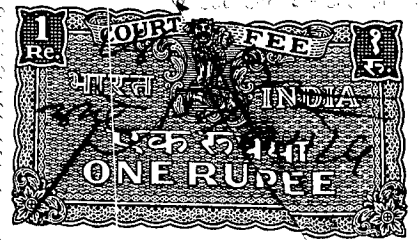
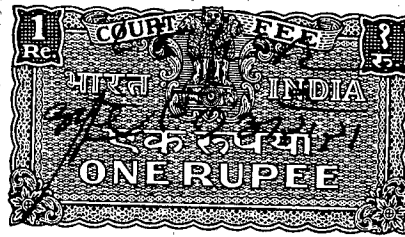
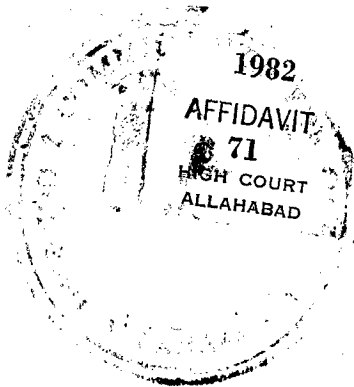
Solemnly affirmed before me on this day of April, 1982 at a.m./p.m. by the above-named deponent who has been identified by the Clerk to Sri A. Hannan, Advocate, Allahabad High Court, Lucknow Bench, Lucknow.

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

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

WRIT PETITION NO. 1063 1982

ASG



Shri Raghubir Saran Arora Petitioner

Versus

Union of India and others Opp-Parties

REJOINDER AFFIDAVIT TO COUNTER AFFIDAVIT
FILED BY OPPOSITE PARTIES NOS. 1 and 2.

I, Raghubir Saran Arora, aged about 40 years,
son of Shri Kanhaiya Ram Arora, resident of T-5/1,
Old M.H. Area Cantonment, Kanpur do hereby state on
oath as under :

1. That the contents of paras 1, 2, 18, 23, 27 and
31 of the counter-affidavit need no reply.

2. That the contents of paras 3 and 4 of the
counter-affidavit need no reply.

3. That the contents of paras 5, ~~and~~ 6^{and 7} of the
counter-affidavit are not admitted as framed. No doubt
the petitioner was given promotion w.e.f. 4.1.1979,
subsequently the petitioner was also selected for
regular selection and his earlier temporary promotion
stood regularised, at the time of promotion no
disciplinary proceedings were pending against the
petitioner.

4. That in reply to the contents of para 8 of
the counter-affidavit are denied, it may be pointed out

*File
as per
21/2/83*

Signature

*K. M. P.
18.4.1982*

Reed. Duplicate
Phish 2 Drives
19/4

File No

that the said court of enquiry was not against the petitioner (petitioner) but in the case the petitioner was called as a witness, the said court of enquiry cannot be taken as proceedings pending against the petitioner.

5. That the contents of para 9 of the counter-affidavit are denied, and even according to the rule laid down in annexure A-1 the petitioner cannot be said to be involved in a disciplinary proceedings at the time of his promotion as well as at the time of regularisation.

File No

6. That the contents of paras 10, 11 and 12 of the counter-affidavit are denied, there was no mistake in the promotion of the petitioner, no disciplinary proceedings were pending at the time of promotion of the petitioner.

7. That the contents of paras 13 and 14 of the counter-affidavit are denied, the petitioner could not be reverted even from the officiating promotion on the ground of initiation of disciplinary proceedings as such reversion will be hit by the provisions of Article 311 of the Constitution.

Signature

8. That the contents of paras 15, 16 and 17 of the counter-affidavit are denied, it may be further pointed that the petitioner has been reverted by way of penalty and in this view of the matter the reversion of the petitioner is bad.

Recd. 13-4-1987

9. That the contents of para 19 of the counter-affidavit need no reply.

8-3 pd

10. That in reply to the contents of para 20 of the counter-affidavit the contents of para 3 of the writ petition are reiterated as correct.

11. That the contents of para 21 of the counter-affidavit are denied and the contents of para 4 of the writ petition are reiterated as correct. It may be further pointed out that the orders of the higher authority cannot be prevented or stopped by the lower authority.

8-3

12. That the contents of para 22 of the counter-affidavit are not admitted as framed and the contents of para 5 of the writ petition are reiterated as correct.

13. That the contents of para 24 of the counter-affidavit are denied and the contents of para 8 of the writ petition are reiterated as correct. The opposite parties are deliberately delaying the disciplinary proceedings.

including (i) and (ii)
14. That the contents of paras 25 and 26 of the counter-affidavit are denied and the contents of para 9 and 10 of the writ petition are reiterated as correct. It may be pointed out that the petitioners could not be reverted on account of the initiation of departmental proceedings, it will be hit by Article 311 of the Constitution.

~~Signature~~

15. That the contents of paras 28, 29 and 30 of the counter-affidavit are not admitted as framed, it may be further pointed out that the petitioners could not be reverted, the contents of paras 12, 13 and 14 of the writ petition are reiterated as correct.

K. up
18-4-1982

16. That the contents of para 32 to 38 of the counter-affidavit are denied and the contents of para 16 to 19 of the writ petition are reiterated as correct. Annexure A-2 is not applicable in the case of the petitioner.

Dated: Lucknow:

April 18, 1982

[Signature]
Deponent.

Verification

I, the above-named deponent, do hereby verify that the contents of paras 1 to 16 of this rejoinder affidavit are true to my own knowledge. Nothing is wrong in and nothing material has been concealed, so help me GOD.

Dated: Lucknow:

April 18, 1982

[Signature]
Deponent.

I know the above-named deponent, identify him, who has signed before me.

Dated: Lucknow:

April 18, 1982

[Signature]
Clerk to Sri A. Mannan, Advocate.

Solemnly affirmed before me on this 18 day of April, 1982 at 7.30 a.m./p.m. by the above-named deponent who has been identified by the Clerk to Sri A. Mannan, Advocate, Allahabad High Court, Lucknow Bench, Lucknow.

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

[Signature]
JUDICIAL MAGISTRATE
District Court, Lucknow

471/081982

18-4-1982

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Revised copy.

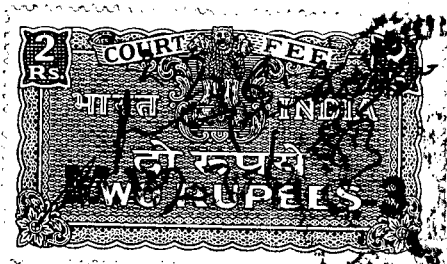
22-7-83

Senior Study Counsel
Central Govt.

IN THE HON'BLE HIGH COURT OF JUDICATURE, AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

WRIT PETITION NUMBER 1063 OF 1981



1983
AFFIDAVIT
13
HIGH COURT
ALLAHABAD

Raghubir Saran Arora ...

Petitioner

Versus

Union of India and others...

Opposite Parties.

SUPPLEMENTARY AFFIDAVIT

I, Raghubir Saran Arora, aged about 41 Years, son of Late Kanhaiya Ram Arora, Resident of T-5/1, Old M.H. Area, Kanpur, state on oath as under:-

1. That through the above mentioned Writ Petition the Petitioner has challenged his reversion on the ground that no disciplinary proceedings were pending against him at the time of his promotion.

2. That as an additional fact, it may be pointed out that one Sri Surdev Singh has been promoted from Supervisor B.S. Grade I to Barrack and Store Officer through an order dated 14th March, 1983. He is also charged in the same disciplinary proceedings, which were initiated against the Petitioner after his promotion. Sri Surdev Singh has been promoted during the pendency of the disciplinary proceedings by the opposite parties.

3. That the opposite parties are stopped from pleading that promotions cannot take place during the

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Revised copy.

22-7-83

Senior Staff Council
Central Govt.

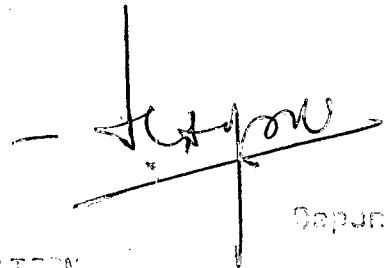
9/2/84

pendency of the proceedings. A copy of the
promotion order of Sri Sudow Singh dated
14th March, 1983, is annexed as Appendix
No. VI to this Petition.

A
to

DATED: LUCKNOW:

JULY 21, 1983.

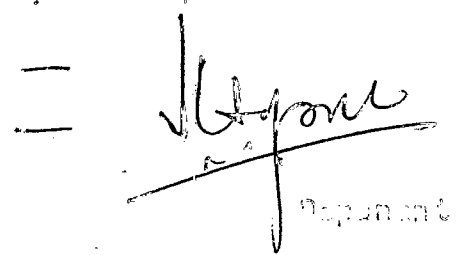

Deponent

VERIFICATION

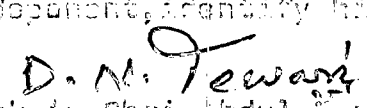
I, the above named deponent, do hereby
verify that the contents of paragraph numbers 1 to
3 of the Supplementary Affidavit are true to my own
knowledge. Nothing in it is wrong and nothing
material has been concealed, so help me God.

DATED: LUCKNOW:

JULY 21, 1983.


Deponent


I know the deponent, identify him, who
has signed before me.


D. N. Tewari
Clerk to Sri Abdul Hannan, Advocate,
Counsel for the Petitioner

21/7/83

Solemnly affirmed before me on this 21st
day of July 1983 at a.m./p.m. by Sri Jagdish Chandra
Sharma, the deponent, who has been identified by the
Clerk to Sri Abdul Hannan, Advocate, Allahabad High
Court, Lucknow Bench, Lucknow.

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


Reliance
379/13
21/5/83

AKS

93

IN THE HONORABLE HIGH COURT OF JUDICATURE, AT ALLAHABAD
LUDLOW SEIGN, LUDLOW

WRIT PETITION NUMBER 1063 OF 1961

A
67

Raghbir Singh, Petitioner

Versus

Union of India and others ... Opposite Parties.

Annexure No. V7

PART II ORDER
ISSUED BY THE HON. JUDGE

31.10.61

30.11.61

(LAST FILE GENERAL NO 10 DATED 07 MAR'62)

PART I

CIVILIAN OFFICERS HOLDING PERMANENT POSITIONS

STRENGTH INCREASED

RES/445300

SHRI SURESH SINGH, S/S I, 04 MAR'62 Reported arrival

(FF) TSS on 04 March 1962
from SE Chhabra.

21/7/63

ANNEXURE

RES/445300

SHRI SURESH SINGH, S/S I, 04 MAR'62 Placed in position

(FF) SSC (Jr) and would
and the duties of SSC
He will be on post

tion for the year

Authority: E-in-0's Re All letter No. 30780/200/A/123 dt

12.11.62 and SE CC signal No 3-7191 dt 14.2.62.

[Handwritten signature]

Hk6

IN THE HON'BLE HIGH COURT OF JUDICATURE, AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW
WRIT PETITION NUMBER 1063 OF 1981

A
68

Raghubir Saran Arora ... Petitioner
Versus
Union of India and others... Opposite Parties.

SUPPLEMENTARY AFFIDAVIT

I, Raghubir Saran Arora, aged about 41
Years, son of Late Kanhaiya Ram Arora, Resident of
T-5/1, Old M.H. Area, Kanpur, state on oath as under:-

1. That through the above mentioned Writ Petition
the Petitioner has challenged his reversion on the
ground that no disciplinary proceedings were pending
against him at the time of his promotion.

2. That as an additional fact, it may be
pointed out that one Sri Gurdev Singh has been
promoted from Supervisor B.S. Grade I to Barrack and
Store Officer through an order dated 14th March, 1983.
He is also charged in the same disciplinary
proceedings, which were initiated against the Petitioner
after his promotion. Sri Gurdev Singh has been
promoted during the pendency of the disciplinary
proceedings by the opposite parties.

3. That the opposite parties are stopped from
pleading that promotions cannot take place during the

pendency of the proceedings. A copy of the promotion order of Sri Gurdev Singh dated 14th March, 1983, is annexed as Annexure No. VI to this Petition.

DATED: LUCKNOW:

JULY 21, 1983.

Deponent

VERIFICATION

I, the above named deponent, do hereby verify that the contents of paragraph numbers 1 to 3 of the Supplementary Affidavit are true to my own knowledge. Nothing in it is wrong and nothing material has been concealed, so help me GOD.

DATED: LUCKNOW:

JULY 21, 1983.

Deponent

I know the deponent, identify him, who has signed before me.

Clerk to Shri Abdul Mannan, Advocate
Counsel for the Petitioner

Solemnly affirmed before me on this day of July 1983 at a.m./p.m. by Sri Raghbir Saren Arora, the deponent, who has been identified by the Clerk to Sri Abdul Mannan, Advocate, Allahabad High Court, Lucknow Bench, Lucknow.

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

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P.

No.

1063

of 1978/

vs.

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
6-3-81	Hon. K.S. Varma J. Hon. S.C. Mathur J. Put up on 13.3.81 to enable the Counsel for Central Government to obtain instructions in the matter. Sd. K.S.V. Sd. S.C.M. 6-3-81	
DO	C.M. No. 1823 of 81 For inter relief. Hon. K.S. Varma J. Hon. S.C. Mathur J. Put up along with the writ-petitions. Sd. K.S.V. Sd. S.C.M. 6-3-81	
13-3-81	18-3-81 Filed all C.P. No. 1823 of 81 B Jm Hon. H.S.T. Hon. Mathur J. Learned Standing Counsel	B B 18/3/81

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P.

No. 1063

of 1981

vs.

17/10/81
10/12/81
14/12/81

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
25-3-81	Fixed with C.O. No. 1023(W) PI for orders. Hon. G. S. J. Hon. Gopal S. Hon. D. N. Jha, J Hon. K. N. Mishra, J Put up tomorrow. Jh Kumar	
26-3-81	25-3-1981 Hon. D. N. Jha, J Hon. K. N. Mishra, J Put up tomorrow. Kumar Jh 26-3-1981 Hon. D. N. Jha, J Hon. K. N. Mishra, J Put up on 30.3.1981 Kumar Jh 27.3.81	

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned	
1	2	3	
30.3.81	<p>Unit with Cm 1823 (w)</p> <p>81 for order</p> <p>H.S.</p> <p>Hon. J. S.</p> <p>Hon. R.C. Seobang J</p> <p>Hon. K.A. Misa J</p> <p>Rest next week.</p> <p>30.3.1981</p> <p>Cm</p> <p>Isa</p>		
6-4-81	<p>6-4-81 fixed with Cm. An. Ben</p> <p>1823 (w) 81 for &</p> <p>Hon. J. S.</p> <p>Hon. K.N.M.T.</p> <p>Isa</p> <p>6/4</p>		<p>next week</p>
10-4-81	<p>Fixed with Cm B.</p> <p>1823 (w) 81 for order.</p> <p>Hon. Goyal J</p> <p>Hon. K.N.M.T.</p> <p>Isa</p> <p>10/4/81</p>		
16-4-81	<p>Unit with Cm 1823-81. N</p> <p>orders</p> <p>Hon. J. K. S. rene J</p> <p>dr. K.N.M.T.</p> <p>The case is adjourned at the request of Mr. A.M.T. who appears on behalf of the opposite parties</p>		

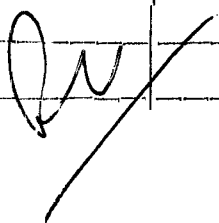
10/3/77
12/16

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. _____ of 198

vs. _____

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
22.4.81	Writ with Amn 1823-81 for orders In Vess. In R.C. Deshpande, J. Learned Counsel for the Union of India promises to produce the second set 24th April, 1981 The case will be taken up as unlisted case on 24th April, 1981 22-4-81 2	
24.4.81	Writ with Amn 1823 (as 87 for orders Now T.S. M. J. Now T. Hasan J. List it next week 24-4-81	
1.5.81	1-5-81 writ with Amn 1823 1823 (as 81) 87 for In Q.N.J. In Vess	Beary Byrd 1/5/81

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned	
1	2	3	
	<p>Hon. Gopal Kishore J.</p> <p>In 21 E S J.</p> <p>At the request of the learned counsel for the petitioner, the case stands out today.</p> <p>W S</p> <p>1-5-81</p>		
9.5.81.	<p>Fixed with cm An 1823 (W) 81 for orders.</p> <p>Hon. T. S. Misra J.</p> <p>2</p> <p>Hon. S. C. Mathur. J.</p> <p>So</p> <p>Boe</p> <p>2</p> <p>7/1/81</p>		
13.5.81	<p>Fixed with cm An 1823 (W) 81 for orders.</p> <p>Hon. T. S. Misra J.</p> <p>2</p> <p>Hon. Z. H. J.</p>		

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P.

No.

1063

of 1981

vs.

Dated of
which
case is
adjoined

Date

Note of progress of proceedings and routine orders

1

2

3

25-9-81

C.M. No. 8575 (us-81 for vacatur
of stay order

Hon. K.S. V. J.

Hon. R.C.D. Sg

Put up in the record

8

13.10.81

13.10.81

Hon. J. J.

Hon. Z.H.J.

Log

10/10

19.10.81

Hon. ^{Supreme} J. J.

Hon. ^{Mr. Z.H.J.} J.

Time allowed

19.10.81

13-11-81

13.11.81

Hon. Verma, J.

Hon. Sps. Ahmad, J.

Do

13.11.81

PO

Put up

PO

2

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned	
1	2	3	
19-11-81	Hon. Verma, J.		
	Hon. Ahmad, J.		
	<i>Kop</i>		
	<i>19/11/81</i>		
25-11-81	Writ with C.M.A. 8575-81		
	Hon. T.S.M., J.		
	Hon. Jha, J.		
	<i>SO</i>		
	<i>e</i>		
1-12-81	Hon. T.S.M., J.		
	Hon. Jha, J.		
	<i>Co</i>		
7-12-81	Hon. G.J.		
	Hon. G.N.J.		
	As prayed, a counter-affidavit		
	may be filed within another two weeks.		
	Repealer in another two weeks.		
	List thereafter.		
	<i>29. 12. 81</i>		
	Writ with C.A. 8575-81		
24-12-81	Hon. M.N. Shrivastava		
	Hon. Z.H. 9.		
	Respondent's Counsel		

10/5/73

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ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. _____ of 198

vs. _____

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	for the respondent is granted three weeks further time and no more time will be granted for filing counter affidavit. Put up for admission thereafter.	
		24.12.81
25.5.82	Writ with Cn. No. 8575-81 for orders. Hon. T. S. Misra, J. Hon. S. N. Jha, J.	
15/11/82	Writ with Cn. No. 8575/81 for order Hon. S. N. Jha, J. Hon. S. N. Jha, J.	

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
5.2.82	<p>Wm. v. C. 1855-81.</p> <p>for orders:-</p> <p>Hear C.J.</p> <p>Hm. Sharma, J.</p> <p>~ A counter-affidavit is being filed. A response may be filed within 2 weeks.</p>	
5.4.82.	<p>5.5-82</p> <p>26.4.82</p>	<p>6-5</p>
5-5-82	<p>Hm. K.N. Singh J.</p> <p>Hm. K.S.V. J.</p> <p>Passed over.</p>	<p>Redink</p>
6.7.82	<p>dm. 12 v J.</p> <p>dm. 12 v J.</p> <p>K. 12</p> <p>12/7/82</p>	

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned	
7/1/03	HOLLIS NMJ - HOLLIS SSA -	3	
15/1/03	HOLLIS NMJ HOLLIS SSA -		
	Stand out Bo etc 12/1/03		
20/1/03	HOLLIS NMJ HOLLIS SSA -		
22/1/03	HOLLIS NMJ HOLLIS SSA -		
	Stand out Bo etc 27-1-03		
2/2/03	HOLLIS NMJ HOLLIS SSA -		
15/2/03	HOLLIS NMJ HOLLIS SSA -		

Bo etc
15/2/03

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

of 198

vs.

Dated of which case is adjourned

Date

Note of progress of proceedings and routine order s

1

2

3

15/12/82

Hon. SMT

Hon. SMT

Adjourned at the request made on behalf of Mr. Pandhara Standing Counsel for Central Govt. who is reported to be ill.

21/12/82

Re D.C. J. Hon. SMT 7th 7th Hon. SMT A.D.

S.D. SMT

21/12/82

31/12/83

Hon. SMT Hon. SMT A.D.

Adjourned at the request of learned Chief Standing Counsel for Central Government.

31/12/83

31/12/83

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned	
1	2	3	
	<p>affidavit that one Sri Gurus was promoted while disciplinary proceedings were pending. Sri Randa was appearing for Union of India is allowed three weeks time to file supplementary counter-affidavit if it is so desired. If it is filed a copy thereof shall be served on the learned counsel for the petitioner out of court, with after three weeks.</p> <p style="text-align: right;">KS 1/9/83</p>		
	<p>KS 22-7-83</p>		
	<p>16.8.83 B/C</p> <p style="text-align: right;">Early</p>		
16.8.83	<p>Amr h</p> <p>de Thang, J.</p> <p>de - ICSVT</p> <p style="text-align: right;">16/8</p>	<p>Time</p>	
22/8/83	<p>Cert for hearing</p> <p>14/8/83</p> <p>HA GSA</p>		

INDEX SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

1063


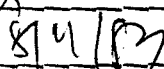
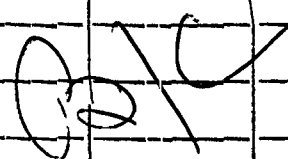
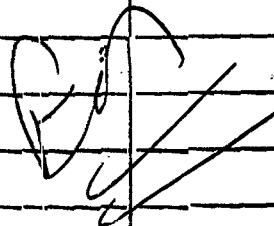
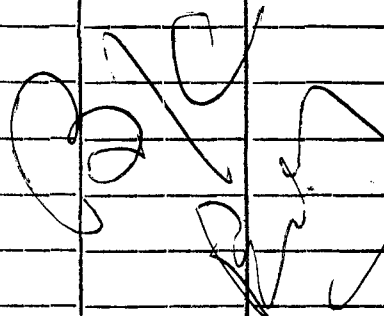
of 1981

vs.

10/8 A76

A 81

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
11/5/23	<p>Contd. hearing</p> <p>Hon. JUDGE.</p> <p>Hon. JUDGE</p> <p>Early</p> <p>11/7</p>	<p>B/K</p> <p>Early</p>
18/11/23	<p>Contd. hearing</p> <p>Hon. JUDGE.</p> <p>Hon. JUDGE</p> <p>18/7</p>	<p>B/K</p> <p>EA</p>
29/7/23	<p>Contd. hearing</p> <p>Hon. JUDGE.</p> <p>Hon. JUDGE</p> <p>On hearing the learned counsel for the petitioner we allowed to file supplementary affidavit. It transpires from this</p>	

Date	Note of progress of proceedings and routine orders	Dated which case is adjourned	
1	2	3	
8-4-83	W.P. for hearing Hon. D.N. Jha, J. Hon. S.K. D. J. 		
14-4-83	 N.K. G. H. R. S. J.		
24-4-83	HOUTSMY HOUTSMY		
9-5-83	Writ for hearing Hon. K. N. Singh, J. Hon. D. N. Jha, J.		
13-5-83	Writ for hearing Hon. K. N. Singh, J. Hon. D. N. Jha, J.		
19-5-83	Writ for hearing Hon. K. N. G., J. Hon. B. C. D. S. J.		
24-5-83	Hon. T. S. M., J. Hon. D. N. Jha, J.		

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

1063

of 198

vs.

Dated of which case is adjourned

Date

Note of progress of proceedings and routine orders

1

2

3

21/2/03

HOUSEMR
HOL BETA

Admr. Lish Jandim
Kemp if possible in next
month of March, 1903.

Bec
A
21/2/03

1.383

Service Report

of 182. Police Service Report

by S. Pandhara, Central Court & Criminal Court
and by S. Pandhara, Central Court & Criminal Court
and by S. Pandhara, Central Court & Criminal Court

May office proceed?

Yes

Yes

1/3/03

21/3/03

21. 3. 03

BLC

HOUSEMR
HOL BETA

B7d

25/3/03

HOUSEMR
HOL BETA

21/4/03

HOL BETA
HOL BETA

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned	
1	2	3	
	<p>affidavit to the supplementary affidavit. The prayer is allowed. The case shall stand over today and shall be listed immediately after expiry of one week.</p>		
	<p><u>for</u></p>	<p>13/8/83 29-8-83</p>	
<p>12/9/83</p>	<p>12.9.83 Cllt for hearing HON DMR JAT HON KSVR</p>	<p>BLC By Tm Immediate</p>	
		<p>BLC For</p>	

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

Wx

No.

1068

of 1981

vs.

10/9 A77

8/8/81

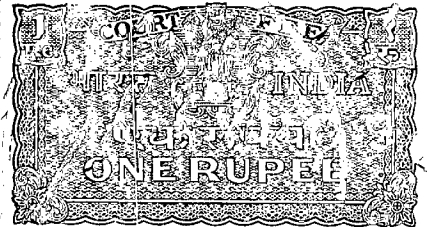
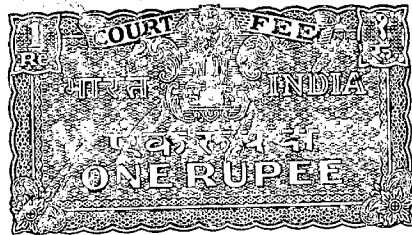
Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
	Hon. K.S. Varma, J Hon. S.S. Agnani, J	
	Learned Counsel for the parties are agreed that the case may stand out for 10 days. In the meantime, it will be open to the opposite parties to file supplementary counter affidavit.	
	22.8.83 Ks T23	
29.8.83	Hon. D.N. Jha, J Hon. K.S. V., J	
	Shri Rameshwar, standing Counsel for the Union of India prays that he may be allowed one week's more time to file counter-	

078

In the Court of the Hon'ble Judge, High Court of
Allahabad, U.P.

Writ Petition Number 1063 of 1981.

1983
AFFIDAVIT
93
HIGH COURT
ALLAHABAD



Re: Beghubar Suran Arora.

....

Respondent.

For:

Union of India (In Other).

....

Opposite Party.

Rejoinder Affidavit to the Supplementary
Journor Affidavit furnished on behalf of
the Opposite Parties, sworn by Smt. Smt. Smt.,
Administrative Officer I, dated 17.09.1983,
received on 21.09.1983.

I, Beghubar Suran Arora, aged about 41 years,
son of Smt. (Late) Mahadevi Ram Arora, Resident of 1-5/1,
Old P. S. Area, Antenna, Kanpur, states on oath as
under :-

1. That the deponent as the Petitioner in the above
mentioned writ petition, he has read the supplementary
Journor Affidavit, understood the contents thereof and
is fully conversant with the facts and the circumstances
stated in the writ petition, the supplementary rejoinder
affidavit as well as the rejoinder affidavit, or rather
hereinafter.

2. That the contents of paragraph numbers 1 and 2
of the supplementary Journor Affidavit (hereinafter referred to as

FT
L
3/1/83

[Signature]

8779

8/12

referred to in (2) (iv) are not admitted as framed, Shri. Mahajan is not personally aware of the facts and the circumstances of the case,

3. That the contents of paragraph number 3 of the affidavit are denied, the deponent was not involved in any disciplinary proceedings when he was promoted, the charge-sheet was issued to him much later.

4. That the contents of paragraph number 4 of the affidavit are not admitted as framed, ^{Shri. Gurudoo Singh} he/was under the charge-sheet when promoted. It may be further pointed out that it is to be seen at the time of the actual promotion as to the fact that one is under charge-sheet or not, in this view of the matter it is evident from the facts on record that when the deponent was promoted he was not under the charge-sheet and when Shri. Gurudoo Singh was promoted he was under charge-sheet.

8/12

5. That it is evident from the circumstances and the averments made in the affidavit, itself, that two different scales have been adopted in the case of the deponent and Shri. Gura Leo Singh.

DATE: 08/12/83.
OCTOBER 12, 1983.

(Raghubir Singh) Deponent.

VERIFICATION.

I, the above named deponent do hereby verify that the contents of paragraph number 1, 2, 3, 4 and 5 of this Supplementary Dejoinder Affidavit are true to my own knowledge. Nothing in it is wrong and nothing material has been concealed, so help me GOD.

DATE: 08/12/83.
OCTOBER 12, 1983.

(Raghubir Singh) Deponent.

720
4/77

I know the deponent, identify him, who has signed before me.

Attested:
D. K. Tewari
Clerk to Shri Aban Kishore, Advocate,
Counsel for the Petitioner.

solemnly affirmed before me on this the 6th day of October, 1983, at Lucknow, by Shri Kishore Kishore, the deponent, who has been identified by the Clerk to Shri Aban Kishore, Advocate, Allahabad High Court, Lucknow Bench, Lucknow.

I have satisfied, myself, by examining the deponent that he fully understands the contents of this Supplementary Rejoinder Affidavit and which have been read out and explained by me.

Signature

Signature

9/3/1037B
6/7/13