

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

## INDEX SHEET

CAUSE TITLE T.A. 844 OF 1987 (W.P. 4748/81)

NAME OF THE PARTIES.....

.....T. K. Chakravarthy &amp; others.....Applicant

Versus

.....V. O. I. 8 2003.....Respondent

Part A, B &amp; C

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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) *Recalled out / destroyed*

Dated. 15.3.2011

Counter Signed.....

Section Officer / In charge

Signature of the  
Dealing Assistant

(A1)

:: TA :: 844/07 (T)

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
① 27/11/84	<p>No Sitting Adj. to 26.2.90.</p> <p>This case has been received on transfer. Notice were issued to the counsels by the Office at Allahabad. . . . . Let notice be issued again to the parties as directed by Hon'ble Mr. D.K. Agarwal, J.M.</p>	<p>OR Notice issued 27/11/84 3/12/84</p>
② 25/1 90	<p>No Sitting Adj. to 5/2/90 Smt. M. Dube / C/o Adv. Mr. K. M. Agarwal is present</p>	
③ 20/12	<p>Hon. Mr. K. O. Gayye, A.M. Hm. Mr. J. P. Shan, I.M.</p>	<p>Notices were issued on 21/11/84. Notice of affl. No 1, 24 &amp; 04 No 4 leave be reduced back with notice of 14/12/84 and 21/12/84 Petition filed 4/12/84 int. into TA No 23, 24 &amp; 25 4/12/84 3/12/84 OR No 4 Not ready</p>
24-12-90	<p>(On the report of Smt. J. P. Shan, the case is adjourned to 20/4/90)</p>	
24-12-90	<p>No Sitting Adj. to 3/12/90</p>	
24-12-90	<p>No Sitting Adj. to 12-1-90</p>	
23-8-90	<p>No Sitting Adj. to 23-8-90</p>	
23-8-90	<p>No Sitting Adj. to 9-10-90</p>	
10-90	<p>No Sitting Adj. to 6-11-90</p>	

(A3)

T.A. 844/89

(3)

4.9.91

D.R.

Respondent is late

is present. Applicant  
did not file Rejoinder  
so far. He is ordered  
to file it, by 19/11/91.

(4)

19.11.91

D.R.

Both the parties  
are absent. Applicant  
to file Rejoinder  
by 3/12/92.

(5)

3.2.92

D.R.

Both the parties are  
ABSENT. Case adjourned  
on 22/4/92 for  
filing Rejoinder.

(6)

22.4.92

D.R.

Both the parties are  
absent. Applicant to  
file Rejoinder by  
23/7/92.

(AS)

(2) 23.7.93  
D.R.

Both the parties are not present. R.A. has not been filed. The same may be filed on the date fixed. List this case before D.R. on 24/8/93.

om

(2) 24/8/93  
D.R.

Both the parties are not present. R.A. has not been filed yet again. List this case before D.R. on 21/9/93 for orders.

(2) 21/9/93  
D.R.

Both the parties are not present. R.A. has not been filed yet again. List this case before the Hon'ble Bench on 29/10/93 for orders.

(2) 29.10.93.  
D.R.

Both the parties are absent. C.A. has not been filed till today. Respondents are not present also today. Applicant is directed to file in on the date fixed. List on 11.1.94 before me.

ak..

D.R.

OR  
RA not filed  
28/8

OR  
RA not filed  
28/8  
D.R.  
20/8/93

OR  
RA not filed  
28/8  
D.R.  
25/8/93

OR  
CA executed  
but not filed  
10/1

26) 10/3/94

D.R.

Due to boycott of Lawyers.

Case adjourned to 10-5-94.

for filing rejoinder before me.

✓

Amrit

D.R.

27)

OR

~~CA~~ Arib. Mo R.A.

filed

9/5

10/5/94

D.R.

Both the parties are present.

C.A. filed Application to file

R.A. by 25/7/94 before me.

✓

Amrit

D.R.

OR

R.A. filed

4

2/9

28)

25/7/94

D.R.

Due to boycott of Lawyers.

Case adjourned to 22/9/94.

Amrit

D.R.

②) 22/9/94  
-P.R.

Both the parties are <sup>not</sup> present  
No. R.A. filed List on  
17/11/94 for filing R.A before  
me.

OR  
R.A. not filed.  
~~Stuck~~ DR  
16/11

DR

③) DR RA has not been filed so far.  
17.11.94. Let it be filed by 20.12.94.  
No further time will be  
allowed.

DR

OR  
R.A. not filed.  
19/11

④) 20/12/94

-P.R. Both the parties are absent.  
No. R.A. filed. Sufficient time  
has already been granted  
for filing R.A. Place before  
the Hon'ble Bench on 24/2/95  
for ~~the~~ orders under Rule 126  
the procedure Rules. Inform  
V.O.I. also.

DR

DR

A 10

T.A.No. 844/87

dents. His name is not mentioned in the Cause List today but who, according to records had filed the Counter Affidavit in the Writ Petition.

List for orders on 14-9-95.

K.N.

J.M.

W.K.  
A.M.

TAN 844/82 A:11

5/11/86

Hon. Mr. V. L. Seth, A.M.  
Hon. Mr. D. C. Venner, J.M.

Name for the parties.

The record shows that C.A. in the writ petition was filed in bulk as in 1982. A final receipt of the case on ~~transferred~~ transfer to the Tribunal. Notices were issued to the applicant & his counsel. Notices served on the counsel for the application on 20/11/85 as seen from A record. No appearance was put in when the case was listed before the Bench. Today again, nobody was put in appearance on behalf of the applicant, nor there is any request for adjournment of the case today. No R.A. has been filed so far.

In the circumstances, M is dismissed for default of the applicant.

J.M.

V.L.  
A.M.

Copy of this order  
is in judgment  
file. J.M.

GENERAL INDEX

ANAL

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case.....

Name of parties..... T.K. Chakraborti v. Union of India

Date of institution..... 22-9-01

Date of decision.....

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
A	1	Cessal Recd	1		Rs. P.			
	2	Order of judgment						
A	3	Writ Pet. affidat. and	34	20	600			
				1	2			
B	4	Power	1	1	5			
A	5	CM AND SO ②) 81	2	1	5			
A	6	BCC Supplying affidavit	19		2.00			
	7	memo	1-	-	-			
	8	On Steel	2-	-	-			
	9	Post Copy	1-	-	-			

I have this

day of

198

examined

the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear Court-fee stamps of the aggregate value of Rs. 1/- that all orders have been carried out, and that the record is complete and in order up to the date of this certificate

Date.....

Munsarim

Clerk

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

WRIT PETITION NO..... OF 1981.

11/804

Sri T.K.Chakraborty and others. ....Petitioners.

Versus

Union of India and others.

....Opposite Parties.

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I N D E X

<u>Sl. No.</u>	<u>Particulars.</u>	<u>Number of pages.</u>
1.	Writ petition.	..... 1 to 13.
2.	<u>ANNEXURE NO. 1.</u> True copy of Notification 9th Sept. 1976.	..... 14 - 20
3.	<u>ANNEXURE NO. 2.</u> True copy of the order dated 7.1.1978.	..... 21 - 23
4.	<u>ANNEXURE NO. 3.</u> True copy of the order dated 3.8.1979.	..... 24 - 27
5.	<u>ANNEXURE NO. 4.</u> True copy of the letter dated 24.7. 1981.	..... 28 - 29
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9.	Stay	36 - 37

Lucknow, Dated.

(P.N.MATHUR)

Sept. 22, 1981.

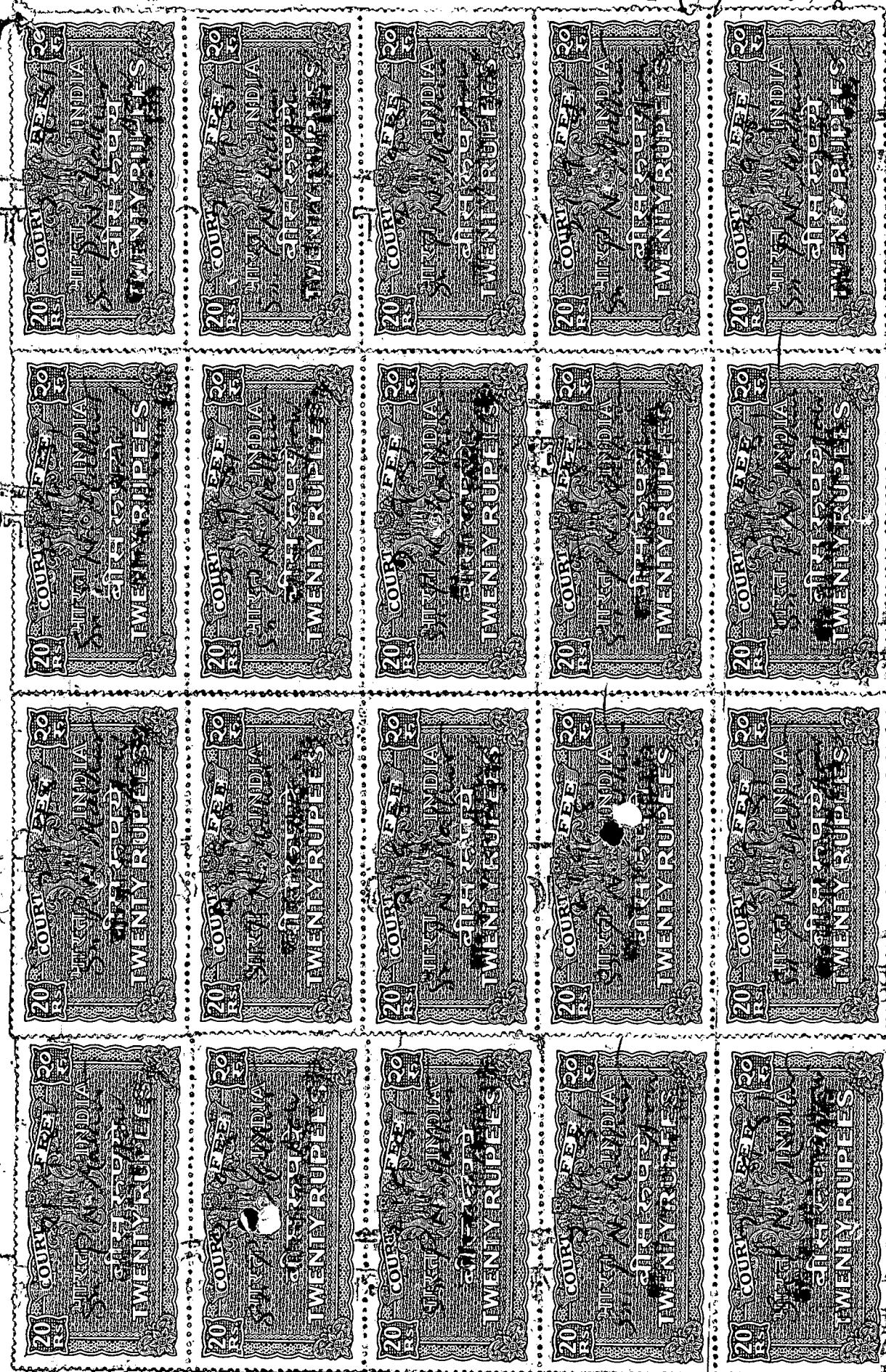
Advocate.

COUNSEL FOR THE PETITIONERS.

*P.N.MATHUR*

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

UP 4081



Mr. T. K. Chakrabarty and others - Petitioner  
vs  
Union of India and others - opposite parties

IN THE HON'BLE HIGH COURT OF ALLAHABAD,

LUCKNOW JUDICATURE.

WRIT PETITION No.....OF 1981.

PETITION UNDER ARTICLE 226

OF THE CONSTITUTION OF INDIA.

1. Sri T.K.Chakraborty, son of Sri N.C. Chakraborty, resident of C-742, Sector-C Mahanagar, Lucknow.
2. Ramesh Totlani son of Sri A.A.Totlani, 24, Nazar Bagh, Lucknow.
3. Ravindra Babuta, son of Late Sri Lal Chand Babuta, resident of Shri Niketan, Ram Nagar, Alambagh, Lucknow.
4. Ajit Singh son of Sardar Pratap Singh, 332-B Pratap Bhawan, Moti Nagar, Lucknow.

.....Petitioners.

Versus

1. Union of India, through the Secretary, Ministry of Communication, Post & Telegraph, New Delhi.
2. Director General Post & Telegraph, Dak Tar Bhawan, Parliament Street, New Delhi.
3. Chief Engineer, Post & Telegraph, Dak Tar Bhawan, Parliament Street, New Delhi.
4. Superintending Engineer, Post & Telegraph, Civil Circle, Lucknow.-22690.

.....Opposite Parties.

\*\*\*\*\*



RJ

(15)

The humble petition of the above named petitioner  
most respectfully showeth:-

1. That this writ petition is directed against the procedure adopted by the Post & Telegraph Department in respect of the promotion of Junior Engineers (Civil/Elect.) to the post of the Assistant Engineer (Civil/Elect.); and the validity of the procedure adopted in relation to the petitioners for their promotion by advancement is being challenged.
2. That the petitioners were appointed as Section Officers (Civil), now known as Junior Engineers (Civil) in Civil Engineering Wing of the Post & Telegraph Department on the various dates mentioned below:-

Petitioner No. 1 was appointed on 11.8.1972.

Petitioner No. 2 was appointed on 27.12.1972.

Petitioner No. 3 was appointed on 19.4.1973, and

Petitioner No. 4 was appointed on 6.7.1973.

3. That all the petitioners have been working as Junior Engineers from the date of their appointment upto now and their conduct, efficiency and integrity has been above board, no adverse remarks have been made in their confidential reports and none have been communicated to them so far. In short, the petitioners enjoy good reputation not only by efficiency, conduct and integrity but also by loyal service to the department all these years.

4. That at the time when the petitioners were recruited to the Engineering Wing of the Post & Telegraph



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Department, there were no rules in force relating to their service. In the absence of any statutory rules, their service matters were dealt with mostly on the basis of analogy drawn from the Central Engineering Service Clause II Recruitment Rules, 1954 which were applicable to Junior Engineers of the Central Public Works Department but at no time was there any rule or Notification in existence which may have specifically made those rules applicable to the Section Officers (Civil) now known as Junior Engineers (Civil). The practice of the Department was that Section Officers were promoted to the post of Assistant Engineers (Civil) on the basis of seniority subject to the rejection of the unfit. As a matter of practice, only those Sections Officers who had put in 8 years of service were generally promoted, but there was no such hard and fast rule, and it depended on the number and nature of vacancies that were available for promotion.

5. That in 1976, service rules concerning the Junior Engineers (Civil) of the Engineering Wing of the Posts & Telegraphs Department were made which were promulgated through a Notification dated 9th September, 1976 and are known as the Post and Telegraph Civil Engineering (Civil Gazetted Officers) Recruitment Rules, 1976. A true copy of the said Rules with extract of its Schedule is ANNEXURE NO.1. to this Writ petition.

6. That Rule 1 (2) of the said Rules provided that the same would come into force from the date of its publication in the Official Gazette but as regards the application to the post of Assistant Executive

Engineer (Civil) and Assistant Engineer (Civil) specified in column 1 of the Schedule to the Rules was concerned, it shall be deemed to have come into force on 25th day of February, 1976. In the Schedule itself at the end it was clearly mentioned as an explanatory memorandum that the rules would not be given any retrospective effect and would not be applied prejudicially to affect the rights of any person who was already in service.

7. That Rule 2 provided that the said Rules would apply to the posts specified in column 1 of the Schedule. Rules 3 and 4 provided for the classification of posts and the scales of pay as well as the method of recruitment and age limit and qualifications etc. of the persons to be recruited as mentioned in Columns 4 to 12 of the Schedule. Rule 5 provided for appointees being required compulsorily to serve in the Defence Department and Rule 6 dealt with the disqualifications which may debar a person from service. Rule 7 provided for the relaxation of the rules in their applicability in respect of any class or category of persons or posts by the Central Government in consultation with the Union Public Service Commission. Rule 8 was the last saving clause which protected the reserved rights of the Schedule castes and schedule tribes.



filled up by direct recruitment through the combined Engineering Services examination conducted by the Union Public Service Commission and the remaining 50% would be filled up by advancement that is, by promotion of Junior Engineers (Civil) who had qualified in the departmental examination and had rendered not less than 8 years of service in the grade after appointment thereto on a regular basis.

9. That the petitioners have put in 8 years of service on a regular basis without break as would appear from the dates of their regular appointment given in para 2 of this petition. The petitioners are, therefore, eligible for promotion to the post of Assistant Engineer (Civil).

10. That as the petitioners had been recruited much before the coming into force of the 1976 rules, they would be governed by the second explanatory memorandum attached to the Schedule which says:

"2. It is hereby certified that giving retrospective effect to the aforementioned recruitment rules would not prejudicially affect the right of any person already in service."

11. That the petitioners submit that the rules which came into force in 1976 when they were already in service have to be applied mutatis mutandis in a manner as not to prejudicially affect their rights to promotion. In this view of the matter, as regards the Junior Engineers who had been recruited on a regular basis prior to the coming into force of the rules, became eligible for promotion only upon completion of 8 years of service in the grade, and were not required to pass any



A3.

departmental examination. Thus the rule has to be applied in the manner indicated by the explanatory memorandum, and therefore the petitioners cannot be required to appear at any departmental examination as envisaged by column 10 of the Schedule.

12. That in the past the Chief Engineer (Civil) by his order No. 41-35/76-STG-1 dated 7th January, 1978 ordered that for the purposes of regularisations of the cadres of the Assistant Engineers (Civil/Elect.) it had been decided in consultation with the Department of Personnel Affairs and the Union Public Service Commission that the departmental qualifying examination provided for any recruitment rules may be held only orally. In the said order it was provided that all Junior Engineers who had completed 8 years of service on 31.12.1977 were eligible for promotion by the Departmental promotion Committee upon their passing the oral examination only. A true copy of the said order dated 7th January, 1978 is ANNEXURE NO.2. to this writ petition.

13. That 317 Junior Engineers who had put in 8 years of service on that date appeared in the oral test, and all of them were considered to be successful and were allowed to appear before the departmental promotion Committee for being considered for promotion.

14. That it is submitted that in view of the Second explanatory memorandum to the Schedule, as well as Rule 7 of the Rules, those who were already in service and had put in 8 years of service were given the relaxation



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from appearing in the departmental qualifying examination by way of a written test. Thus the authorities had considered that in case of all those persons who were already in service when the departmental rules came into force, they were to be given relaxation from appearing at the written examination.

15. That a written departmental examination for Junior Engineers (Civil/Elect.) was announced to be made in January, 1978 through office letter No. 41/13/77-STG-I / (PD) dated 21.2.1978. All Junior Engineers who had completed only 5 years of service in the grade on regular basis on 1.11.1978 were considered to be eligible to take this examination. It is noteworthy that even those who had not completed 8 years of qualifying service were allowed to take the examination. Those persons who had appeared only in an oral test in January, 1978 but were not selected by the Departmental Promotion Committee in February/March, 1978 were originally asked to appear again in the written departmental examination; but subsequently they were given relaxation, and were considered to be qualified for reconsideration on the basis of their earlier oral test held in January, 1978 when they had not passed the written test. This was done under order No 41/13/77-CWG dated 3.8.1979 issued by the Assistant Director General (C.W.). A true copy of the said order is ANNEXURE NO.3 to this writ petition.



16. That upon a perusal of Annexure No. 3 it would appear that the relevant history of relaxation, It is mentioned in Annexure 3 that in

to make regular promotions to the grade of Assistant Engineer (Civil and Elect.) expeditiously, after the promulgation of the recruitment rules, it was decided in January, 1978 that the departmental examination may be substituted by an oral test, and all those Junior Engineers who had appeared at the said oral test were declared to have qualified in the same and thus became eligible for consideration for promotion by the Departmental promotion Committee in February/March, 1978

A select panel was prepared on the recommendation of the Departmental Promotion Committee against the available vacancies and orders of promotion were accordingly issued to some of the Junior Engineers who had qualified in the oral departmental examination. Some of the Junior Engineers who had qualified in the oral test were not included in the promotion panel by the Departmental Promotion Committee. Again on 21.7.1978 a written departmental examination for Junior Engineers was announced and all of them who had completed 5 years of service were eligible to take the examination. The junior Engineers who had appeared and qualified in the oral test in January, 1978 but were not selected by the Departmental Promotion Committee in February/March, 1978 were required to appear in the proposed written departmental examination irrespective of the fact that they had earlier qualified in the oral test held in January, 1978. Some representations were received against the decision from the Junior Engineers and writ petitions were also filed by some of the Junior Engineers in the High Courts of Madras, Calcutta

and Delhi. Under the orders of those Courts the written departmental examination had been stayed.



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Thereafter the department decided that all the Junior Engineers who had appeared for the oral test in January 1978 having qualified in the test would not be required to appear in the written departmental qualifying examination and would be eligible for consideration for promotion by the departmental Promotion Committee.

27. That it is clear that in the past, the service Rules of 1976 were never made applicable to all those persons who had been in service before the promulgation of the service Rules in 1976. It is submitted that it is discriminatory and without any rational basis to have applied one set of principles to persons who were similarly situated and had appeared in the 1978 oral test and apply another set of principles to the Junior Engineers who were already in service before the service Rules of 1976 had come into force but became eligible for promotion after 1978 by putting in the requisite 8 years' of qualifying service. There is no rational basis for placing them in the two categories. The same relaxation could be available to the petitioners which was available to those who had appeared in January, 1978 for promotion.

18. That whereas the explanatory memorandum to the Rules of 1976 had clearly provided that the Rules would not be applied to the prejudice of persons already in service, the opposite parties are making micro-classification of the same by creating two classes within the single class of employees who had been in service prior to 1976. The classification is of those who had been permitted to appear without passing written test and those who did not get that chance at that time

R3



Assistant Engineer (Civil/Elect. on October, 23 and 24th 1981. A true copy of the said letter is ANNEXURE NO.4. to this writpetition.

22. That according to the aforesaid decision taken by the Post & Telegraph Department, the Junior Engineer who had appeared for oral examination in January or February, 1978 need not appear in the coming written examination since they were deemed to have qualified for the promotion. It would therefore, appear that different conditions have been laid for promotion to the post of Assistant Engineer from amongst the Junior Engineers who were similarly situated. While some of the Junior Engineers would be considered eligible for promotion without passing the requisite written examination, while in the case of the petitioners it is obligatory in the said order to pass a written examination in order to acquire eligibility for promotion. The said scheme or order is therefore discriminatory and is violative of the Articles 14 and 16 of the Constitution of India.

23. That the decision contained in Annexure 4 above is prejudicial to the interest of the petitioners as they had already completed 8 years of service on 1.10.1981. The petitioners had already been denied the opportunity of being promoted earlier when other persons who were junior to them or were not even eligible at that time were allowed to appear in the oral examination and having not been given the benefit of not appearing again before the Departmental promotion Committee without passing the written test



24. That even as late as 31.8.1981 the opposite parties have promoted three other Junior Engineers to appear before the Departmental Promotion Committee without passing the written test. A true copy of order No. 18 (17-A)/S.E.P.&TND/9124-84 dated 31.8.1981 is being filed as ANNEXURE NO.5. to this writ petition.

25. That the petitioners submit that the opposite parties have notified that the Departmental written test would be held on 23rd and 24th of October, 1981. Since the petitioners claim that they are not required to appear at the said examination, they have neither filled up their applications nor intend to appear in that examination. It is submitted that the necessary orders may be passed in this respect sufficiently before that date so that the petitioners may be able to regulate their future plan regarding their promotions. The written test is being held for the first time as exemptions had been given to all the candidates in the previous orders. The petitioners were also in service in the year 1976 and are qualified for promotion and are in the same category as those for whom exemptions had been granted and were not required to appear in the written test. No written test has been taken in the case of any candidate in any previous year.

26. That under the circumstances the petitioners have no other remedy but to approach this Hon'ble Court for reliefs, and they are filing this writ petition among others on the following:-

(Signature)

(26)

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-G R O U N D S -

A. Because the order requiring the petitioners to appear and pass at the written test in order to qualify for promotion as Assistant Engineer is arbitrary and in violation of Articles 14 and 16 of the Constitution of India when the persons similarly situated have been exempted from the same.

B. Because in view of the provisions of the explanatory note to Schedule attached to the post and Telegraph Civil Engineers (Civil Gazetted Officers) Recruitment Rules, 1976. The same are not applicable to the petitioners and they cannot be subjected to appear at the written test.

C. Because the Recruitment rules of 1976 could not be given retrospective effect to the prejudice of the petitioners.

D. Because no written examination for promotion to the post of Assistant Engineer could be forced on the petitioners who were already in service in the year 1976 and could not be subjected to the requirements of the new rules in view of the exemptions contained in the rules themselves

*ABJ*

The petitioners, therefore pray as under:-

(i) That a writ, order or direction in the nature

of certiorari may be issued quashing the orders of the Superintending Engineer dated 24th July, 1981 contained in Annexure No. 4.

(ii) That a writ, order or direction in the nature of mandamus may be issued to the opposite parties commanding them to consider the petitioners for promotion before the Departmental Promotion Committee for the post of Assistant Engineers by advancement from amongst Junior Engineers for requiring them to appear at any written test.

(iii) Such other writ, order or direction may be issued as may be deemed just or proper in the circumstances of the case.

(iv) That costs of the writ petition may be awarded to the petitioners against the opposite parties

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Lucknow, Dated.  
Sept. 21, 1981.

*P.N.Mathur*  
(P.N.MATHUR)  
Advocate.  
COUNSEL FOR THE PETITIONERS.

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

WRT PETITION NO.....OF 1981.

Sri T.K.Chakraborty and others. ....Petitioners.

, Versus

Union of India and others. ....Opposite parties.

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ANNEXURE NO...1.

GOVERNMENT OF INDIA.  
MINISTRY OF COMMUNICATIONS  
(POSTS & TELEGRAPHS BOARD)

NOTIFICATION

New Delhi, the 9th Sept. 1976.

G.S.R. ----- In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the president hereby makes the following rules, namely

1. Short title and commencement:-

(1) These rules may be called and posts and telegraph Civil Engineering & Civil Gazetted Officers Recruitment Rules, 1976.

(2) They shall come into force on the date of their publication in the Official Gazette.

Provided that in their application to the post of Assistant Executive Engineer (Civil) and Assistant



Engineer (Civil) specified in Column I of the Schedule annexed hereto, they shall be deemed to have come into force on the 21st day of February, 1976.

2. Application.

These rules shall apply to the posts specified in column 1 of the Scheduled aforesaid.

3. Classification of posts and scales of pay:-

The classification of posts and the scales of pay attached thereto shall be as specified in columns 2 and 3 of the said schedule.

4. Method of recruitment to the said posts age limit,

qualifications and other matters connected therewith shall be as specified in column 4 to 12 of the said schedule.

5. Liability to serve in Defence Services or posts in connection with Defence of India:-

Any person appointed to the Service on or after the commencement of these rules, shall, if so required, be liable to serve in any Defence service or posts connected with the Defence of India for a period of not less than four years including the period spent on training, if any:-

Provided that such person:-

(a) shall not be required to serve as aforesaid after the expiry of ten years from the date of appointment:

(b) shall not ordinarily be required to serve as aforesaid after attaining the age of forty years.



R.B

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6. Disqualifications:-

No person.

(a) who has entered into or contracted a marriage with a person having a spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any person.

shall be eligible for appointment to the said posts.

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this rule.

7. Power to relax.

Where the Central Government is of the opinion that it is necessary or expedient so to do it may, by order for reasons to be recorded in writing and in consultation with the Union Public Service Commission, relax any of the provisions of the rules with respect to any class or category of persons or posts.

8. Saving:-

Nothing in these rules shall affect reservations and other concessions required to be provided for the Scheduled castes and the Scheduled tribes and other special categories of persons in accordance with the orders issued by the General Government from time to time in this regard or as may from time to time be notified in this behalf by the Government, to the extent and subject to the conditions notified in respect of each category.



## SCHEDULE E

Name of Post	Classification	Scale of Pay	Whether selection for direct recruits, Post or non-selection	Age Limit	Educational qualifications required for direct recruits, if any	Period of Probation
1. Superintending Engineer(Civil)	General Central service Group "A"	Rs. 1500-60- 1B00-100- 2000 (revised)	Post or non-selection	Not applicable	Not applicable	2 Years
2. Executive Engineer(Civil)	-do-	Rs. 1100-50-1600 (revised)	Non selection for promotion from the grd. of Asstt. Exec. Engr. (Civil) & selection for promotion from the grd. of Asstt. Engr. (Civil)	-do-	-do-	-do-
3. Assistant General Executive Engineer (Civil)	-do-	Rs. 700-40- 900-EB-40- 1100-50- 1300 (revised)	Not applicable	Between 20 & 27 Years provided that for the Exams held in the year 1975 the upper age Limit shall be 30 Years.	A degree in Engineering from a recognised University or equivalent to 30 Years.	-do-
Notes: The crucial date for determination of age limit prescribed above will be 1st August of the year in which Exam. is held.						



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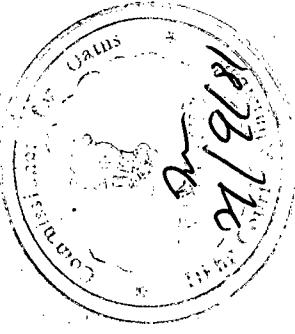
R2

4.	Assistant Engineer (Civil)	General Central Service Group 'B'	Rs.650-30- 740-35-810- EB-35-880- 40-1100-EB- 40-1200 (Revised)	Selection provided that for the Exam. held in the Year 1975 the upper age limit shall be 30 years.	Between 20 & 27 Years provided that for the Exam. held in the Year 1975 the upper age limit shall be 30 years.	Not applicable	2 years
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(123/2/66-STA-1)

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The General Manager,  
Government of India Press,  
New Delhi.



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Method of Recrt. whether by Direct Recrt. or by promotion or by deputa-  
tion/transfer and percentage of the  
vacancies to be filled by various  
method.

In case of rectt. by promotion/  
deputation/transfer, grades from  
which promotion/deputation/  
transfer to be made.

If a DPC exists what is  
its composition

1. By promotion failing which by transfer on deputation.

Promotion Executive Engineer(Civil) with 5 years service in the grade rendered after appointment there to on a regular basis  
Transfer on Deputation Officers holding analogous Posts under the Central Government or State Govt. (Period of deputation ordinarily not exceeding 4 years).

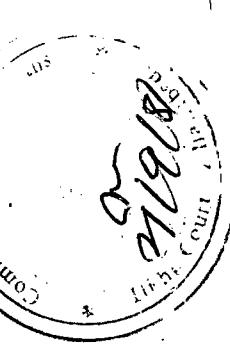
2. 66.2/3 % by promotion of Asstt. Ex. Engineer (Civil) and 33.1/3% by promotion of Assistant Engineer (Civil) failing which by transfer on deputation.

Promotion (i) 66.2/3 % of the vacancies shall be filled by promotion of Assistant Engr. Engr. (Civil) who have qualified in the Departmental examination and have rendered less than 5 years service in the grade after appointment there to on regular basis.

(ii) 33.1/3% of the vacancies filled by promotion by Assistant Engineer(Civil) who have qualified in the departmental examination and have rendered not less than 8 years service in the grade after appointment there to on a Transfer on deputation. Officers holding analogous posts.

(i) For Promotion from Asstt. Ex. Engr. (Civil) A member of the Posts and Telegraphs Board. .... Chairman. Another other member of the Posts and Telegraphs Board. .... Member. Chief Engineer(Civil) .... Member.

(ii) For promotion from Asstt. Engr. (Civil) Member of the Union Public service commission. .... Chairman. A Member of the Posts and Telegraphs Board. .... Member. Chief Engineer(Civil) .... Member.



9. Under the Central Government or State Governments. (Pd. of deputation shall ordinarily not exceed 3 year.)

3. By direct recruitment through the combined Engineering Services Exam. conducted by the Union Public service commission.

Not applicable

4. 50% by direct recruitment through the Promotion combined Engineering services Examination conducted by the Union Public Service commission, failing which by transfer on deputation and 50% by promotion failing which by transfer on deputation.

Officers holding analogous posts under the Central Govt. or State Government.  
(Period of deputation shall ordinarily not exceed 3 years.)

As required under the Union Public service Commission (Exemption from consultation from consultation) Regulation 1958.

For direct recruitment and in case of an Officer of a State Government is selected for appointment on deputation. Vide Union Public Service Commission (Exemption from consultation) Regulation, 1958.

A member of the Posts and Telegraphs Board... Chairman Chief Engineer(Civil).... Member

A director of the Posts & Telegraphs Directorate.... Member

#### EXPLANATORY MEMORANDUM

In the Civil Wing of the Posts and Telegraphs Department recruitment to the Posts of Assistant Executive Engineer (Civil) wholly and to the Posts of Assistant Engineer (Civil) partially is made through the combined Engineering Services Examination conducted by the Union Public Service Commission. The rules for the combined Engineering Services Examination, 1976 have been notified by the Union Public Service Commission on 21.12.1976. To facilitate recruitment through that examination it is necessary to give to these rules retrospective effect from the same date namely 21.12.1976.

2. It is thereby certified that giving retrospective effect to the aforesaid mentioned Recruitment Rules would not prejudicially affect the right of any person already in service.

Sd/- ( S. C. SACHDEVA)  
Director (Welfare).

R.Z

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21/9/81

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

WRIT PETITION NO.....OF1981.

Sri T.K.Chakraborty and others. ....Petitioners.

Versus

Union of India and others. ....Opposite parties.

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ANNEXURE NO....2

Indian POSTS & TELEGRAPHS DEPARTMENT

(CIVIL WING)

Dak Tar Bhawan,

Parliament Street,

New Delhi-110001.

No. 41-35/76-STG-I

Dated the 7th Jan. 1978.

ORDER

The question of regularisation of the cadres of A.E. (Civil/Elect) has been under consideration in consultation with the D.O.P. & A.R. and U.P.S.C. It has been decided that in view of the need to regularise the cadre of A.E. (Civil/Elect) expeditiously, the Departmental qualifying examination provided for in the recruitment Rules for the Grade of A.E. (Civil/Elect) may be held orally this time only. The Boards as per details given below are hereby ordered for holding the above examination orally:-



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-2-

Sl. No.	Constitution of Board.	Circle for which examination to be conducted.
---------	------------------------	---

J.E./A.E. (Civil)

1. S.E. Bombay I and S.E. Bombay-II      Bombay Civil Circle I & II,  
Ahmedabad and S.SW, Bombay.
2. S.E. Madras and S.E. Bangalore.      Civil Circle, Hyderabad,  
Madras and Bangalore.
3. S.E. Bhopal and S.E. Lucknow.      Civil Circles, Lucknow  
and Bhopal.
4. S.E. Calcutta and S.E. Shillong.      Civil Circles Calcutta-I  
I & II and Shillong.
5. S.E. New Delhi and S.E. (Arbi.)      Civil Circles New Delhi  
and Ambala, SSW-I & II.

(JE/AE (Electrical))

6. S.E. (Elect.) Bombay and E.E. (E),  
Bombay.      Elec. Circles, Mumbai  
and Calcutta.
7. S.E. (Elect) A/c Cell Delhi and  
S.E. (E), Delhi.      Elec. Circles, New  
Delhi and Airconditioning.

2. The senior S.E. in the Board will act as Chairman of the Board.

3. The Board may hold examination at such places as considered convenient by them for holding examination.

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-3-

expeditiously. They will ensure that the examination is of the same standard and covers the entire syllabus as laid down in the Recruitment Rules.

4. The examinations may be held from 16.1.1978 onwards and the result thereof should reach the C.E. (Civil) by 21.1.1978.
5. It must be ensured that all the J.Es. who have completed 8 years service on 31.12.1977 including those who are officiating as A.E. (Civil/Electrical) on ad hoc basis are examined by the Board.

Sd/- K.D. Bali.

Chief Engineer (Civil) 6.1.78

To,

*R3*

1. S.E. Bombay-I & II.
2. S.E. (C) Madras and Bangalore.
3. S.Es. (C) Bhopal and Lucknow.
4. S.Es. (Civil) Calcutta and Shillong.
5. S.Es. (C), New Delhi and S.E. (Arbitration)
6. S.E. (Elect.) Bombay and E.E. (Elect.), Bombay.
7. S.E. (Elect.) Delhi and E.E. (Elect.) Delhi.



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

WRIT PETITION NO.....OF 1981.

Sri T.K.Chakraborty and others. ...Petitioners.

Versus

Union of India and others. ...Opposite parties.

ANNEXURE No.3.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

CIVIL WRING GAZETTED.

Room no. 508,

Sanchar Bhawan

New Delhi. 1.

No. 41/13/77-CWG

Dated the 3.8.79.

To,

- 1) All SES/SSWs. P.&T Civil Circles,
- 2) All SESs, P.&T Electrical Circles.
- 3) SE (Elect.), P.& T A/C Circle, New Delhi.

Subject:- Departmental qualifying examination for promotion to the grade of A.E. (Civil) / (Elect) in the P.& T. Civil Wing.

The recruitment rules in the Civil and Electrical Branches of the P.& T Civil Wing provide a departmental qualifying examination for J.Es.(Civil)/Elect) for promotion to the grade of AES (Civil)/Elect.) The Syllabi for these examinations were announced vide this office letters No. 41/7/75-STA I dated 25.7.75 and 41/7/75-STA



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I dated 20.8.75 for Electrical and Civil Branches respectively.

2. In view of the need to make regular promotion to the grade of AE (Civil)/Elect) expeditiously after the promulgation of recruitment rules, it was decided in Jan' 78 that the departmental examination may be substituted by an "oral Test" as one time relaxation. The orders to this effect were issued by this office letter No. 41/35/76-STG J dated 7-1-78 and the oral test was held for all eligible JEs. All those JEs who had appeared for the said oral test, were declared to have qualified in the same and thus became eligible for consideration for promotion by the DPC.

3. The DPC for considering regular promotion to the grade of AE (Civil)/Elect) was held in Feb/March 878 with the JEs who had qualified in the said oral departmental examination. The select panel was prepared on the recommendations of the DPC against the available vacancies and orders of promotion were accordingly issued. Some JEs (Civil)/Elect) who had qualified in the oral departmental examination, but were not placed in the select panel prepared by the said DPC were not promoted on regular basis to the grade of AE (C)/(E).

4. A written departmental examination for JEs (C) / (E) was announced in this office letter No. 41/13/77-STG I (Pt) dated 21.7.78. All JEs (Civil/Elect) who completed five years of service in the grade on regular basis on 1.11.78 were eligible to take this examination. The JEs (Civil)/Elect) who had appeared and qualified in the oral test in January, 78 but were not selected by the



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DPC held in Feb/March 1978 were required to appear in the proposed written department examination, irrespective of the fact that they had earlier qualified in the oral test held in Jan. 78. Clarification was issued in this office letter No 41/38/77-STC I (Pt) dated 22.8.78.

5. Representations were received against the decision from some JES who had earlier appeared for the oral test and qualified in that. Writ petitions were also filed by some JE in the High Courts of Madras, Calcutta and Delhi. Stayal orders against conducting the written departmental examination till the decision on the writ petitions have been given in these High Courts.

6. The matter has been reconsidered by this Department and it has been decided that since all the JEs who had appeared for the oral test in Jan. 78 had qualified in the said test. They would not therefore be required to appear again in the written departmental qualifying examination. They would be considered to be qualified officials for consideration by the DPCs for promotion to the grade of AE (Civil)/(Elect.)

7. The Heads of Civil/Elect. Circles etc. are therefore required to keep ready the lists containing the name of those JES who had actually appeared in the oral test held in Jan. 1978. Copy of these lists should be sent to this office for information and record. It would be useful at the time of convening the DPC for considering the name of officers for promotion to the grade of



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AE(Civil)/(Electrical). The information about the JEs working in postal/telecom/Project/Maintenance Circles would be collected and maintained by the Heads of Civil/Elect. Circles who were concerned about conducting the oral test earlier.

8. The receipt of this letter may please be acknowledged. The Hindi version will follow.

Sd/- (B.D.Jung)

Assistt. Director General (CW)

Copy forwarded to:-

1. E.O. I/E.O.II to CE (C), P.&T Directorate.  
 2. P.S. to Member (A) Sr. P.A. to CE (C).  
 3. All notice Boards in the Directorate.

(S.S.Maharishi)

Section Officer (CW)

Copy to all EES/SW for information & circulation.



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

WRIT PETITION NO. .... OF 1981.

Sri T.K.Chakraborty and others. .... Petitioners.

Versus

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

\*\*\*\*\* REGISTERED.

ANNEXURE NO. 4.  
INDIAN POSTS AND TELEGRAPHS DEPARTMENT

(CIVIL ENGINEERING WING)

No. 16 (17-A)/SE & TND/9128-84

Dated 31-8-81.

OFFICE ORDER.

In pursuance of the instruction contained in  
D.O. P.& T. New Delhi lot of No. 25/8/80TND dt. 28.8.81  
it has been decided to hold oral Examination in  
respect of the following officials for promotion to  
the cadre of Asstt. Engineering (C)

S.No. Name of Designation. office to which attached.

1.	Sh. Ram Lok Core J.C.W. (Adhoc)	S.S.W.I, New Delhi.
2.	Sh. Nihal Chand. Jr. Engineer (Civil)	Civil Division No.III, N. Delhi.
3.	Sh. Lal Chand Machya. Asstt. Engineer (adhoc)	Civil Circle, Jaipur.

The oral exam will be held in this office on  
18.9.81 at 3.00 P.M. The examination will be of the sa



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-2-

standard and will cover the syllabus as laid down in the recruitment rules for promotion from Jr. Engineer (Civil) to Asstt. Engineer (Civil) The officials may be directed to appear in the said examination.

SSWI/EA/EIII

Sd/- Illegible

Sd=-

31.8.

(W.S.Jain)

Chief Superintending Engineer.

For Civil Circle

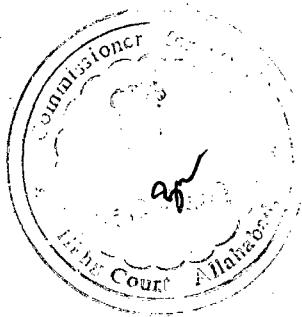
Copy to :-

1. The D.G. P &T New Delhi with ref. to his letter No. 26/8/80 CWC dt. 28.8.81.
2. The Suptdg. Surveyor of Works I, P.& T Civil New Delhi
3. The Executive Engineer. P.& T Civil Dr. No. III, New Delhi.
4. The Superintending Engineer, P.& T Civil Dr. No. III, Civil Circle Jaipur.
5. Officials concerned through their respective offices

Sd/- Superintending Engineer.

P.&amp; T (C)

TRUE COPIES.



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MV

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

WRIT PETITION NO.....OF 1981.

Sri T.K.Chakraborty and others. ....Petitioners.  
Versus  
Union of India and others. ....Opposite parties.

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ANNEXURE NO. 5.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

(Civil Engineering Wing)

No. 2(16)/Sept. Lko./2799

Dated July 24th 81

P.& T Civil Circle

Lucknow 226007

To

1. The postmaster General.

U.P. Circle Lucknow.

2. The General Manager Telecom.

U.P. Circle Lucknow.

3. The General Manager Telephones.

Kanpur.

4. All Director Telecom.

under U.P. Telecom, Circle.

5. All Director postal Services.

under U.P. Postal Circle.

6. The District Manager Telephones.

Lucknow & Agra.

7. All Ews (Civil) &(Elect.) and S.W.

under P.& T Civil Circles Lucknow.

8. All Depts /Depts/SSP/SDOS

under U.P. Circle.

RJ  
Subject:- Departmental qualifying examination for  
promotion to the grade of Asstt. Engineer Ci  
Elect. in P.&T Civil Wing.



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The D.G. P.& T. has decided to hold a departmental qualifying examination for promotion to the grade of A.E. (Civil) /Elect. in P.& T Civil Wing. The examination will be held in Oct. 1981. The detailed time table of the examination will be as follows.

paper.	Subject.	Pay & Date.	Hours (I.S.T.)
1.	Works procedure & Accounts.	Friday the 23rd Oct. 81	10 A.M. to 1.00 P.M.
2.	Engineering-I	-do-	2 P.M. to 5 P.M.
3.	Engineering II (Design.)	Saturday, the 24th Oct. 81	10 A.M. to 1.00 P.M.

2. The Syllabus for the examination as announced by the D.G. P.T. vide letter No. 41/7/75 STC I dated 20.8.76 for Civil J.Es. is appended herewith.

3. All J.Es. Civil/Elect. who complete 5 years of service as J.E. Civil/Elect. on regular basis as on 1.10.1981 will be eligible to take the examination.

4. All Asstt. Engineers Civil /Elect. Working on adhoc basis will be eligible to take the examination subject the condition that they have put in not less than five years service as on 1.10.81 as J.E. (Civil)/Elect. including the service rendered by them as AE Civil /Elect. on adhoc basis. However, the J.Es. who had appeared for oral examination in Jan./Feb. 78, need not appear in this written examination since they are deemed to have qualified for the promotion.

5. Regular promotion to the grade of Asstt. Engineer Civil /Elect. will be made on the basis of selection by the Departmental promotion Committee from amongst Jr. Engineers. including those working as AES on adhoc basis, who have qualified in the said examination and have rendered not less than eight years service in the



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-3-

grade on regular basis. The actual promotion of J.E. (Civil) to A.E. (Civil) on the basis of this examination and DPC will however be subject to the decision in the relevant writ petitions pending in the various High Courts

6. The officials who are eligible in accordance with the conditions of eligibility prescribed in the above paras and who desire to appear at the examination should submit their applications (in duplicate) in the prescribed form attached, through proper channels also as to reach the office of the Superintending Engineer P & T Civil Circle, Vivekanand Puri Niralanagar, Lucknow not later than 7.8.81. No application after that date may be entertained.

7. The official who intend to answer any paper (s) in Hindi should specifically indicate in the application form. Otherwise it would be presumed that they desire to answer in English.

All the above addressees requested to give a wide publicity to this circular and obtain applications from the eligible & willing candidates by taking personal interest and arrange to forward to this office by 7.8.81 positively.

A few copies of application forms are enclosed herewith. If the number of copies run short, these may be got typed in their office.

Encls. 1. Syllabus-

2. Application Forms Nos. Sd/- Illegible

( U.N.Srivastava)

Superintending Engineer.

Copy forwarded to

1. All AEEs/AEs under Civil Circle Lucknow.
2. AE (MCW) postal / telecom under U.P. Circle Lucknow. They should bring the above facts to the J.Es working under their jurisdiction and arrange to send the application through the respective Ex. Engineers & heads of Circles (i.e. PMG or GMY) as the case may be.

Encls. 1. Syllabus.  
2. Application forms Nos. of the



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-2-

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

R. Totlani

DEONENT.

(R. TOTLANI).

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

Deepak Singh  
Clerk of Sri P.N.Mathur  
Advocate.

Solemnly affirmed before me on 21.9.81  
at 9.45 A.M. the deponent Ramesh Totlani,  
who is identified by Sri Deepak Singh  
of Sri P.N.Mathur Advocate, High Court.

Lucknow, Bench, Lucknow.

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

*Zahid Hussain Ade*

Z. H. ADEE
OTAH COMMISSIONER
High Court Allahabad,
Lucknow Bench
No. 97/142
Date 21.9.81



In the Hon'ble High Court of Judicature  
ब अदालत श्रीमान महोदय  
at Allahabad (Sub-Court Bench) Lucknow

वादी (मुद्दे)  
प्रतिवादी (मुद्दालेह)

का वकालतनामा

Sr. T.K. Chakraborty - other -- Petitioner



1st/5  
M/2/9/1

वादी (मुद्दे)

बनाम  
Union of India & others प्रतिवादी (मुद्दालेह) *opposite parties*

नं० मुकदमा सन् १९ पेशी की ता० १९ ई०  
उपर लिखे मुकदमा में अपनी ओर से श्री Sh. P. N. Mallam  
एडवोकेट

Advocate

महोदय  
वकील

ताम अदालत  
नं० मुकदमा  
ताम फर्मिन

को अपना वकील नियुक्त करके प्रतिज्ञा [इकरार] करता हूँ और  
लिखे देता हूँ इस मुकदमा में वकील महोदय स्वयं अथवा अन्य  
वकील द्वारा जो कुछ पैरवी व 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 मुकदमा 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 आवें।

① P. N. Mallam  
② Ranendra Babu  
③ Nitit Singh  
④ हस्ताक्षर (T. K. Chakraborty)

Accepted  
P. N. Mallam,  
Advocate

साक्षी (गवाह) ————— साक्षी (गवाह) —————

दिनांक ————— २१ महीना ९ १९४८/६०

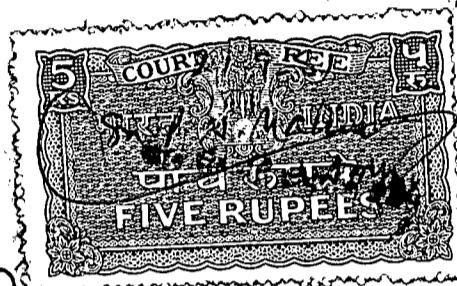
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*Civil PS 03/6*

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

LUCKNOW BENCH, LUCKNOW.  
CIVIL MISC. APPLICATION NO. .... OF 1981.

IN RE: *U748*  
WRIT PETITION NO. .... OF 1981.



1. Sri T.K.Chakraborty, son of Sri N.C. Chakraborty, resident of C-742, Sector-C Mahanagar, Lucknow.

2. Ramesh Totlani son of Sri A.A.Tatlani 24, Nazar Bagh, Lucknow.

3. Ravindra Babuta, son of Late Sri Lal Chand, Babuta, resident of Shri Niketan, Ram Nagar, Alambagh, Lucknow.

4. Ajit Singh, son of Sardar Pratap Singh, 332-B Pratap Bhawan, Moti Nagar, Lucknow.

.....Petitioners.

Versus

1. Union of India, through the Secretary, Ministry of Communication, Post & Telegraph New Delhi.

2. Director General Post & Telegraph, Dak Tar Bhawan, Parliament Street, New Delhi.

3. Chief Engineer, Post & Telegraph, Dak Tar Bhawan, Parliament Street, New Delhi.

4. Superintending Engineer, Post & Telegraph Civil Circle, Lucknow-22600.

...Opposite parties.

(51)

-2-

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APPLICATION FOR STAY.

For the facts and reasons mentioned in the writ petition and the affidavit it is prayed that the operation of the orders contained in letter No. 2 (16)/SEPT LKO./2799 dated July 24, 1981 may be stayed till the disposal of the writ petition and in the mean time the petitioners may be considered for promotion to the post of Assistant Engineer by the Departmental Promotion Committee without their having appeared at the written test which is to be held on 23rd and 24th October, 1981 or on such other dates to which it may be adjourned or postponed.

Lucknow, Dated.

Sept. 22, 1981.

(P.N.MATHUR)

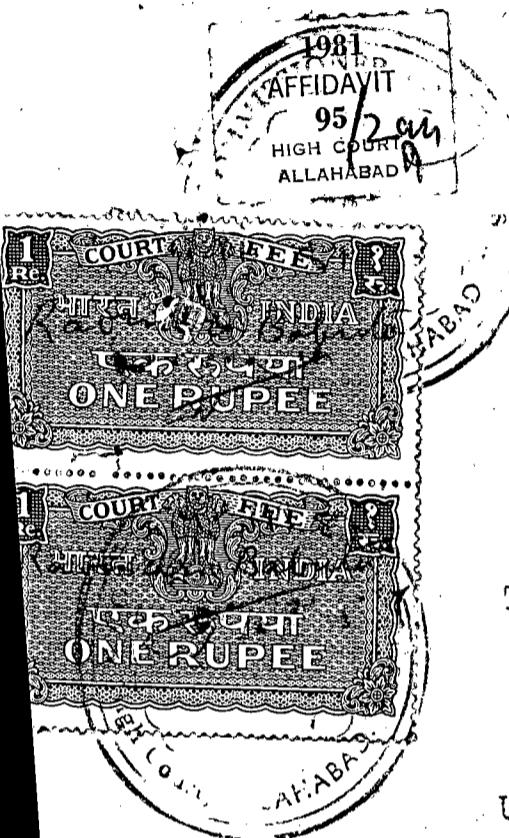
Advocate.

COUNSEL FOR THE PETITIONERS.

*P.N.MATHUR*

Spurk & Son (E21)  
Son & Thomas  
Place on record  
6/1  
In the Hon'ble High Court of Judicature at Allahabad  
(Lucknow Bench), Lucknow. 3-11-1981

Writ Petition No. 4748 of 1981



T.K. Chakrabarty and others ..Petitioners

Versus

Union of India and others ..Opposite-parties

SUPPLEMENTARY-AFFIDAVIT

I, Ravindra Babuta aged about 28 years, son of late Shri Lal Chand Babuta resident of Shri Niketan, Ram Nagar, Alambagh, Lucknow do hereby solemnly state on oath as under:-



1. That the deponent is petitioner No.3 and is well acquainted with the facts of the case as deposed to hereunder. This Supplementary affidavit is being filed within the time allowed by the hon'ble court.

2. That the petitioner had represented against

*Ravindra Babuta*

the holding of the examination for promotion to the post of Assistant Engineers, as they were entitled to be exempted from appearing in the said examinations. The petitioners had canvassed their plea for exemption through their Association at All India level. The All India Junior Engineers' Association (P & T Civil) in its representation dated 26th October 1981 had categorically stated in its paragraph 4, that the members of the association represented individually as well as through the Association claiming exemption from appearing in the departmental examination, those who were recruited prior to the framing of the recruitment Rules (Sept. 1976). A true copy of the representation is Annexure-6.

3. That the said representations have repeatedly been made since 1978 by the several members, but the government of India has neither replied to the representations of the association, nor of those of the members sent earlier.

4. That the petitioners shall suffer an irreparable loss and injury and their seniority would be prejudicially affected if the recruitment to Class II Engineer (Post and Telegraph Civil) are not stayed till the disposal of the Writ petition.

Lucknow, dated:  
November 4, 1981.

*Parindra Babu*  
Deponent

Verification

I, the above named deponent do hereby verify

Also b/3

-3-

that the contents of paragraphs 1 to 4 are true to my personal knowledge, that no part of it is false and that nothing material has been concealed, so help me God!

Lucknow, dated:

November 4, 1981.

Ravindra Babuta  
Deponent

I identify the deponent who has signed before me.

Lucknow, dated:

November 4, 1981.

Asharfi Lal (Asharfi Lal)

Clerk of Sri P.N. Mathur, Advocate

Solemnly affirmed before me on 4.11.1981 at 3.00 a.m./p.m. by Sri Ravindra Babuta, the deponent who is identified by Sri Asharfi Lal, Clerk of Sri P.N. Mathur, Advocate, High Court, Allahabad.

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

Ravindra Babuta

11/11/81

P. D. YADAV Adv  
OATH COMMISSIONER  
High Court, Allahabad.  
Lucknow Bench.

No. 957294  
Date 4-11-81

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

WRIT PETITION NO. OF 1981

Sri T.K.Chakraborty & Others. ... Petitioners.

Versus

Union of India and others. ... Opposite parties.

ANNEXURE NO.6

**ALL INDIA JUNIOR ENGINEERS ASSOCIATION (P&T CIVIL)**

General Secretary: A.R.Seshadri  
AIJEA/GS/81/48  
Dated 26th October '81

% the S.S.W.(Civil)P&T  
15, Narasimhapuram street  
Madras - 600 002

Sir,

**Subject: Promotion of J.E.(Civil) to the cadre  
of A.E.(Civil).**

Hope you are aware that the P&T Civil Wing was bifurcated from CPWD in the year 1963 and as on date the expansion is very vast. From the beginning we are following only the C.P.W.D.Pattern either for works or for the administration. As per the then C.P.W.D. procedure the promotion for the cadre of Assistant Engineer was 50% by direct recruit through U.P.S.C. and the balance 50% by seniority-cum-fitness. Our Department was also following the same procedure but the promotions were made only on adhoc basis since 1969.

The recruitment rules were framed for the P&T Civil Wing by September 76 and as per that for the 50% quota against the promotion a qualifying exam has been introduced. As per that all those who have completed five years of service as Junior Engineer are eligible to appear for the

exam and those who have passed the exam will be considered for the promotion after completion of eight years of service.

The then Government to support a group of officials (all those Building Overseers merged with Civil Wing for which we have opposed and a writ is still pending in the High Court of Madras) have conducted an oral examination by January '78 stating that it was one time relaxation and asked only those J.E.'s who have completed eight years of service and the adhoc A.E.'s to appear for the oral exam and declared that all those who have appeared have passed the exam. Most of them were promoted on regular basis and the balance of about eighty five officials are now officiating as A.E.'s and they are now exempted from appearing this qualifying exam. Now there are about hundred officials (out of which about sixty five are officiating) who were eligible for the last oral exam but not allowed to appear are now asked to appear this time after completion of about ten years service alongwith their juniors who have completed five years of service as no exam has been conducted in the middle.

Immediately when the Department has announced the dates for the qualifying exam as 23rd and 24th October '81 we made several representations through Association and also at individual levels stating that all those who recruited prior to framing of the recruitment rules (Sept '76) or atleast those who were eligible to appear for the last exam conducted by January '78 but not considered should be exempted from appearing the exam (23rd and 24th October '81) but the same has not been considered by the Department. Hence we find with no other alternative other than approaching the Court of law for the Justice and when the hearing was in progress in the High Court of Jaipur the Department has not even postponed the exam. Due to the above reasons the candidates at various circles abstained from the exams.

We are requesting the Department for the past several years to stop the direct recruit of Cl.II which is not in vogue in any other arms of P&T and even the CPWD have stopped in long back and we are requesting that the same CPWD pattern which is now in existence should be continued in Civil Wing also.

contd... 3

Parinda Babbar

As per the present CPWD Pattern/instead of 50% /for the direct recruit through outside 50% by competitive exam post of for those completed five years of service and the balance A.E'S/ 50% by seniority-cum-fitness after completion of eight years of service. No qualifying exam is necessary as minimum qualification itself to becomd as J.E. is. Diploma in Engineering. Conducting a competitive exam will encourage the graduates to stick on in the Department as they have already lost the benefits given before the last pay commission.

Hence our following demands may be considered sympathetically both for the interest of the Department and as well for the staff immediately:-

- i) To promote on regular basis all those who were eligible to appear for the last oral exam(including those officiating on adhoc basis)
- ii) To stop the Direct recruit of Cl.II
- iii) Scrap the qualifying examination.
- iv) 50% of promotion by competitive examination.
- v) 50% of promotion on Seniority-cum-fitness.

It is requested that a meeting by the middle of November '81 may be granted to discuss the above issues and our genuine demands may be settled immediately.

Thanking you,

To

Shri C.M. Stephen,  
Hon'ble Minister for  
Communications,  
Govt. of India,  
New Delhi-110 001

Yours faithfully,

Sd/- A.R. SESHADRI  
General Secretary.

Copy to:-

1. Sri S.K.Ghose, D.G. P&T New Delhi.
2. Shri N.C.Talukdar, Member (A) P&T Board, New Delhi.
3. Shri A.P.Paracer, C.E.(Civil) P&T New Delhi.
4. Shri N.S.Chakravarthy, C.E.(Civil) Calcutta.
5. Shri S.R.Bantwal C.E.(Civil) Bombay.
6. Shri B.D.Jung ADG(CWG) New Delhi.
7. All S.E's and S.S.W's
8. All Circle Secy & CHQ Office bearers

Ravinder Bhatia



P. D. YADAV Adv.  
OATH COMMISSIONED  
High Court, Allahabad,  
Lucknow Bench.

No. .... 957281  
Date ... 11/10/81

In the Hon'ble High Court of Judicature at Allahabad,  
155  
Lucknow Bench, Lucknow.

Civil Misc. An. No. 2463 (w) of 1983.

In re

Writ Petition No. 4748 of 1981.  
T.K. Chakraborty and others. . . . Petitioners.

V E R S U S

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

Application for Condonation of Delay in  
filing Counter-Affidavit.

The applicant-opposite-parties most respectfully  
submit as under :-

1. That after service of notices of the writ petition,  
the applicants took steps for preparation and filing  
of the counter-affidavit.
2. That counter-affidavit could not be prepared in time  
and filing of the same is necessary in the interest  
of justice.

Wherefore it is most respectfully prayed that  
the delay, if any, in filing the counter-affidavit  
may kindly be condoned and the counter-affidavit which  
is being filed herewith be accepted.

Lucknow dated

February 25, 1983.

*Shri*  
(U.K. DHAON)  
Additional Standing Counsel  
Central Government.  
Counsel for Opposite-Parties

**Counter Affidavit**

in re:

Writ Petition No. 4748 of 1981.

T.K. Chakraborty and others ..... Petitioners  
Vs.

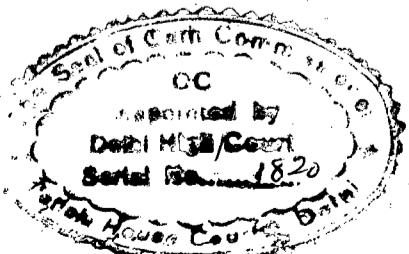
Union of India and others ..... Oppo. Parties.

COUNTER AFFIDAVIT ON BEHALF OF OPPOSITE PARTIES

NO. S.....

I, B.D. Jung, aged about 52 years, son of (Late) Shri Diwan Chand Ahuja resident of C.383, Sarasvati Vihar-Delhi 34 do hereby solemnly affirm and state on oath as under:-

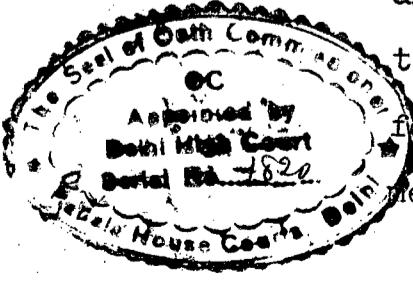
1. That the deponent is Assistant Director General(CW) in the office of the Director General P&T and is well conversant with the facts deposed to hereunder.
2. That in reply to para 1 of the writ petition it is submitted that the procedure adopted is in accordance with law and rules.
3. That in reply to para 2 of the writ petition it is submitted that the petitioners were appointed under the P&T Civil Engineering Wing (Subordinate Services) Rectt. Rule, 1970, which were applicable to them at the time of appointment. A true copy of the same is filed herewith as Annexure No.A-1 to this counter affidavit.
4. That the contents of para 3 of the writ Petition are not denied.



A/C  
6/60

5.1. That in reply to para 4 and para 5 of the writ petition it is submitted that the contents of the same are not correct as stated by the petitioners that there were no rules of Recruitment applicable to them. As stated in reply to para 2 of the writ petition above, the P&T Civil Engg. Wing (Subordinate Services) Recruitment Rules 1970 were applicable to them. For promotion to Gazetted rank in the P&T Civil, it was on 9.9.76 that the rules were notified. Prior to the promulgation of these rules, and in their absence, promotion to the gazetted grade of Assistant Engineer was made on ad-hoc basis, by following the principle of seniority-cum-fitness. These recruitment rules promulgated on 9.9.76 applied to various grades of the Civil Wing, i.e. Asstt. Engineers, Executive Engineers, Superintending Engineers etc., and were different from the Recruitment Rules which applied to the Section Officers (later on re-designated as Junior Engineers) which had been notified earlier in 1970, and to which cadre the petitioners belong.

5.2. That the history of the case is narrated herein for the proper appreciation of the facts. The recruitment rules for gazetted posts, promulgated on 9.9.76 provide for promotion to the grade of Assistant Engineer by selection through a Departmental Promotion Committee from amongst those Junior Engineers who have qualified in a departmental Examination and have rendered not less than 8 years service in the grade after appointment thereto on a regular basis. It is in pursuance of this provision that the Department announced a Departmental qualifying Examination to be held on 23rd and 24th October, 1981. The petitioners if eligible, could take this examination alongwith others for considering them for promotion to the grade of Assistant Engineers by a Departmental Promotion Committee. It is submitted that under these



Recruitment Rules of September, 1976, an examination could not be held as it was then decided in consultation with the Department of Personnel and Union Public Service Commission, that as a one time relaxation, the written test may be substituted by an oral test. The Department made this departure from the Recruitment Rules in its anxiety to regularise a large number of Junior Engineers, who had then been working on adhoc basis for a number of years prior to the coming into force of the Recruitment Rules in 1976. It may be stated that in this oral test, which was conducted by committee consisting of local officers all the candidates who had appeared in the test, were declared to have passed. The Departmental Promotion Committee comprising of higher officers in the P&T Department then considered these officials, who had qualified in the oral test, and selected on the basis of merit as reflected in the Confidential Records, approximately 243 officials for promotion to the grade of Asstt.Engineer. There were about 75 officials, who had qualified in the oral test, but were not selected by the Departmental Promotion Committee. When a departmental qualifying examination was announced in 1978, these 75 officials who had not been selected by the Departmental Promotion Committee held earlier, claimed that they may be considered for promotion by the Departmental Promotion Committee but should not be subjected to another departmental test, as they had earlier qualified in the qualifying Departmental Examination (which was held on oral basis). They filed writ petitions in various High Courts. Since there was merit in their contention, the Department accepted that they should be treated as qualified officials



for consideration for promotion by the subsequent Departmental Promotion Committee and need not be asked to appear in the Departmental qualifying Examination. Necessary instructions were issued on 3.8.79 (Annexure 3 to the writ petition).

5.3 That the present qualifying departmental examination announced to be held on 23/24th October, 1981, was meant for those who have not yet qualified in the Departmental Examination. Since the Recruitment Rules provide for considering only those Junior Engineers who have qualified in the Departmental Examination, for promotion to the grade of Asstt. Engineer, the Department is under obligation to hold the examination before making selections for promotions. It is upto the officials to avail of the chance of promotion. This examination in no way acts to the detriment of their position as Junior Engineers, which they are at present holding.

5.4. That the petitioners or any other officials cannot claim that the examination should be held on oral basis. As explained earlier, the department did act to substitute it by oral test, as a one time relaxation, under the Recruitment Rules, owing to administrative exigencies. The petitioners or any other officials cannot lay claim on the department to invoke the relaxation clause and hold the oral test for written qualifying examination, as provided in the Recruitment Rules, at the behest of intending candidates. The Department is to follow the procedure as prescribed in the Recruitment Rules, if the departure once made by way of substituting the written by an oral test is not to be perpetuated. It is for the department to consider and examine whether there is any need for relaxation in the Recruitment Rules. In fact it would be flouting the spirit of the Recruitment Rules if the department were to invoke the relaxation clause in the Recruitment Rules and apply it every time in a similar way.



RMA

6/12 (63)

That would imply an amendment of the existing Recruitment Rules.

5.5. That the proposed departmental qualifying examination is open to all the eligible candidates. If those officials who had earlier qualified in the oral test in December, 1977 but were not selected by the Departmental Promotion Committee, were forced to appear in the proposed examination, it would be unjust to them. They had pointed out this in the writ petition. They had filed writ petition in various High Courts and department conceded their point of view. There is no discrimination and the petitioners have no claim to be considered similarly, as same circumstances do not exist in their case.

6. That in reply to para 6 of the writ petition it is submitted that the rules notified on 9.9.76 from 21.2.76 and Explanatory Memo describing the circumstances for retrospective application has no relevance with the cadre of Junior Engineer to which the petitioners belong. The proposed examination and selection to the grade of Asstt. Engineer is being made under the provisions of the Recruitment Rules as they exist now. The petitioners are Junior Engineers and they have nothing in common with the direct recruit Assistant Engineers who were recruited in the Engineering Service Examination held by the Union Public Service Commission in 1976. Reference to the Explanatory Memo is not relevant in the case of the petitioners.

7. That in reply to paras 7 and 8 of the writ petition it is submitted that the contents thereof need no reply as only a reference to the Recruitment Rules have been made therein. The recruitment rules can be placed before the court for its appreciation.

8. That in reply to para 9 of the writ petition it is submitted that eight years of service is only one of the

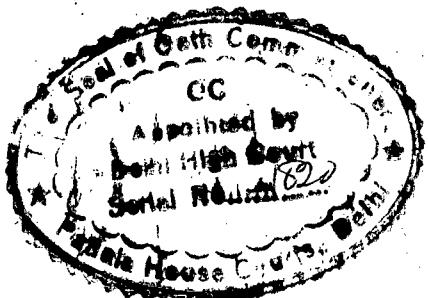


conditions of eligibility for consideration for promotion. The recruitment rules also provide that the official should have qualified in the Departmental Examination, before he can be considered eligible for promotion.

9. That in reply to para 10 of the writ petition it is submitted that the contents of the same are not admitted, as stated. It is submitted that the rules promulgated in September, 1976 apply to gazetted officers. The Explanatory Memo. refer to the Asstt. Executive Engineer and Assistant Engineers who were recruited directly through Union Public Service Commission. The petitioners were recruited as Junior Engineers. They are governed by the existing provisions of the Rules of Recruitment for promotion to the grade of Assistant Engineers when they fulfil the qualification laid therein i.e. they qualify in the departmental test and have rendered 8 years service.

10. That in reply to para 11 of the writ petition it is submitted that the contention made therein is not clear. It is, however, submitted that Rules of 1976 are prospective except as provided therein. The rules relate Gazetted Officers. The petitioners were non-gazetted Junior Engineers prior to 1976 and were governed by Rules of relating to Junior Engineer's promulgated in 1970.

11. That in reply to para 12 of the writ petition it is submitted that it is correct to the extent that the written departmental qualifying examination was substituted by an oral test for one time only. The 1st para of the order dated 7.1.78, which is annexure 2 to the writ petition, makes it abundantly clear.



12. That in reply to para 13 of the writ petition it has already been stated that all those who appeared in the oral test were declared to be successful.

13. That in reply to para 14 of the writ petition it is submitted that the contents of the same are not correct and it is submitted that only those Junior Engineers who fulfilled the condition of 8 years service, including those officiating as Assistant Engineer on ad-hoc basis, were to be examined by the Board for oral test. Kindly refer to para 5 of the orders dated 7.1.78 (Annexure 2 to the writ petition).

14. That in reply to para 15 of the writ petition it is submitted that the contents of the same are not denied. It is further submitted that the circumstances leading to the issue of orders dated 3.8.79 have been explained earlier and are indicated in the order itself, which is annexure 3 to the writ petition.

15. That in reply to para 16 of the writ petition it is submitted that in view of what has been stated in preceding paragraph no further reply is needed.

16. That in reply to para 17 of the writ petition it is submitted that there is no discrimination against any category of officials. The petitioners are Junior Engineers. As per the Recruitment rules they have to qualify in the written test for being considered for promotion. This applies to all the Junior Engineers and no discrimination is made in favour of against any category of officials.

17. That in reply to para 18 of the writ petition it is submitted that the circumstances in which written test was substituted by an oral test, as a one time relaxation under the provision of the Recruitment Rules



has already been explained in comments given in reply to para 5 of the writ petition in para 5.2 of this counter affidavit. The petitioners have no claim to compel the department to invoke the relaxation clause of the Recruitment Rules every time to satisfy the demand of certain officials. It is for the Government to consider the totality of circumstances and invoke relaxation clause only in rare cases, when exceptional circumstances exist. In holding the written departmental examination the department is uniformly applying the provisions of the Recruitment Rules and there is no discrimination, as alleged by the petitioners.

18. That in reply to para 19 of the writ petition it is submitted that prior to the enforcement of Recruitment Rules, the officials were promoted on purely adhoc basis. When the rules were promulgated in 1976, the provisions of these rules had to be followed for regular promotion.

19. That in reply to para 20 of the writ petition it is submitted that in view of statements made in earlier paragraphs no further reply is necessary.

20. That in reply to para 21 of the writ petition it is submitted that the contents of the same are not admitted.

21. That in reply to para 22 of the writ petition it is submitted that there is no discrimination or unequal treatment. Different classes of officials have not been created. All those who qualify in the departmental examination(including those who had already qualified earlier in the oral test) would be considered together for purposes of promotion by the Departmental Promotion Committee. Since the examination is qualifying in nature, the marks attained in the examination would not count towards final selection, which will be based on selection on merit as reflected in confidential records.



83  
6/16 (67)

22. That in reply to para 23 and 24 of the writ petition it is submitted that in view of what has been stated in earlier paragraphs, no further reply is necessary and there was no denial of opportunities to the petitioner's as alleged. The case referred to here appears to refer to the action taken in pursuance of the decision of the Delhi High Court. A Scheduled Caste official who was senior to others, but had not put in 8 years of approved service in 1977, was not allowed to appear in the oral test whereas his juniors were duly allowed and some of them were selected by the Departmental Promotion Committee in the year 1978. The Delhi High Court held that this official should have been allowed to appear alongwith others in the oral test conducted in the year 1978 and considered for selection. Action is being taken in pursuance of that judgement. This has no direct or indirect relevance to the case of the petitioners nor is the petitioners placed in similar circumstance.

23. That in reply to para 25 of the writ petition it is submitted that it is none of the fault of the department if the petitioner had not applied for the departmental examination. Nobody prevented them from applying for the examination. The remedy, in this account cannot be obtained by requesting for exemption from appearing in the examination.

24. That in reply to para 26 of the writ petition it is submitted that the contents of the same are not denied.

Additional Paragraphs

25. That it is submitted that no one has been exempted from the proposed written test. Those who have already qualified for the purposes of the examination cannot be asked to appear again.



15/6/78

26. That it is submitted that explanatory note to the Schedule to Recruitment Rules does not apply to Junior Engineers. The petitioners are still Junior Engineers and are yet to be promoted to the grade of Assistant Engineer.

27. That retrospective effect is not being given to the 1976 Recruitment Rules in so far as the proposed promotion to the grade of Asstt. Engineers is concerned.

28. That in the matter of promotion in the grade of Asstt. Engineers, the Recruitment Rules are strictly being followed. No one is being forced to appear in the test but it is submitted that only those persons who qualify in the written test will be eligible to appear in the examination.

29. That there is no illegality in the proposed action for holding the examination which is being held in accordance with the existing rules. The writ petition is without substance and is liable to be dismissed with costs.

Dated: New Delhi, the,  
17. XI, 1982.

*BSJ*  
DEPONENT

VERIFICATION

I, the deponent above named do hereby verify that the contents of paras 1 to 28 of this affidavit are true to my own knowledge, those of paragraphs 1 to 28 are true to my belief on the basis of information derived from perusal of office records and those of paras 29 are believed to be true on legal advice. No part of it is false and nothing material has been concealed. So help me God.

*BSJ*  
DEPONENT

Dated New Delhi, the  
17. XI, 1982.



TO BE PUBLISHED IN PART-II SECTION 3(1) OF THE  
GAZETTE OF INDIA

No. 4-19/69-STB-II. New Delhi, the 16th Nov., 1970.

Government of India  
Dept. of Communications  
( P&T BOARD )

NOTIFICATION

S.R.O..... In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the subordinate post of Section Officers Civil and Electrical, and Section Officer- Selection Grade, in the Civil Engineering Wing of the Posts & Telegraphs Deptt., Ministry of Communications, namely:-

1. Short Title and Commencement:-

(1) These Rules may be called the Posts and Telegraphs Civil Engineering Wing (Subordinate Services) Recruitment Rules, 1970.

(2) They shall come into force on the date of their publication in the official Gazette.

2. Application :-

These rules shall apply for recruitment to the posts as specified in Column 1 of the Schedule annexed hereto.

3. Number, Classification and Scale of Pay:-

The number of Posts, their classification and the scales of pay attached thereto shall be as specified in Column 2 to 4 of the said Schedule.

4. Method of recruitment, age limit, period of probation and qualifications:-

The method of recruitment to the said posts, age limit, qualifications, probation period, and other matters connected therewith shall be as specified in column 5 to 13 of the Schedule aforesaid:-

Provided that the upper age limit prescribed for direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the orders issued from time to time by the Central Government.

5. Disqualifications:- No person,

(a) Who has entered into or contracted a marriage with a person having a spouse living or

(b) Who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to service:

Cont....

SCHEDULE

( Recruitment Rules for Section Officers - Civil and Electrical )

Name of Post	No. of Posts	Classification	Scale of Pay	Whether Selection Post or non-Selection post	Age limit for direct recruits.	Educational and other qualifications required for direct recruits.
1.	340	General Central Service Class-III, Non-Gazetted, Non-Ministerial	Rs.180-10-290 EB-15-380 (Graduate Engineers will start at Rs.240/- in the scale).	Not applicable	25 years	Diploma or its equivalent qualification in Civil Eleot. Engineering as the case may be, from an institution recognized by the Central Government.
2.	10%	10% of the permanent posts	Rs.335-15-485 -do-	Non-Selection	Not applicable	Candidates possessing higher qualifications could be eligible for consideration for recruitment.
3.	10%	10% of the permanent posts	Rs.335-15-485 -do-	Selection in the grade	Not applicable	Grade.

10% of the permanent posts  
Selection in the grade  
Grade.

Rs.335-15-485  
-do-

Non-Selection Not applicable

10% of the permanent posts  
Selection in the grade  
Grade.

Rs.335-15-485  
-do-

Non-Selection Not applicable

10%  
70

89 7 11

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

Writ Petition No. 4748 of 1981

T. K. Chakraborty & others Petitioner

Versus

Union of India & others Respondents.

REGISTRAR,

I am appearing as the Central Government  
Standing Counsel, on behalf of Petitioner/Respondent/  
Opposite Parties.

Dated : 22.2.83

  
U.K. DHAON  
Advocate  
Additional Standing Counsel  
Central Government  
Allahabad High Court  
(Lucknow Bench)  
Lucknow.

FORM NO. 8  
Central Administrative Tribunal, Lucknow Bench  
2, Rana Pratap Marg Motimahal at Lucknow.

Applicant(s)

Respondent(s)

Vs.

Represented by

Advocate Shri.....

Represented by

Advocate Shri.....

To

Whereas an application filed by the above named applicant under Section 19 of the Administrative Tribunal Act, 1985, as in the copy annexed hereunto has been registered and upon preliminary hearing the Tribunal has directed that you should be given an opportunity to show cause why the application should not be admitted.

Notice is hereby given to you to appear in this Bench of the Tribunal in person or through a legal Practitioner Presenting Officer in this matter at 10.30 a.m. of the.....day of..... 199.... to show cause, why the application should not be admitted. If you fail to appear, the application will be heard and decided in your absence.

Given under my hand and seal of this Tribunal, this the..... day of..... 199.

Encl: .....

By order of the Tribunal  
Registrar

R. G. S.

X/6

2755  
31/3/95

FORM No. 8  
Central Administrative Tribunal, Lucknow Bench  
2, Rana Pratap Marg Motimahal at Lucknow.

Applicant(s)

Respondent(s)

Vs.

Represented by

Advocate Shri.....

Represented by

Advocate Shri.....

To

Whereas an application filed by the above named applicant under Section 19 of the Administrative Tribunal Act, 1985, as in the copy annexed hereunto has been registered and upon preliminary hearing the Tribunal has directed that you should be given an opportunity to show cause why the application should not be admitted.

Notice is hereby given to you to appear in this Bench of the Tribunal in person or through a legal Practitioner Presenting Officer in this matter at 10,30 a.m. of the ..... day of ..... 199 ..... to show cause, why the application should not be admitted. If you fail to appear, the application will be heard and decided in your absence.

Given under my hand and seal of this Tribunal, this the ..... day of ..... 199.

By order of the Tribunal

Registrar

Encl: .....

2753  
31/3/95

FORM No. 8

Central Administrative Tribunal, Lucknow Bench  
2, Rana Pratap Marg Motimahal at Lucknow.

T.A. 844/87 in W.P. 47610/81

Applicant(s)

T.K. Chakravarty & Ors.

Respondent(s)

U.C.G.L. 742

vs.

Represented by

Advocate Shri... P.N. Pathak

Represented by

Advocate Shri... B.P. Shukla

To

- ① Shri T.K. Chakravarty & Shri N.C. Chakravarty Resident Bldg. 742, Sector C, Mahatma Gandhi Marg, Lucknow.
- ② Ramesh Totlani & Shri A.A. Totlani 24-Nazir Bagh, Lucknow
- ③ Ravindra Babu & Shri Lal Singh Chaudhary Babu Bldg. 11 Kitan Nagar, Akbari Bagh, Lucknow
- ④ Ajit Singh & Shri Sardar Argun Singh 332-B Pratap Bhawan, Moti Nagar, Lucknow.

Whereas an application filed by the above named applicant under Section 19 of the Administrative Tribunal Act, 1985, as in the copy annexed hereunto has been registered and upon preliminary hearing the Tribunal has directed that you should be given an opportunity to show cause why the application should not be admitted.

Sd/ (J.A.)  
Pl. Take note  
27/4

Notice is hereby given to you to appear in this Bench of the Tribunal in person or through a legal Practitioner Presenting Officer in this matter at 10.30 a.m. of the ..... day of ..... 199 ..... to show cause why the application should not be admitted. If you fail to appear, the application will be heard and decided in your absence.

Given under my hand and seal of this Tribunal, this the ..... day of ..... 199 .....  
March 5

Encl: .....

By order of the Tribunal  
Registrar

- ⑤ Union of India through the Secretary, Ministry of Communication, Post & Telegraph, New Delhi
- ⑥ Director General Post & Telegraph, Dak Tar Bhawan, Parliament Street, New Delhi
- ⑦ Chief Engineer, Post & Telegraph, Dak Tar Bhawan, Parliament Street, New Delhi
- ⑧ Superintending Engineer, Post & Telegraph Civil Circle, Lucknow - 226001

Regd. 2753

395  
395  
To,

Ramesh Totlani

S/o S/o A. A. Totlani

24, Mazor Bldg

Despatcher  
Central Administrative Tribunal

केन्द्रीय प्रशासन न्यायिक आयोग,  
२, Rana Pratap Marg (Aleti Mahal)

२, राना प्रताप मार्ग, अलेटी महाल

काशी अड्डे, काशी अड्डे

XX

2752  
31/3/95

FORM No. 8

Central Administrative Tribunal, Lucknow Bench

2, Rana Pratap Marg Motimahal at Lucknow.

T.A. 844/87 in W.P. 4740/81

Applicant(s)  
T.K. Chakravarty & Ors'

Respondent(s)  
U.C.D. & Ors'

Vs.

Represented by  
Advocate Shri P.N. Mathur

Represented by  
Advocate Shri B.L. Shukla

① <sup>To</sup> S<sup>r</sup> T.K. Chakravarty & S<sup>r</sup> N.C. Chakravarty Resident of C-742, Sector C, Mahatma Nagar, Lucknow.

② Ramch. Tolani & Shri A.H. Tolani; 24-Nazir bagh, Lucknow.

③ Ravindra Babu & Sons, 116, Babu Bhandar, Moti Nagar, Alambagh, Lucknow.

④ Ajit Singh & Sardar Argun Singh 332-B, Pratap Bhawan, Moti Nagar, Lucknow.

Whereas an application filed by the above named applicant under Section 19 of the Administrative Tribunal Act, 1985, as in the copy annexed hereunto has been registered and upon preliminary hearing the Tribunal has directed that you should be given an opportunity to show cause why the application should not be admitted.

Notice is hereby given to you to appear in this Bench of the Tribunal in person or through a legal Practitioner Presenting Officer in this matter at 10.30 a.m. of the 12th day of April 1995 to show cause, why the application should not be admitted. If you fail to appear, the application will be heard and decided in your absence.

Given under my hand and seal of this Tribunal, this the 9th day of March 1995

By order of the Tribunal  
Registrar

Encl: A.....

⑤ Union of India through the Secretary, Ministry of Communication, Post & Telegraph, New Delhi

⑥ Director General Post & Telegraph, Dak Bhawan, Parliament Street, New Delhi

⑦ Chief Engineer, Post & Telegraph, Dak Bhawan, Parliament Street, New Delhi

⑧ Superintendent Engineer, Post & Telegraph, Civil Circle, Lucknow - 226001

2751  
31/3/95

FORM No. 8  
Central Administrative Tribunal, Lucknow Bench  
2, Rana Pratap Marg Motimahal at Lucknow.  
T.A. 044/87 in W.P. 4748/81

Applicant(s)

T. R. Chakravarthy & Ors.

Respondent(s)

C.C.I. & Ors.



Represented by

Advocate Shri P. N. Mathur

To

④ Superintending Engineers, Post & Telegraph, Central  
Circle, Lucknow - 226 021

So (J.W.)

27/3

Whereas an application filed by the above named applicant under Section 19 of the Administrative Tribunal Act, 1985, as in the copy annexed hereunto has been registered and upon preliminary hearing the Tribunal has directed that you should be given an opportunity to show cause why the application should not be admitted.

Notice is hereby given to you to appear in this Bench of the Tribunal in person or through a legal Practitioner Presenting Officer in this matter at 10.30 a.m. of the ..... 12th ..... day of ..... April ..... 1995 to show cause, why the application should not be admitted. If you fail to appear, the application will be heard and decided in your absence.

Given under my hand and seal of this Tribunal, this the ..... 24th ..... day of ..... March ..... 1995

40

Encl: - 

By order of the Tribunal  
Registrar

He 9/3

27/8/87 02755  
31/3/87

FORM No. 8

Central Administrative Tribunal, Lucknow Bench  
2, Rana Pratap Marg Motimahal at Lucknow.

72. 8/4/87 in W.P. No. 4748/87

Applicant(s)  
T.K Chakravarty & Ors.

Respondent(s)  
U & G. & Ors.

Represented by  
Advocate Shri.....

Represented by  
Advocate Shri .....

To



Whereas an application filed by the above named applicant under Section 19 of the Administrative Tribunal Act, 1985, as in the copy annexed hereunto has been registered and upon preliminary hearing the Tribunal has directed that you should be given an opportunity to show cause why the application should not be admitted.

Notice is hereby given to you to appear in this Bench of the Tribunal in person or through a legal Practitioner Presenting Officer in this matter at 10.30 a.m. of the..... day of..... 199..... to show cause, why the application should not be admitted. If you fail to appear, the application will be heard and decided in your absence.

Given under my hand and seal of this Tribunal, this the..... day of..... 199.....

Encl: .....

By order of the Tribunal

Registrar

1/3/87

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH, LUCKNOW

\*\*\*\*\* Gandhi Bhawan, Opp. Residency  
Lucknow

No. CAT/LKO/Jud/CB/27/89

Dated the : 27/1/89

1/1/89  
29/1/89

T.A.No. of 844 1987 (T)

T. K Chakraborty.

APPLICANT'S

Versus

Union of India

RESPONDENT'S

① T. K Chakraborty, S/o N. C. Chakraborty,  
n/o C-742, Sector-2 742, Sector-2  
maha-nager Lko

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

Writ Petition No. 4740/01 The Tribunal has fixed date of  
of 198 20.2.90 198 . The hearing  
of the Court of 14-e Lko of the matter.  
arising out  
of Order dated  
passed by

If no appearance is made  
on your behalf by your some  
one duly authorised to Act  
and pload on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this

30 day of 11 1989.

Vinesh/

82

① Ramesh Tatlaan, S/o A. J. Totlaan 24 Hazar  
Bagh Lko. DEPUTY REGISTRAR

② Ravindra Balwta S/o 2nd Chand Balwta.  
n/o Mektan, Ram Nagar, Akombagh Lko.

③ Ajit Singh S/o S. A. Singh, 332-B. Pratap  
Bhawan, Mati Nager Lucknow

④ Union of India, through the Secretary, Ministry  
of Communication, Posts & Telegraph  
New Delhi

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residency

\*\*\*\*\* Lucknow -

No. CAT/LKO/Jud/CB/2792

Dated the : 21/12/81

T.A.No. of 844 1981 (T)

⑧

T. K. Chakraborty

APPLICANT'S

Versus

Union of India

RESPONDENT'S

⑧ To Ajit Singh 870 & R Singh 332-B  
Pratap Bhawan, Mati Nager Lko

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

Writ Petition No. 4784/81  
 of 1981  
 of the Court of 14.12.81  
 arising out  
 of Order dated  
 passed by

The Tribunal has fixed the date of  
 20.2.90 1981 for the hearing  
 of the matter.

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

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this

30 day of 11 1989.

Dinesh/

  
DEPUTY REGISTRAR

⑧ Union of India through its Secretary, Ministry  
 of Communications, Post & Telegraph,  
 New Delhi

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residency  
Lucknow -

No. CAT/LKO/Jud/CB/ 2709 to 2794

Dated the : 21/12/84

T.A.No. of 1027 (T)

J. K. Chakrabarty

APPLICANT'S

Versus

RESPONDENT'S

To

J. K. Chakrabarty vs. State of Uttar Pradesh and others

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

Writ Petition No. 1027 (T)  
of 198

of the Court of High Court

arising out of  
of Order dated 11/12/84

passed by High Court

The Tribunal has fixed date of  
21/12/84 1984. The hearing  
of the matter.

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

the matter will be heard and decided in your absence.

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

Dinesh

8  
DEPUTY REGISTRAR

1. No. 344 of 1987  
DEPUTY REGISTRAR

S.K.Choturvedi & others

434304

dhinesh

1. day of August 1987

Given under my hand and seal of the Tribunal this

the matter will be heard and decided in your absence.

1 - Shri P.N.Mathur, Advocate, Lucknow High Court  
Lead on Your Behalf.

one out of your authorized to Act and  
dated

on your behalf by you some  
Lucknow.

If no appearance is made  
arising out of order

of the Court of  
of 198

date Petition No. 4743  
The Tribunal has fixed date  
of 1987 for the matter.

H.C.LKU

registered in this Tribunal as above.

provision of the Administrative Tribunal Act XII of 1995 and  
transferred by  
Under Registration the

whereas the marginally noted case has been  
4743

1  
27-11-1989

H.C.LKU

at C.A.T. Lucknow.

V. S. S. J. (S)

2. RESPONDENT'S

VERSES

APPLICANT'S

RECEIVED/ALLED/DEED/

DEPTED THE

\*\*\*

23-A JHOTIHLI Road, Allahabad-211 001

ALLAHABAD BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GOVERNMENT OF INDIA  
MINISTRY OF COMMUNICATIONS  
DEPARTMENT OF POSTS

18.1.90  
X/6

IR No. 33/90-CWP

To,

The Deputy Registrar,  
Central Administrative Tribunal,  
Allahabad, Circuit Bench,  
Gandhi Bhavan, Opp. Residency,  
LUCKNOW.

Sub:- Case of Shri T.K.Chakraborty. T.A. No. of  
844/1987 (T). ---

Sir,

I am directed to refer to your letter No. CAT/LKO/Jud/CB/2794 dt:-21.12.89 (copy enclosed) on the subject cited above and to say that this office is not aware of the case of Shri T.K.Chakraborty.

It is, therefore, requested to kindly intimate the full particular of Shri T.K.Chakraborty.

Encl:as above

Yours faithfully,

*R.L.Suri*  
(R.L.Suri) 17/1/90  
Asstt. Accounts Officer (CWP)

17/1/90

5-  
C.P.C.  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residency  
Lucknow.

No.CAT/LKO/Jud/CB/2794

Dated the : 21/12/89

T.A.No. of 844

1989 (T)

T.K. Chakraborty,

APPLICANT

Versus

Union of India

RESPONDENT

Director General Posts & Telegraph,  
Dak Tar Bhawan, Parliament Street,  
New Delhi

Whereas the marginally noted cases has been transferred by  
14-12-1989 Under the provision of the Administrative  
Tribunal Act 13 of 1985 and registered in this Tribunal as above.

Unit-Petition No. 1748/81

of 1988

of the Court of 14-12-1989

arising out

of Order dated

passed by

The Tribunal has fixed date of

20-12-1989. The hearing  
of the matter.

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

the matter will be heard and decided in your absence.

Mr. David 21/12/89

Given under my hand seal of the Tribunal this

30

day of 21 1989.

C.E.

Dy.

Dated

31/12/89

Push

99  
DEPUTY REGISTRAR

① Chief Engineer Posts & Telegraph, Dak  
Bhawan, Parliament Street,  
New Delhi

O.P.C

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

No.CAT/CB/LK/1/1993/146 To 150

Date: 7/6/93

REGISTRATION NO. 146 To 150 of 1992/93

Applicant

VERSUS

Respondent

① Mr. S. K. Singh, Advocate  
② Mr. S. K. Singh, Advocate  
③ Chief Engineer, 2nd Floor, Sector 10, Chandigarh Building, 4  
Sector 10, Chandigarh

"Office Address 16-11-93"

Please take notice that the applicant above named presented an application a copy of \_\_\_\_\_ thereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed \_\_\_\_\_ day of \_\_\_\_\_ to show-cause as to why the Petition be not admitted. Counter may be filed within \_\_\_\_\_ weeks. Rejoinder, if any, to be filed within \_\_\_\_\_ weeks thereafter.

If, no appearance is made on your behalf, your pleader or by some one duly authorised to act and plead on your behalf on the said application, it will be heard and decided in your absence. Given my hand and the seal of the Tribunal this day of 16-11-93 1993.

*Substantiated by me  
for the said date*

FOR DEPUTY REGISTRAR  
O/C

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
23-A, Thornhill Road, Allahabad-211001

No. CAT/Alld/Jud/ 84

dated the... 12/11/91

T.A. No. 84/ 1991

..... T.K. Chakrabarty..... Applicant(s)

Versus

..... P.M. Metha & Associates..... Respondents(s)

..... A-1 Sabitri Marg, Lucknow

Whereas the marginally noted case(s) has/have been transferred by..... Under the Provision of the Administrative Tribunal Act XIII of 1985 and registered in this Tribunal as above

0. Suit No. ....  
Writ Petition No. 21746/81  
of the Allahabad High Court,  
Allahabad, - High Court -

The Tribunal has fixed date of 10.11.91 for hearing of the matter. If no appearance is made on your behalf by some one duly authorised to act and plead on your behalf the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this-----

----- day of ----- 1991

FOR DEPUTY REGISTRAR