

CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE 77 No. 1025/87
W.P. No. 540/82 OF

NAME OF THE PARTIES Kishan Lal Applicant

Versus

O. O. I. 2018 Respondent

Part A.

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CERTIFICATE

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

Checked as Dated 19-10-11

Counter Signed.....

Rajan
14/10/2011

[Signature]
Signature of the
Dealing Assistant

Section Officer/In charge

✓

INDEX - SHEET

CAUSE TITLE TA 1025/0701 OF 190

Name of the Parties Kishan Lal

Versus

Union of Jondra

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

.....

O.A./T.A. No. 1025 1987

(A/T)

Kishan Lal Applicant (s)

Versus

Union of India & Co. Respondent (s)
(Ministry of Information & Broadcasting)

4/3

Sr. No.	DATE	Orders
---------	------	--------

30/8/88

Office report.

WP No 540/82 has been received on transfer from Hon'ble High Court Lucknow. W.P. is admitted.

Counter affidavit of OP No. 1 to 5 has been filed. No counter has been filed by OPs 6 to 11.

Rejoinder affidavit has also been filed in this case.

W.P. against the order of promotion of OPs No 6 to 11.

~~Not~~

An application has also been received in this Tribunal regarding transferring the case to Circuit Bench Lucknow by petitioner's counsel.

In this regard notice has been issued to the counsel for applicant and opposite parties fix up 20.9.88 before D.P.S. at Circuit Bench Lucknow.






Submitted for orders.

30/8/88

CA
CA
PA
1 to 5 ✓
6 to 11 X

Main appln
in T.A. 447-07

1025/99 (T)

Sr. No.	Date	Orders
		List before ^{DR} court at Circuit Bench welcomed on 20-9-09.  D.R.
	20-9-09	<u>D.R.</u> R.A & CA filed. Lit this case before court for hearing on 22-11-09 as prayed by counsel for applicant.  <u>D.R.</u>
	22-11-09	No sitting Adjourned to 23-12-09 for hearing.
	23/12	No sitting Adjourned to ^{to} 23/3/29 for hearing.  23/2
	23/3	Hon. Justice K Nath, VC Hon Mr. A. 25th, A.M. <u>On the request of the learned counsel for the applicant the case is adjourned 12-4-09 for hearing.</u>  A.M.  V.C

30.0.89

No sitting of D/B Adj. to 26.10.89.

Both Counsel for applicant is present.

h
B.O.C

SR Supplemental affidavit filed today
h
29/10

26.10.89

No sitting of D/B Adj. to 26.10.89

Both the counsel are present

L
B.O.C


SR Case is submitted for hearing.


Hon'ble Mr. D.K. Agrawal, J.M.
Hon'ble Mr. K. Chayya, A.M.

6-11-89

Shri R.C. Saxena counsel for the applicant requests for adjournment.

Adjourn this case on 30-1-90 for hearing.


A.M.


J.M.

(SNS)

20.1.90

Case not reached. Adj. to 27.3.90.

h
B.O.C

27.3.90

No sitting Adj. to 1-10-90.

Shri R.C. Saxena for the applicant is present.

L
27/3

1025/07H)

1/11/90

Non. Mr. Justice K. Naik, VC.
Non. Mr. K. O'Byrne, AM.

Request for adjournment is made on behalf of Smt. U.K. Dhanan, the learned counsel for respondents for reasons of his inability to be present today. The brief holder for Smt. Dhanan files supplementary Comits to the supplementary affidavit. The applicant may file rejoinder within two weeks if any, and the case may be listed for final hearing on 24/10/90.

[Signature]
AM

[Signature]
VC

As

24.10.90

No sitting Adv to 20.11.90

[Signature]

20.11.90

Stamp. Mr. Justice K. Naik, VC
Stamp. Mr. M.M. Sengh, AM

OR

No Supplement filed
RA S.F.H
H
HIL 16/11

Due to sad demise of
Sri. B.K. Srinivasa Adv. Case
is adjourned to 12.12.90

2

[Signature]
AM

[Signature]
VC

CENTRAL ADMINISTRATIVE TRIBUNAL , ALLAHABAD

CIRCUIT BENCH

LUCKNOW



T.A. 1025/87
(W.P. No. 540/82)

X/6

Kishan Lal

Petitioner

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.B. Gorthi, Adm. Member.

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

The applicant who was an L.D.C. in Films Division, Govt. of India, Ministry of Information and Broadcasting, approached the High Court against the supersession by respondents 6 to 11 who were junior to them and were promoted on 28.11.81 to the post of U.D.C., but the applicant was not promoted. Against the said order he filed writ petition which by virtue of operation of section 29 of the Administrative Tribunals Act, 1985 stood transferred to this Tribunal. During the pendency of the writ petition, the applicant was transferred, as such the scope of this application is very limited. On behalf of the applicant it has been contended that there were adverse remarks and the enquiry proceeded which culminated in minor penalty. The respondents have stated that the disciplinary proceedings were not taken into account by the D.P.C. which considered the case of the promotion of the applicant and his juniors.

2. In the counter, filed by the respondents it has

u

(PS)

been stated that the applicant's contention that his record was very good is not correct and that the adverse remarks were against him in the character roll and his record was duly considered on the basis of which he was adjudged unfit for the post.

V/x

3. The remarks had not been communicated to the applicant and the un-communicated remarks should not have been considered. The remarks have not been communicated, and the uncommunicated remarks were taken into account. In view of this the proceedings of D.P.C. are vitiated. The application is partly allowed and the respondents are directed to constitute the review D.P.C. and consider the case of the applicant with effect from the date his juniors were promoted. The review D.P.C. will ignore the adverse remarks uncommunicated to the applicant. The applicant will be promoted from 28.11.81 ~~and~~ if found fit in Review DPC & in case the applicant is promoted with effect from the date, the applicant ~~claims he~~ will be entitled to all consequential benefits.

[Handwritten signature]
AM

[Handwritten signature]

VC

LUCKNOW Dated 17-9-91

Group NO. 13(e) Original Copy

752

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

WRIT PETITION NO. OF 1982.

KRISHAN LAL

....

....

PETITIONER

Versus

UNION OF INDIA AND OTHERS

....

.....

OPPOSITE PARTIES.

:: I_N_D_E_X ::

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LUCKNOW;

DATED: JANUARY 27, 1982.

R.C. Saxena
Advocate

(R.C.SAXENA)
ADVOCATE

COUNSEL FOR THE PETITIONER



one Imp Rs 60
74 of Rs 40
100
27.1.82



In the Honble High Court of Judicature at Allahabad
(Dumraon Bench), Lucknow

W.P. No 540 of 1982

Krishan Lal vs. Pichhain

Union of India and others OP's

27.1.82

Relax
(R.C. Saxena)
Council for Pichhain

Hon. H. N. Seth, J.
 Hon. R. C. Deshmukh, J.

MEMO.
 One Impressed Rs 60
 Green Adhesive Rs 40
 Total 100
 Correct but final Court-fee report
 will be made on receipt of lower
 Court record.
 In time up to
 Papers filed. Copy of
 should also be filed
 Box - Bench

List this petition for
 admission after three months.
 In the meantime, if the
 petitioner makes a representation
 against the promotion indicated
 in Annexure-1 to the writ
 petition within a week from
 today's date, it is expected
 that the respondents will
 decide the same before
 the ^{date} ~~period~~ at which the
 petition has been directed
 to be listed for admission.

Last unsigned order
 Annexure 1 - 28.11.81
 Submitted
 27.1.82

By J.S. Seth

Dt. 3-2-1982.

to

Honible T. S. Misra, J.
 Honible D. N. Jha, J.

Received notices and
 duplicates for ops 155
 and noted for 1.2.82
 plus 22 directed
 for ops 155
 29.1.82

Admit. Issue

notice

MHS/

31-3-83

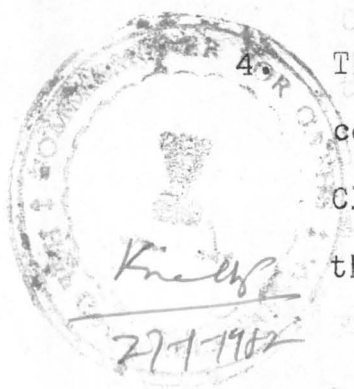


WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF
INDIA

The above named petitioner most respectfully
begs to submit as under :-

12/11

1. That the present writ petition is directed against the order dated 28.11.1981 passed by Opposite Party No. 2 promoting Opposite Party's No. 6 to 11 from the post of Lower Division Clerk to the post of Upper Division Clerk superseding the petitioner, who was quite senior to them. A true copy of the impugned order dated 28.11.81 passed by Opposite Party No. 2 is filed herewith is ANNEXURE NO. 1 to this Writ Petition.
2. That the petitioner on 26.8.1964 was appointed as a Lower Division Clerk under the Ministry of Information and Broadcasting, Films Division, Govt. of India, and was posted under the Opposite Party No. 5 at Lucknow.
3. That as the petitioner's work and conduct remained satisfactory and above the mark, he was confirmed on the post of Lower Division Clerk w.e.from 26.8.1966 vide order dated 7.11.1966 passed by Opposite Party No. 2. That the petitioner since his appointment has been continuously working against the post of Lower Division Clerk to the entire satisfaction of all concerned and there have been no complaint against him till Jan.1981.
5. That the petitioner has never been communicated with any adverse character roll entry and his service record through out the aforesaid period remained



Contd...3

Hoshan Lal

(Handwritten initials)

unblemished and above mark, His integrity has always been certified and has never been withheld for any year.

A/12

6. That the petitioner on 28.1.1981 was served with the charge-sheet dated 17.1.1981 containing the charge that he has not been taking interest in the work and disobeying the orders of the superiors. A true copy of the charge-sheet dated 17.1.1981 is filed herewith as ANNEXURE NO. 2 to this writ Petition.

7. That the charge-sheet issued to the petitioner did not disclose the material or evidence on the basis of which the charges were required to be proved during the course of enquiry.

8. That the petitioner on 5.2.1981 submitted reply to the memo of charge, denying the charges, explaining his position and requesting that the memo of charges may be withdrawn. A true copy of reply to the charge dated 5.2.1981 is filed herewith as ANNEXURE NO. 3 to this writ Petition.

9. That there after no enquiry whatsoever was held by the Opposite Party No. 2 or any other officer empowered to hold the enquiry and without fixing any date for hearing, examining any witness in support of charges, allowing the petitioner to cross examination them and to adduce evidence in his defence in an arbitrary manner passed orders imposing the penalty of withholding of increments for two years vide order dated 6.3.1981. A true copy of the order dated 6.3.1981 passed by Opposite Party No. 2 is filed herewith as ANNEXURE NO.4 to this writ petition.

...(4)...



Handwritten signature

112

10. That a perusal ^{of} Annexure No. 4 clearly indicated that it is non-speaking, eripitic and does not contain reasons for holding the petitioner guilty of the charges.

11. That besides the above the opposite party no. 2 while passing the order imposing the penalty did not consider at all the reply submitted by the petitioner contained in Annexure no. 3 and the order dated 6.3.1981 contained in Annexure No. 4 does not in any way indicate that the petitioner's aforesaid reply was considered by Opposite Party No. 2.

12. That the opposite party no. 2 also did not disclose any material in his order dated 6.3.1981 on the basis of which he reached to the conclusion regarding the guilt of the petitioner.

13. That it is respectfully submitted that the imposition of penalty of withholding of the increments causes pecuniary loss to the person concerned and the same could not have been passed without complying with the principles of natural justice which had not been done in the present case.

14. That the petitioner feeling aggrieved preferred an appeal under Rule 23 of the Central Civil Services (Classification Control and Appeal) Rules before the Opposite Party No. 3 on 20.4.1981, who rejected the same vide order dated 9.6.1981, a true copy of which is filed herewith as ANNEXURE NO. 5 to this writ petition.

15. That thereafter the petitioner under Rule 29 of the Central Civil Services (Classification Control and Appeal) Rules preferred a review before the opposite Party no. 4 on



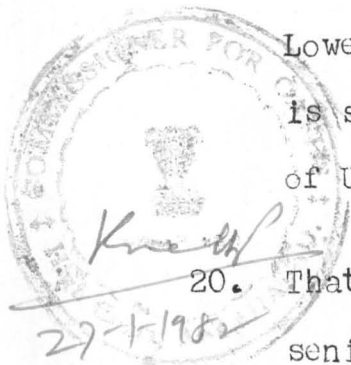
K. S. Hamid

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22.10.1981 a true copy of which is filed herewith as ANNEXURE NO. 6 to this writ petition.

16. That the petitioner's review preferred to opposite Party No. 4 and contained in Annexure No. 6 relating to the legality and validity of the order dated 6.3.1981 passed by Opposite Party No. 2 imposing the penalty of withholding two increments is still pending and has not yet been decided.
17. That the Opposite Party No. 2 vide impugned order dated 28.11.1981 contained in Annexure No. 1 promoted the Opposite Parties No. 6 to 11 to the post of Upper Division Clerk in the pay Scale of Rs. 330 - 560.
18. That the Opposite Party No. 2 while promoting the Opposite Parties No. 6 to 11 did not consider at all the case of the petitioner for promotion though the petitioner is quite senior to Opposite Party No. 6 to 11 with reference to the date of appointment and confirmation and also shown senior in the seniority list of Lower Division Clerk prepared in 1980.
19. That the criteria for promotion from the post of Lower Division Clerk to the post of Upper Division Clerk is seniority subject to rejection of unfit. The post of Upper Division Clerk is a non-selection post.
20. That on behalf of the Opposite Party No. 2 a seniority list of all the Lower Division Clerks under the Films Divisions in the Ministry of Information and Broadcasting was prepared and circulated vide letter dated 7.11.1980. A true copy of the letter dated 7.11.1980 and a true copy of the relevant extract of the Seniority

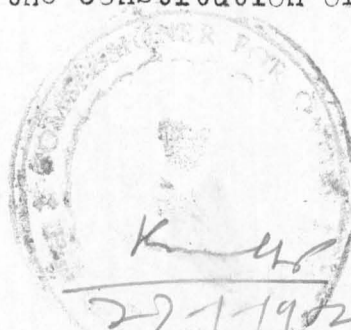


Ko Shan Lal

list attached to the said letter are filed herewith as ANNEXURE NO. 7 to this Writ Petition.

21. That perusal of Annexure No. 7 clearly indicates that the name of the petitioner has been shown at Sl.No. 27 while the name of Opposite Parties No. 6,7,8,9, 10 and 11 have been shown at Serial No. 29, 72, 80, 107, 108 and 143 respectively.
22. That the petitioner after the circulation of aforesaid seniority list made a representation to Opposite Party No. 2 stating that his name should have been shown at Serial No. 7 of the seniority list contained in Annexure No. 7. The petitioner's said representation after allowing the persons affected to say in the matter was allowed vide order dated 24.1.1981, a true copy of which is filed herewith as ANNEXURE NO. 8 to this Writ Petition.
23. That due to the order dated 24.1.1981 (Annexure No. 8) the petitioner's name stands at Serial No. 7 in the seniority list contained in ANNEXURE NO. 7.
24. That the petitioner being much senior to Opposite Party Nos.6 to 11 and the criteria for promotion being seniority subject to rejection of unfit, has a preferential claim for promotion vis-a-vis the Opposite Parties no. 6 to 11.
25. That the petitioner was fully eligible and qualified for promotion to the post of Upper Division Clerk and the opposite party no. 2 in not considering his case for promotion acted discriminately violating provisions of Article 16 of the Constitution of India.

Hoshan Lal



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A/S

26. That besides the above the petitioner's work and conduct throughout being remained excellent and above mark, there was no material worth mentioned on the basis of which the Opposite Party No. 2 could have adjudged him unfit for promotion.

27. That the penalty of withholding of increments vide order dated 6.3.1981 contained in Annexure No. 4 could not have been taken in to consideration for adjudging the petitioner's unfit for promotion in as much as the said order has not become final as yet and the review under Rule 29 of the Rules is still pending decision.

28. That the impugned order dated 28.11.1981 in so far as it relates to the promotion and posting of Sri B.N. Yadava, Opposite Party No. 10, has not been given effect to till date as he is still holding the post of ' Junior Booker ' and has refused to accept the post of Upper Division Clerk.

29. That the petitioner feeling aggrieved and having no other efficacious alternative remedy begs to prefer the present writ petition on the following amongst the other :

G R O U N D S

- K. M. U. S.
27-1-1982
- (1) Because the Opposite Party No. 2 by promoting the Opposite Party No. 6 to 11 without considering the case of the petitioner acted discriminately violating Article 16 of the Constitution of India.
 - (2) Because the petitioner is senior to opposite parties No. 6 to 11 with reference to the date of appointment and confirmation ^{and} has been shown so in the seniority list contained in Annexure No. 7, has a preferential right to be considered and promoted to the post of Upper Division Clerk.
 - (3) Because the criteria for promotion to the post of Upper Division Clerk is seniority subject to rejection

Contd...8

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Sawali

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of unfit and the opposite party no. 2 could not have promoted the petitioner's juniors without first adjudging the petitioner unfit for promotion.

- (4) Because the petitioner has not been adjudged unfit for promotion by the Opposite Party No. 2.
- (5) Because even otherwise there was no valid and firm material before the opposite party no. 2 to adjudge the petitioner unfit for promotion and the penalty imposed vide order contained in Annexure No. 6 could not have been taken into consideration as the review against it was pending and has not yet been decided.

WHEREFORE, it is most respectfully prayed that the Hon'ble Court may graciously be pleased to :-

- (a) issue a writ, direction or order in the nature of certiorari quashing the impugned promotion order dated 28.11.81 contained in Annexure No. 1 promoting the opposite party No. 6 to 11 to the post of Upper Division Clerk.
- (b) issue writ, direction or order in the nature of mandamus commanding the opposite parties to promote the petitioner as well as others legible for promotion w.e.from 28.11.81 on the basis of the criteria of seniority subject to rejection of unfit with all consequential benefits admissible to him.

Lucknow:Dated:
January 27 , 1982

R. C. Saxena
(R. C. SAXENA)
ADVOCATE
COUNSEL FOR THE PETITIONER.

I certify that there is no defect in the aforesaid W.P.

R. C. Saxena
Advocate

(17)

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

(LUCKNOW BENCH) : LUCKNOW :

WRIT PETITION NO. OF 1982.



KRISHAN LAL

...

...

PETITIONER.

VERSUS

UNION OF INDIA AND ANOTHER

...

OPPOSITE PARTIES

WRIT PETITION UNDER ARTICLE 226 OF CONSTITUTION OF INDIA

A F F I D A V I T

I, Krishan Lal, aged about 41 years, son of late Shri Jagannath, resident of 281/352, Mawaiya, Lucknow-226004 do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the petitioner in the above noted writ petition and is fully conversant with the facts of the case deposed to hereunder.
2. That the contents of paras 1 to 28 of the writ-petition are true to my own knowledge.
3. That the Annexure Nos. 1 to 8 are the true copies and the deponent has compared them with their originals.

LUCKNOW:

Dated: January 27, 1982.

Krishan Lal
DEPONENT.



10

10

V E R I F I C A T I O N

I, the deponent named above do hereby verify that the contents of paras 1 to 3 of this Affidavit are true to my own knowledge.

That no part of it is false and nothing material has been concealed, so help me God.

Lucknow:

Dated: January 27, 1982.

Shri Krishan Lal
DEPONENT.

I identify the deponent who has signed before me.

R.C. Saxena
(R.C.SAXENA)
Advocate.

Solemnly affirmed before me on January 27, 1982 at 8.30 a.m./p.m. by Sri Krishan Lal, the deponent, who is identified by Sri R.C.Saxena, Advocate, High Court, Lucknow Bench, Lucknow.

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



K. N. Saxena
JUDGE COMMISSIONER
High Court Allahabad,
Lucknow Bench
No. 129 of 1982
Date 27-1-1982

(Handwritten mark)

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

(LUCKNOW BENCH) : LUCKNOW :

WRIT PETITION NO. OF 1982

KRISHAN LAL

PETITIONER

VERSUS

UNION OF INDIA AND ANOTHER

OPPOSITE PARTIES

ANNEXURE NO. 1

No.A-12021/1/81-EST.II
Films Division
Ministry of Information & Broadcasting
Government of India

24-Pedder Road-Bombay-26.
Dated the 28th November, 81.

O R D E R

The under-mentioned officials appointed as Upper-Division Clerks with effect from the dated mentioned against each:-

1. Shri K.N.Rastogi, Permanent Lower Division Clerk in the Distribution Branch Office at Lucknow is appointed to officiate as upper division clerk in the same Branch on regular basis with immediate effect.
2. Shri R.K.Chatterjee, permanent Lower Division Clerk in the Distribution office at Calcutta is appointed to officiate as Upper Division clerk in the same Branch on regular basis with effect from 22.4.81.
3. Shri B.N.Yadava, permanent Lower Division Clerk in the Distribution Branch office at Lucknow is appointed to officiate as Upper Division Clerk in the same Branch on regular basis with immediate effect.
4. Shri T.K.Jaison, permanent Lower Division Clerk in the Distribution Branch office of this division at Trivendrum is appointed to officiate as Uppr Division Clerk in the same branch with effect from 2.11.1981, Vice Shri S.S.Nair, appointed as Accountant.
5. Shri A.T.Vasantgadkar, Offg.Jr.Booker on ad-hoc basis in the distribution branch office of this division at Hyderabad is reverted to the post of Lower Division Clerk



Krishan Lal



and appointed to officiate as Upper Division Clerk and transferred to the Regional Production Centre at Bangalore on regular basis. His appointment is in the public interest and he will be entitled to the T.A./D.A. etc.

6. Shri K.N.Biwas, permanent Lower Division in the distribution office of this division at Calcutta is appointed to officiate as Upper Division Clerk in the Regional Production Centre Calcutta on regular basis, with immediate effect.

7. Shri N.N.Mandal, permanent Lower Division Clerk in the Distribution branch office of this division at Calcutta is appointed to officiate as Upper Division Clerk in the Regional Production Centre, Calcutta with immediate effect.

8. Shri M.Muniswamy, Office Lower Division Clerk in the distribution branch office at Bangalore is appointed to officiate as Upper Division Clerk in the Regional Production Centre, Bangalore on regular basis against the vacancy reserved for Scheduled Caste with immediate effect.

The officials mentioned above except Shri T.K.Jaisan and Shri N.N.Mandal will be on probation for a period of two years from the date of their appointments, which may be extended at the discretion of the appointing authority.

Sd/-

(N.N.SHARMA)
Administrative Officer

Copy to:-

1. All the Officials mentioned above.
2. The Branch Manager, Films Division, Lucknow (Two copies).
3. -do- -do- -do- Calcutta (-do-).
4. -do- -do- -do- Trivendrum (-do-).
5. -do- -do- -do- Bangalore (-do-).
6. The Producer, Eastern Region Production Centre, Films Divn. Calcutta.
7. Officer-in charge of Distribution.
8. Personal files.
9. Confidential files.
10. Office order book.

TRUE COPY

H. S. Hamal



21
A/B

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

(LUCKNOW BENCH): LUCKNOW :

WRIT PETITION NO. OF 1982.

KRISHAN LAL PETITIONER.

VERSUS

UNION OF INDIA AND ANOTHER OPPOSITE PARTIES.

ANNEXURE NO.2

CONFIDENTIAL

NOIC-13013/15/80-Vig
Films Division
Ministry of Information and Broadcasting
Government of India

24-Dr.Gopalrao Deshmukh Marg, Bombay-26.
Dated the 17th January, 1981

M E M O R A N D U M

Shri Krishan Lal, Lower Division Clerk

Films Division, Lucknow is hereby informed that it is proposed to take action against him under Rule 16 of Central Civil-Services(Classification, Control and Appeal)Rules 1965. A statement of imputations of misconduct or mis-behaviour on which action is proposed to be taken as mentioned above is enclosed.

2. Shri Krishan Lal , LDC is hereby given an opportunity to make such representation as he may wish to make against the proposal.

3. If Shri Krishan Lal fails to submit his representation within 10 days (ten days) of the receipt of this Memorandum, it

will be presumed that he has no representation to make and orders will be liable to be passed against Shri Krishan Lal, ex-parte.

4. The receipt of this Memorandum should be acknowledged by Shri Krishan Lal.

Sd/-
(N.N.SHARMA)
ADMINISTRATIVE OFFICER

To
Shri Krishan Lal, LDC,
Films Division, LUCKNOW.

TRUE COPY

Shri Krishan Lal



A 22



STATEMENT OF IMPUTATIONS OF MISBEHAVIOUR OR MISCONDUCT ON THE PART OF SHRI KRISHAN LAL, LOWER DIVISION CLERK, FILMS DIVISION LUCKNOW.

Shri Krishan Lal while functioning as Lower Division-Clerk in the Distribution Branch office of the Films Division at Lucknow during the year 1980 was allotted the work of maintenance of ledger accounts of the exhibitors and allied items of work. It has been observed that the said Shri Krishan Lal has been deliverately delaying completion of the allotted work which in turn causes hardship to the Accountant in reviewing cases of outstanding dues from the exhibitors. It has also been observed that the said Sri Krishan Lal in in habit of misbehaving in office by lossing his temper, using unparliamentary language against his superiors when his shortcomings are brought to his notice so also disobeying the orders of his superiors and reading novels etc. during office hours. When called upon to explain vide Memorandum No.C-13013/15/80-Vig. dated the 3rd December, 1980, the said Shri Krishan Lal tried to evade the main issue and raised some irrelevant points and asking for copies of complaints lodged against him by his superiors, which are absolutely unnecessary at that stage for submitting his explanation.

2. In view of the facts mentioned above, it is imputed that the said Shri Krishan Lal, is not taking interest in his work, disobeying the order of his superior, misbehaving in office. He has thus failed to maintain devotion to duty and has thereby contravened the provisions of a Government Servant and has thereby contravened the provisions of Rule 3(i) (ii) and 3(iii) of Central Civil Services (Conduct) Rules 1964.

.....

Shri Krishan Lal



A/30

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

(LUCKNOW BENCH): LUCKNOW :

WRIT PETITION NO. OF 1982.

KRISHAN LAL PETITIONER
VERSUS
UNION OF INDIA AND ANOTHER OPPOSITE PARTIES.

ANNEXURE NO.3

To,

The Administrative Officer,
Films Division (Govt. of India),
Ministry of Information & Broadcasting,
24- Peddler Road,
BOMBAY: 400.026.

Through: The Branch Manager,
Films Division,
Lucknow Branch,
Lucknow.

Respected Sir,

With reference to your confidential memorandum no. C-13013/15/80-Vig, dated 17.1.1981 received by me on 28.1.1981, I am to submit my representation as below for favour of your kind consideration:-

1. That the allegations and imputations made against me are totally false and frivolous and the same have been made because of certain prejudices and ill-will having been nurtured against me because I happen to be a member of the Scheduled Caste.
2. That I was appointed as Lower Division Clerk in the Films Division on 26th August 1964 (i.e. more than 16-years ago) and since then I have been performing my duties to the full satisfaction of my superiors and before this I had never been called upon to explain my conduct for any lapse on my part.
3. That as regards the allotment of work to me. I was assigned the following duties vide letter No. Adm./4/1/78/L dated 7.6.1978 of the Branch Manager, Films Division,

Krishan Lal

A/24

Ministry of Information and Brodvasting, Government of-
India, Lucknow a copy of which is enclosed as Annexure I
for a ready refer nce:-

- (i) Maintenance of Ledger No. II(No. 501 to 933) in all respects, i.e. posting in Ledger, review of out-
standing dues, issue of reminders, telegrams, regd.
notices etc. and r elevant correspondence.
- (ii) Preparation of debit/credit notes and posting there-
of in the relevant registers and total of registers
etc.
- (iii) Any other work allotted by the Accountant/Branch-
Manager in case of exigencies.

4. That it has been alieged that I have been deliberately
delaying completion of the allotted work, which in turn
causes hardship to the Accountant in reviewing cases of
outstanding dues from the exhibitors and also adversely
effects recoveries of dues from exhibitors. This allega-
tion is wholly incorrect and false and is not based on
facts. I have never, knowingly or unknowingly, delayed
any official work allotted to me. Instead, I have never
shown any dereliction of duties and negligence in the
discharge of. As a matter of fact I have always discharged
my official duties promptly, quickly, dedicatedly and
faithfully. My disposal of work has always been above
average. In this connection I enclosed herewith a
statement(Annexure II) showing details of work done by me
in the months of September, October and November, 1980.

	<u>Items.</u>	<u>No. of monthly average.</u>
i)	Letters	47
ii)	Invoices	408
iii)	Credit Notes	34
iv)	Debit Notes	73
v)	Entries of cash book in Ledger No. II	127

K. S. Hamid

Besides, I also did the following work during the same

25

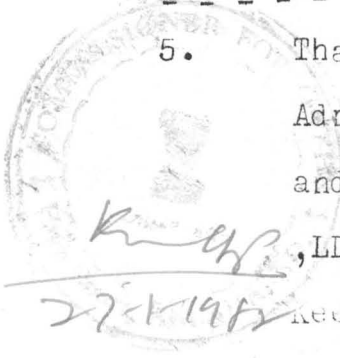
period:--

Sl.No.	Name of work	Work done during			Total	Monthly average.
		Sept.	Oct.	Nov.80		
1.	Calculations of Debit/Credit note (Revision in rentals).	26	66	30	122	44
2.	Calculations of Debit/Credit Note (Revision in rentals).	22	17	18	57	19
3.	Preparations of both/debit/credit notes of Telegram charges.	20	10	20	50	17
4.	Preparation of Debit/Credit notes of Revision rentals.	26	66	50	122	40
5.	Preparations of Debit/Credit Notes of postage charges.	22	17	18	57	19
6.	Preparation of Debit/Credit notes of Rly. freight/wharfage Bearing/I. Bond charges.	85	59	55	199	66
7.	Typing of letters self Ledgers.	73	15	48	136	46
8.	Balancing of Ledger every month.	378	378	378	1134	378
9.	Entries of incoming cheques /Drafts in Ledger No. II	174	188	114	476	145
10.	Entries of Debit/Credit notes in Ledger every month.	22	36	19	77	26
11.	Entering Debit note in Debit note registers every month.	85	71	61	217	71
12.	Entering Credit note in Credit note registers every month.	26	53	23	102	34

5. That out of the duties allotted to me vide letter No. Adm.41/78/L, dated 8th June, 1978 the following works and some of the works of the tables of Sri Radhey Shyam, LDC (Ledger Keeper) and Smt. Devyani, L.D.C. (Ledger-keepers no. III) have been taken over by the Accountant and are being done by himself since 7th June, 1978 for the reasons best known to him:-

- (i) Review of outstanding dues.

Bisham Lal



A/26

(12)

- (ii) Issue of reminders, telegrams and registered notices.
- (iii) All correspondence in directly dealt with and dictated by the Accountant and is not given to the us for disposal;

As such the responsibility for revision of cases of outstanding dues from exhibitors and subsequent recoveries of dues from entirely rests with the Accountant and not on me.

6. That the allegations of using unparliamentary language against my superiors and reading novels etc. during office hours is totally false and baseless. In facts, I am being pers-cuted, humiliated and mentally tortured by my superiors, especially the Branch Manager, and the Accountant who have developed unnecessary prejudices against me on caste basis. In this connection I had sent a complaint dated 27.10.80 to higher authorities. It was only acknowledged by the Welfare Officer, Films-Division, Bombay vide his letter No. 11011/PC/80/000 dated 10.11.80, but ill luck would have it, no action has been taken so far.

7. That the allegations of misbehaving and disobeying orders of my superiors is also totally false, which is corroborated from the fact during a long tenure of my 16 years of meritorious service. I have never been charged of such an allegations. As a disciplined Government servant I cannot even think of indulging into acts of insubordination and indiscipline like misbehaving with and disobeying the orders of my superiors. Had, I ever misbehaved with my superior officers or would have disobeyed their orders, disciplinary action should have been taken against me then and there, which has never been done in the past during the 16 years of my service as stated above. Now


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H. S. K. S.

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the Branch Manager Lucknow and the Accountant who have developed caste prejudices against me are trying their best to drag me into such false and baseless allegations.

8. That it is entirely wrong to say that when I was called upon to explain my conduct vide memo. no. C-13013/15/80-Vig. dated 3rd December, 1980. I tried to evade the main issues and raised some irrelevant point and asked for copies of complaints lodged against me by my superiors which are said to be absolutely unnecessary at that stage for submitting my explanation. I am really surprised to find that when I acted according to rules and ordinary office procedure I correctly requested for certain clarifications and copies of documents which were absolutely essential for submitting my explanation, it is deduced that it was unnecessary and irrelevant. I leave this issue for your kind consideration whether a poor scheduled caste clerk cannot dare to seek clarifications on certain ambiguous issues and request for copies of relevant documents to prepare his explanation. It is really unfortunate that he is being denied from ordinary natural justice, even think of misbehaving with my superior officers or disobeying their orders. I strongly refute the allegations and submit that if any report has been sent to higher officers by the learned Branch Manager, Lucknow, in this regard, the same is unfounded and contrary to the factual position.

9. That so far as I can make out, it appears that the learned Branch Manager and others concerned for prejudice against me because I have filed a writ petition in the Hon'ble High Court, Lucknow, seeking justice in the matter of my promotion vis-a-vis promotion given to my junior colleague, particularly when there is the policy of the Government for reservation in promotion for the Scheduled Castes employees. In this writ petition among others the Branch Manager, Hazratganj, Lucknow, is also



M. Sham Lal

8/28
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a party. This seems to have annoyed my superiors and therefore, I have been made a victim of this memo. of false allegations. Notwithstanding this, it appears that they have taken r-course to this simply with a view to pressurise me to withdraw my said writ petition or to demolish my case brought out therein. I enclose an extract of the relevant para of the writ petition as Annexure III for favour of your kind persual.

In view of the facts stated above I would most humbly request you kindly to withdraw the memo. issued to me falling for my explanation and representation, for which I shall be highly obliged to you.

Yours faithfully,

Sd/-

(KRISHAN LAL)
L.D.C.

Office of Films Division,
Branch Hazratganj, Lucknow.

Enc o. as stated above.

Dated February 5, 1981.

Copy forwarded for information and necessary action to:-

1. An advance copy is forwarded to the Administrative Officer, Films Division, 24- Pedder Road, Bombay-400.026 for information and necessary action.

2. Advance copy is also forwarded to the CHIEF PRODUCER, Films Division, Bombay-26 with reference to my personal interview with him on 21.1.81 at Bombay for sympathetic consideration.

Copy also is forwarded to the Commissioner, Scheduled Caste and Tribes, Govt. of India, R.K.Puram, New Delhi for along- with the following enclosures:

- (10) Annexure no. 1.
- (11) Annexure no. 2
- (3) Extract copy of para 23 of writ of High Court.
- (4) Complaint letter dated 27.10.80.

Sd/-

(Krishan Lal)



TRUE COPY

Krishan Lal

Mr. Ram Lal



DETAILS OF WORK DONE BY LEDGER KEEPER I DURING THE MONTHS OF SEPT. OCT. & NOV. 1980.

Sl. No.	Letters			INVOICES				CREDIT NOTE				DEBIT NOTE				ENTRIES OF CASH BOOK					
	Remained.	Recd.	Dispensed.	Remained in gg.	Remained.	Recd.	Dispensed.	Remained.	Remg.	Recd.	Disposed.	Remg.	Remg.	Recd.	Disposed.	Remg.	Remg.	Recd.	Disposed.	Remg.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
<u>SEPTEMBER 1980</u>																					
1.	NIL	73	73	--	NIL	408	408	NIL	NIL	26	26	NIL	NIL	85	85	NIL	NIL	115	115	NIL	--
<u>24 days (Working)</u>																					
		3				17				1				4				5			
<u>OCTOBER 1980</u>																					
	NIL	15	15	NIL	NIL	408	308	NIL	NIL	53	53	NIL	72	72	NIL	NIL	147	147	NIL	--	
<u>22 working days</u>																					
		--				18				3				4				7			
<u>NOVEMBER 1980</u>																					
	NIL	48	48	NIL	NIL	408	408	NIL	NIL	24	24	NIL	NIL	61	61	NIL	NIL	114	114	NIL	--
<u>21 working days</u>																					
		2				19				1				3				19			
<u>MONTHLY AVERAGE</u>																					
		46				408				34				73				127			

TRUE COPY

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

(LUCKNOW BENCH) : LUCKNOW :

WRIT PETITION NO. OF 1980.

Shri Krishan Lal Petitioner.

Versus

The Union of India and another Respondents.

ANNEXURE NO. 3

Para no. 23----- (Extract copy).

23. That as already stated the action of the respondents No. 2 in promoting the respondent No. 4 on the basis of the Junior Bookers is intended to cause loss and injury to the petitioner. The petitioner was not afforded with the right of promotion deliberately and maliciously. The fact of the matter is that the present Branch Manager Sri G.K.D.Nag was annoyed with the petitioner and never wanted the promotion of the petitioner in any way and as a matter of fact that the aforesaid Branch Manager Sri G.K.D.Nag went to the extent of making allegations against the petitioner and disapproved the petitioner's promotion on the officiating basis in capacity as Upper Division Clerk. The petitioner believes that the aforesaid Branch Manager has positively requested the Administrative Officer, Films Division, Bombay not to promote the petitioner.

True copy

Sd/-

5/2/81

(Krishan Lal)

LDC



Krishan Lal

No. Adm. 41/78/L
FILMS DIVISION
MINISTRY OF INFORMATION & BROADCASTING
GOVERNMENT OF INDIA.

Hazratganj, Lucknow.
Dated the 6th June, 1978.

Subject: Duty List of Ledger Keepers.

The details of Duty List of the Ledger Keepers are given below:-

Ledger keepers I (Shri Krishan Lall, L.D.C.):-

- i) He will be maintaining the Ledger No. II (No. 501 to 933) in all respects i.e. posting in Ledger, Review of outstanding dues, issue of Reminders, Telegrams, Registered Notices etc. and relevant correspondence.
- ii) Preparation of Debit/Credit notes and posting thereof in the relevant Registers, Total of Registers etc.
- iii) Any other work allotted by the Accountant/B.M. in case of exigencies.

Ledger Keeper II (Shri Radhey Shyam) L.D.C.):--

- i) He will be maintaining Ledger No. III (No. 934 to onwards) with all the relevant items of work as mentioned against Ledger no. II, above.
- ii) Posting of all the Invoices in the Day Book and total thereof.
- iii) Any other item of work allotted by the Accountant/B.M.

Ledger Keeper III (Kum. C.N. Devyani) L.D.C.):--

- i) She will maintain Ledger No. I (No. 1 to 500) with all the items of work as mentioned above against Ledger No. II above.
- ii) Preparation of Challans and maintenance of Transfer-Journal.
- iii) Any other item of work allotted by the Accountant/B.M. in case of exigencies.

This Duty List is effective from 7.6.1978.

Sd/-

(R.P. SHARMA)
BRANCH MANAGER.

TC;

1. Shri Krishan Lall, L.D.C.
2. Shri Radhey Shyam, L.D.C.
3. Kum. C.N. Devyani, L.D.C.

TRUE COPY

Handwritten signature



A/32

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

(LUCKNOW BENCH): LUCKNOW:

WRIT PETITION NO. OF 1982.

KRISHAN LAL PETITIONER.

VERSUS

UNION OF INDIA AND ANOTHER OPPOSITE PARTIES

ANNEXURE NO. IV

NO.C-13013/15/80-Vig.
Films Division
Ministry of Information & Broadcasting
Government of India.

24-Dr.C.Deshmukh Marg,
Bombay- 400026.
Dated the 6th March, 1981.

M E M O R A N D U M

- READ:- 1. Memorandum No.C-13013/15-80-Vig, dated the 17th January 1981 issued to Shri Krishan Lal, Lower-Division Clerk, Films Division, Lucknow by the Administrative Officer, Films Division, Bombay.
2. Letter dated the 5th Feb. 1981 from Shri Krishan-Lal, L.D.C., Films Division, Lucknow addressed to the Administrative Officer, Films Division, Bombay.

.....

O R D E R



WHEREAS a Memorandum No. C-13013/15/80-Vig. dated the 17th January, 1981 was issued to Shri Krishan Lal, L.D.C. Films Division Lucknow by the undersigned informing him of the proposal to take action against him under rule 16 of Central-Civil Services (Clarification, Control and Appeal) Rules, 1965, on the basis of statement of imputation of misconduct of misbehaviour attached to the said memorandum and giving him an opportunity of submitting his written representation within the ten days of the receipt thereof.

WHEREAS the said Shri Krishan Lal submitted his written representation dated the 5th Feb. 1981 denying all the allegations contained in the statement of imputation of misconduct or misbehaviour attached to the memorandum cited above.

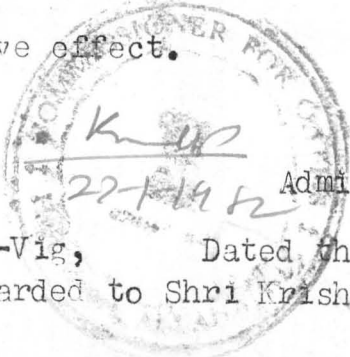
Shri Shankar Lal

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(Handwritten initials)

AND WHEREAS having regard to all the facts and circumstances of the case, the undersigned has come to the conclusion that there is no doubt that the said Shri Krishan Lal has not been behaving properly and is also having the tendency to undermine the authority of the Branch Manager Films Division, Lucknow. Further the facts mentioned by the said Sri Krishan Lal in his written representation such as become he belongs to scheduled caste and because he has filed a writ petition seeking justice in the matter of promotion have no relevance to the said disciplinary proceeding initiated against him. There is also no substance in his statement that being a scheduled caste he cannot seek any clarification. This is because the nature of complaint was made known to him and for giving explanation against the nature of complaint, copies of complaints are not considered necessary as at that stage disciplinary action was not initiated against him. Considering all these facts, the undersigned is of the view that ends of justice will be met if the penalty of withholding of two increments for a period of two years without cumulative effect is imposed on Shri Krishan Lal, Lower Division Clerk.

NOW, THEREFORE, the undersigned accordingly hereby orders that the two increments of Shri Krishan Lal, L.D.C. at present working in Distribution Branch Office of the Films-Division at Lucknow be withhold for a period of two years without cumulative effect.



Sd/-
(N.N.SHARMA)
Administrative Officer.

NO.C-13013/15/80-Vig, Dated the 6th March, 1981.
Copy forwarded to Shri Krishan Lal, L.D.C., Films Divn.
Lucknow.

Sd/-
(N.N.SHARMA)
Administrative officer.

TRUE COPY

Handwritten signature

34

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALIAHABAD.

(LUCKNOW BENCH) : LUCKNOW:

WRIT PETITION NO. OF 1982.

KRISHAN LAL

....

PETITIONER

VERSUS

UNION OF INDIA AND ANOTHER

....

OPPOSITE PARTIES.

ANNEXURE NO.5

No. C-13013/15/80-Vig.
Films Division
Ministry of Information & Broadcasting
Government of India.

24-Dr.G.Deshmukh Marg,
Bombay 400 026.
Dated the 9th June, 1981.

MEMORANDUM

With reference to his appeal No. K1/SC/81 dated the 20th April, 1981, Shri Krishan Lal, Lower Division Clerk is informed that the Chief Producer after careful consideration of it has rejected his appeal. The Chief Producer has, however, observed that Shri Krishan Lal has not yet been given an undertaking that he would improve his behaviour in future as advised to him when he met Chief Producer last in Bombay.

Sd/-

Shri Krishan Lal,
Lower Division Clerk,
Films Division,
LUCKNOW.

(N.N.SHARMA)
Administrative Officer.

TRUE COPY

Krishan Lal



(Handwritten initials/signature in a circle)

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

(LUCKNOW BENCH): LUCKNOW :

WRIT PETITION NO. OF 1982.

KRISHAN LAL

.....

...

PETITIONER

VERSUS

UNION OF INDIA AND ANOTHER

.....

OPPOSITE PARTIES.

ANNEXURE NO. 6

Nb.KL/FD-Lko./SC/81,

Dated 22-10-1981.

To
The Secretary to Government of India,
Ministry of Information & Broadcasting,
NEW DELHI : 110001

Through: PROPER CHANNEL.

RE: Appeal against the Ex-party awarded punishment.

Ref: Administrative Officer, Memorandum No.C-13013/15/80-Vig.
dated 6th March, 1981 served to the undersigned on
13.3.1981(A.N.)

Sir,

With all due respect, kindly permit me to submit you the below noted facts and grounds as an FINAL APPEAL against the above orders of the Administrative Officer. Films Division, Bombay. The reference on sought permission, received from the Chief Producer, Films Division, Bombay is also enclosed (NO.C-13013-15/76-Vig. dated 10th Sept. 1981 received on 29th Sept.81).

(1) That an appellant is a diligent, industrious and hard working personal of the Lucknow Office and have a meriterious and creditable services of about two decades at his credit and has worked with full devotions and concerutations and has never received any adversity before it i.e. since 1971 to 1981.

That a memorandum no. 13013/15/Vig. dated 17th Jan. 1977 was served on the appellant for the first time only in return when he made requests for his due promotions and proper civil behaviour from the local Branch Manager.

(3) That the alleged allegations, being made out consequent

(Circular stamp with handwritten signature 'Krishan Lal' and date '27-1-1982 (2)')

Krishan Lal

AB

upon prejudicial and discriminating & racial based feeling with collusion of Local Branch Officer were emphatically denied categorically duly supported with all evidences, documentary, circumstantial and others. but instead consider the substantial submissions the appellant has been ex-parte infested, fabricated forcibly thursted punishment of withholding two years increments in addition to the above pynishment, without proper enquiry or hearing to the appellant or attending his representations. The following forced punishment have also been imposed:--

- a) Promotions is not being allowed (as Upper Division Clerk) since 1977 year, and contineous supersession in promotions are being made by promoting to the juniors neglecting my seniority, long experience, merit & all reservations orders meant for the DOWN TRODENS. issued by the Ministry of Home-Affairs/Cabinet Secretariat and also in violation of Expression/Spirit contained in judgement by the Hon'ble Supreme Court of India on 14.11.80(SC-1980).
- b) Proper seniority serial has not been assigned in accordance with the reservations orders meant for the Scheduled Castes/Tribes as directed by the Government of India.
- c) The above all memorandums/punitive reference are not speaking orders.

Stamp: K... 27-1-1982

The special new & personalised arbitrarily procedure and mysterious haste in the matter of the appellant, is at all not supported by instant Law or any rule.

You are therefore, requested to kindly advise to the learned Chief Producer to:-

- 1. Withdraw immediately the imposed ex-parte & illegal

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34 (9)

punishment thrusted forcibly through memo. no. ibid above, which has been passed hastily without hearing to the appellant and institution an enquiry which is an unavoidable requirements of the procedure in vogue in the interest & decorum of the justice and laws/administrative pre-established precedences.

2. To fix seniority serial and promotions be allowed in adherence of the Supreme Court judgement's expressions and directions of the Govt. of India maintaining reservations for Scheduled Castes/Tribes personnel in services.
3. A personal hearing may kindly be allowed.
4. In the meantime adhoc promotions may be allowed for which such impugned Panel(which is under appeal as well) provisions is not a bar.

The action taken on the above may kindly be expedited,

Encl One.

Yours faithfully,
Sd/-

(Krishan Lal)

Pmt. L.D.C.- Films Division,
Hazratganj, Lucknow.

Lucknow:
Dated: 22nd Oct. 1981.

U.P.C.

An advance copy is forwarded to the Secretary to the Government of India, Ministry of Information and Broadcasting, New Delhi for his kind attention & sympathetic consideration.

Encl. One.

Sd/-
(Krishan Lal)

TRUE COPY

Krishan Lal



(Handwritten initials)

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

(LUCKNOW BENCH) : LUCKNOW :

1/28

WRIT PETITION NO. OF 1982.

KRISHAN LAL PETITIONER.

VERSUS

UNION OF INDIA AND ANOTHER OPPOSITE PARTIES.

ANNEXURE NO. 7

No.5/26/64.Est.II
FILMS DIVISION
MINISTRY OF INFORMATION & BROADCASTING
Government of India.

24- Pedder Road, Bokbay-26.
Dated the 7th Nov. 1980.

The Branch Manager,
Films Division,
Lucknow.

Subject: Seniority List of Lower Division Clerk of the
Films Division.

Sir,

With reference to your letter No. Est.25/80/L, dated the 23rd Aug. 1980 regarding the Seniority List of Lower Division Clerks, I am to enclose herewith a copy of the Seniority List of Lower Division Clerks which was forwarded to you vide this office letter No. A-23011/1/79-Est.II dated 4.6.1979.

2. It is requested that the enclosed Seniority List may please be circulated among the Lower Division Clerk working in your Branch Office.

Yours faithfully,
sd/-
(S.N.SINGH)
Asstt. Admn. Officer.

Encl. As above.

No.5/26/64-Est.II dated the 7th Nov. 1980.

Copy forwarded for information to Shri Krishan Lal, Pmt. Lower Division Clerk Films Division Lucknow with reference to his representation dated the 25th Sept. 1980.

sd/-
(S.N.SINGH)
Asstt. Admn. Officer.

TRUE COPY

Handwritten signature: Krishan Lal

(Circular stamp)
Lucknow
27-1-1982

SENIORITY LIST

Post of Grade of Service: LOWER DIVISION CLERK
Scale of Pay Rs. 260-6-290-EB-6-326-8-366-EB-8-390-10-400

Permt. + Temp. = Total Other G.Total
126 23 + 159 33 192.

Sr.No.	Name of Official & Working	Date of birth	Date of entry in Films-Division.	Appointment in post or grade confirmation in post or grade.	Method of Recruitment.	REMARKS.
1	2	3	4	5	6	7
1.	Sri K.R.Shastri(Nagpur Branch) xxx	6.9.1929 xxx	9.12.55 xxx	18.4.1960 xxx	Direct xxx	On deputation to Terrotorial Army. xxx
4.	Sri R.K.Chaterjee(Calcutta Br.) xxx	1.8.1928 xxx	23.5.49 xxx	1.1.1963 xxx	Direct xxx	---- xxx
23.	Sri K.N.Biswas (xxx	25-6-1937 xxx	30.8.1962 xxx	29.8.1964 xxx	Direct xxx	--- xxx
27.	Sri Krishan Lal (Lucknow Br.) xxx	5.6.1941 xxx	26.8.1964 xxx	26.8.1966 xxx	Direct xxx	--- xxx
29.	Sri N.N.Mandal (Calcutta Br.) xxx	17.8.1938 xxx	24.9.1964 xxx	4.9.66 xxx	Direct xxx	--- xxx
72.	Sri A.T.Wasantgadkar(Nagpur Br.) xxx	2.5.1946 xxx	11.10.1965 xxx	3.5.1967 1.3.74 xxx	Direct xxx	--- xxx
80.	Sri T.K.Jaison (New Delhi)	11.6.1949	30.8.1968	30.8.1968 1.3.74.	Direct	xxx

Shankar

29-11-98
K.M.

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1	2	3	4	5	6	7
	xxx		xxx	xxx	xxx	xxx
107.	Sri K.N.Rastogi (Lucknow Branch)	5.9.1951	3.9.70	20.7.76	Direct	---
108.	Sri B.N.Yadava (Lucknow Branch)	13.10.1950	17.9.1970	20.7.1976	Direct	---
	xxx		xxx	xxx	xxx	xxx
143.	Sri M.Muniswamy (Bangalore Br.)	8.6.1950	10.3.1971	1.4.1976	Direct	Peon

22-1-1982
K
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Kishan Lal

A/SO

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(Handwritten initials)

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

(LUCKNOW BENCH) : LUCKNOW :

WRIT PETITION NO. OF 1982-

.....

KRISHAN LAL PETITIONER.

VERSUS

UNION OF INDIA AND ANOTHER OPPOSITE PARTIES

ANNEXURE NO. 8

No.5/26/64-Est.II
Films Division
Ministry of Information & Broadcasting
Government of India.

24-Pedder Road, Bombay-26.
Dated the 24th Jan. 1981.

MEMORANDUM

Subject: Seniority List of Lower Division Clerk of the
Films Division.

With reference to his representation dated the 6th Jan. 1981 on the subject noted above a copy of the Seniority-
of Lower Division Clerks as on date is sent herewith. It will
be observed that as per the Seniority List enclosed, the
Seniority of Shri Krishan Lal stands at Sr.No. 7 (Seven).

The receipt of the Seniority List may please be
acknowledged.

Sd/-

(S.N.SINGH)

Asstt. Admn. Officer.

Shri Krishan Lal,
Permanent Lower Division Clerk,
Films Division,
Lucknow.

TRUE COPY

Krishan Lal

274-1982

In the Honorable High Court of Judicature at Allahabad
व अदालत श्रीमान (Duchow Bench), महोदय

वादी (मुद्दे) Krishan Lal
प्रतिवादी (मुद्दालेह) का **वकालतनामा**



10/25-
27-11-82
Krishan Lal

वादी (मुद्दे)

Union of Indias & others
प्रतिवादी (मुद्दालेह)

W.P. No. 565/566 of 1982
नं० मुकद्दमा सन् १९८२ पेशी की ता० १९८२ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री
R. C. Saxena, Advocate एडवोकेट

High Court 565/566 of 1982
Rajendra Nagar, Lucknow महोदय वकील
को अपना वकील नियुक्त करके प्रतिज्ञा [इकरार] करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी [फरीकसानी] का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त [दस्तखती] रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

नाम अदालत
नं० मुकद्दमा
नाम फरीकसनी

Accepted
Rajendra Nagar
27/11/82

Krishan Lal

हस्ताक्षर

साक्षी (गवाह) _____ साक्षी (गवाह) _____

दिनांक 27 महीना 1 १९८२ ई०

Original copy
- 34 -
C.M.H. No. 1149(W)/82

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

(LUCKNOW BENCH) : LUCKNOW :

WRIT PETITION NO. OF 1982.

540



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(77)

A-552
372/82

KRISHAN LAL ... PETITIONER
VERSUS
UNION OF INDIA AND ANOTHER ... OPPOSITE PARTIES

APPLICATION FOR STAY

That for the detailed facts and the reasons given in the Writ Petition accompanied by an Affidavit, it is most respectfully prayed that this Hon'ble Court may be pleased to stay the operation of the impugned order dated 28.11.1981 passed by the Opposite Party No. 2 contained in Annexure No. 1 to the Writ Petition in so far as it relates to the promotion and posting of Sri B.N.Yadava, Opposite-Party No. 10, and an ad-interim order to the same effect may be passed in favour of the petitioner.

Lucknow:

(R.C.SAXENA)
Advocate

Dated: JANUARY 27, 1982.

COUNSEL FOR PETITIONER.

R.C. Saxena
Advocate

Received
for \$165.
April 22, 1982

APR 22 1982

for JASSON

with petition.

Put up along with the

Hon. R.C. DeStamms, J.

Hon. H. N. Seah, J.

APR 25 1982

Gen. W. M. Seah, P.

Extra Copy

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

(LUCKNOW BENCH) : LUCKNOW :

WRIT PETITION NO. OF 1982.

179

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44

KRISHAN LAL	PETITIONER
	VERSUS		
UNION OF INDIA AND ANOTHER	OPPOSITE PARTIES

APPLICATION FOR STAY

That for the detailed facts and the reasons given in the Writ Petition accompanied by an Affidavit, it is most respectfully prayed that this Hon'ble Court may be pleased to stay the operation of the impugned order dated 28.11.1981 passed by the Opposite Party No. 2 contained in Annexure No. 1 to the Writ Petition in so far as it relates to the promotion and posting of Sri B.N.Yadava, Opposite-Party No. 10, and an ad-interim order to the same effect may be passed in favour of the petitioner.

Lucknow:

Dated: JANUARY 27, 1982.

R.C. Saxena
Advocate

(R.C. SAXENA)
Advocate

COUNSEL FOR PETITIONER.



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

C.M. APPLICATION NO. 10940 (W) OF 1982

UNION OF INDIA AND OTHERS APPLICANTS

IN RE :

WRIT PETITION NO. 540 OF 1982

KRISHNA LAL PETITIONER

VERSUS

UNION OF INDIA AND OTHERS OPPOSITE PARTY

APPLICATION FOR CONDONATION OF DELAY IN FILING THE COUNTER-
AFFIDAVIT ON BEHALF OPPOSITE PARTIES NOS. 1 to 5

.....

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

1. That the draft reply to the Affidavit of Writ Petition
no. 540 of 1982, was received by the Counsel of the Opposite
Parties Nos. 1 to 5, on 15.3.1982.

2. That thereafter the Counter Affidavit was prepared
and itx was sent to the opposite party no. 5 for onward
trasmission to the Administrative Officer, Films Division,
Bombay for getting the same vetted by the Law Minstry of the
Government of India.

3. That after the receipt of the duly vetted counter
affidavit, the fair Counter Affidavit was prepared and sent
to the Administrative Officer, Films Division, Government of
India, Bombay

4. That the duly sworn Counter Affidavit was received on
Saturday, the 16th October 1982 and now it is being filed today
without any further loss of time.

5. That the delay in filing the Counter-Affidavit is
bonafide, not deliberate.

Wherefore, it is prayed that the delay in filing the
counter affidavit may kindly be condoned and the Counter-
Affidavit may be placed on the record.

LUCKNOW.

DATED OCT. 18, 1982

(DIWAN SINGH RANDHAWA)
ADVOCATE

SENIOR STANDING COUNSEL, Cen. Govt.
COUNSEL FOR THE APPLICANTS.

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



Counter Affidavit on behalf of
Opposite parties 1 to 5

.....

In re
Writ Petition No. 540 of 1982

Krishan Lal Petitioner
Versus
Union of India and others Opp. Parties.

I, N. N. Sharma,
aged about 54 years, son of
Shri Brij Kishore Sharma,
Administrative Officer,
Films Division, Bombay
..... Deponent

I, the deponent above named do hereby solemnly
affirm and state as under:

1. That the deponent is the Administrative Officer, Films Division, Government of India, Bombay and is fully conversant with the facts deposed to herein.
2. That the deponent has read the writ petition and its annexures and has understood the contents thereof.
3. That in reply to the contents of paragraph 1 of the writ petition it is not disputed that the officials mentioned at serial no. 6 to 11, who were junior to Shri Krishan Lal, as Lower Division Clerk in the Films Division, have been promoted to/have been issued orders for promotion to the post of Upper Division Clerk vide Order No.A-12021/1/81-Est.II dated 28.11.1981.

1st page corrs.
Attestor

Sharma
Deponent

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✓

A handwritten signature in dark ink, possibly reading 'S. S.', enclosed in a circular scribble.

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4. That in reply to the contents of paragraph 2 of the writ petition it is not disputed that the petitioner Shri Krishan Lal was appointed as Lower Division Clerk on 26.8.1964 and was posted in the Distribution Branch Office at Lucknow.

5. That in reply to the contents of paragraph 3 of writ petition it is not disputed that Shri Krishan Lal, ^A/₄₇ petitioner was appointed substantively against the permanent post of Lower Division Clerk with effect from 26.8.1966 vide this office order No.12/26/62-Est.I dated 7.11.1966.

6. That in reply to the contents of paragraphs 4 and 5 of the writ petition it is not disputed that the petitioner has been continuously working against the post of Lower Division Clerk, however, it is not correct that he has been working since his appointment to the entire satisfaction of all concerned officers/his superiors till January, 1981 or that his record throughout the entire period of his service with the Films Division has remained unblemished and above mark. His record bears adverse remarks over the years since 1968.

7. That the contents of paragraph 6 of the writ petition are not disputed.

8. That in reply to the contents of paragraph 7 of the writ petition it is stated that the petitioner was issued chargesheet for minor penalty as prescribed in Rule 16 of Central Civil Services(Classification Control and Appeal) Rules, 1965. According to this Rule 16, holding of enquiry is optional and also at the discretion of Disciplinary authority. Moreover the petitioner did not ask for holding of enquiry in his written representation dated the 5th February, 1981 (Annexure No.3) submitted in reply to the chargesheet. Normally the Disciplinary authority frames charges against the delinquent official and it is the responsibility of the delinquent official to prove that he is not guilty of these charges. For this purpose it was necessary for the petitioner

2nd page corrs.
Attestor

Shri
Deponent

b/u 

to deny the charges framed against him and ask for enquiry or ask for the copies of complaint against him before filing his written representation. But instead, he requested the Disciplinary authority to withdraw the charges framed against him. In view of this the claims made in this paragraph are not based on requirement of rules.

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9. That in reply to the contents of para 8 of the writ petition it is submitted that there is no provision in the CCS(CCA) Rules, 1965 to withdraw the charges already framed. The charges can at the most be dropped after complying with the provisions of these rules.

10. That in reply to the contents of paragraph 9 of the writ petition it is submitted that as already stated in reply to paragraph 7 of the writ petition that the holding of enquiry in Minor Penalty cases is optional and also at the discretion of the Disciplinary Authority. The petitioner also did not ask for enquiry in his written representation in reply to charge sheet. In view of this, the question of holding any enquiry did not arise. The grounds on which the decision to impose the penalty of withholding of increments for two years were, however, mentioned in the order dated 6.3.1981(Annexure No.4).

11. That in reply to the contents of paragraph 10 of the writ petition it is stated that the Annexure No.4 contains the grounds on which the petitioner was held guilty of the charges framed against him. It is denied that the order contained in Annexure No.4 is either non speaking order or cryptic or does not contain reasons for holding the petitioner guilty of the charges.

12. That in reply to the contents of paragraph 11 of the writ petition it is stated that the Annexure No.4 does make mention of written representation submitted by the

3rd page corrs.
Attestor

Deponent

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petitioner in reply to the chargesheet. It also mentions that the conclusion was arrived at after having regard to all the facts and circumstances of the case which inter-alia includes the written representation submitted by the petitioner. In view of this it is not correct to allege that the written representation of the petitioner was not considered by the Disciplinary Authority i.e. the Respondent No.2 while passing the orders of penalty.

13. That in reply to the contents of para 12 of the writ petition it is stated that the Annexure No.4 mentions the grounds in which the petitioner was held guilty of the charges framed against him. In view of this it is not correct for the petitioner to say that the orders contained in Annexure No.4 did not disclose any material on the basis of which the Respondent No.2 reached the conclusion regarding the guilt of the petitioner.

14. That in reply to the contents of para 13 of the writ petition it is stated that the requirement of Rule 16 of the CCS(CCA) Rules, 1965 were complied with before the penalty was imposed on the petitioner. In view of this it does not seem correct to say that the penalty was imposed without complying with the principles of natural justice although the said penalty causes pecuniary loss to the petitioner.

15. That the contents of paragraph 14 of the writ petition are not disputed.

16. That the contents of paragraph 15 of the writ petition are not disputed.

17. That in reply to the contents of para 16 of the writ petition it is stated that before any decision on the said Review petition could be taken by Respondent No.4, the matter was brought to this Hon'ble Court.

6/6



18. That the contents of paragraph 17 of the writ petition are not disputed.

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19. That in reply to the contents of para 18 of the writ petition it is stated that it is not correct that the Administrative Officer, Films Division, referred to as the opposite party No.2 did not consider at all the case of the petitioner for promotion while promoting the persons referred as opposite parties No. 6 to 11. It is true that the petitioner is senior to the opposite parties No. 6 to 11 with reference to the date of appointment, confirmation in the post of Lower Division Clerk and is also shown senior in the seniority list of Lower Division Clerks prepared in 1980. According to the recruitment rules prescribed for the post of Upper Division Clerk in Films Division, 25% of the posts are to be filled on the basis of Departmental tests held by the Films Division and 75% posts are to be filled from amongst the Lower Division Clerks with atleast five years regular service in the grade by promotion on the basis of seniority subject to fitness. All the eligible Lower Division Clerks of the Films Division, including the petitioner were considered by the duly constituted Departmental Promotion Committee consisting of:

1. Administrative Officer, Films Division
2. Assistant Station Director, All India Radio, Bombay
3. Officer-in-charge of Distribution, Films Division
4. Director, Films Division
5. Assistant Administrative Officer, Films Division.

On the 27th October and 3rd November, 1980, the Departmental Promotion Committee, however, considered him 'Unfit' for promotion to the post of Upper Division Clerk. The recommendations of the Departmental promotion Committee were accepted by the competent Appointing Authority namely the Administrative Officer, Films Division. The petitioner was also accordingly informed about this position in the

5th page corrs.
Attestor

Deponent

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Films Division Memo. No.5/26/64-Est.II dated the 17th February, 1981, with reference to his representation dated the 20th January, 1981 on the basis of Panel drawn up by the Departmental Promotion Committee for the post of Upper Division Clerk on 27th October, 1980 and 3rd November, 1980.

20. That in reply to the contents of para 19 of the writ petition it is stated that according to the recruitment rules in force the criteria for promotion to the post of Upper Division Clerk is as under:

(1) 25% PROMOTION BY SELECTION:

From amongst Lower Division Clerks in Films Division who have passed the Departmental Examination prescribed in the Annexure.

(2) 75% PROMOTION BY SENIORITY-CUM-FITNESS:

From amongst Lower Division Clerks in the Films Division who have put in atleast five years service in that grade.

21. That the contents of paragraph 20 to 23 of the writ petition need no comments.

22. That in reply to the contents of para 24 of the writ petition it is stated that the petitioner was senior to the persons referred to as opposite parties No. 6 to 11 and according to the recruitment rules, the post of Upper Division Clerks were/are to be filled on the basis of seniority subject to fitness. It is not correct that the petitioner automatically has or gets any preferential claim for promotion vis-a-vis the persons referred to by him as opposite party No. 6 to 11. As mentioned against Item No.18, the fitness or/otherwise of the person for promotion determines the claim of each eligible candidate and as the competent departmental promotion committee did not consider him fit for promotion to the post of Upper Division Clerk, the question of any preference being given to the petitioner did not arise.

6th page corrs.
Attestor

Pranay
Deponent

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23. That in reply to the contents of para 25 of the writ petition it is stated that the petitioner was fully eligible and qualified only for consideration for promotion to the post of Upper Division Clerk and not for promotion to the post without satisfying the condition relating to fitness as stipulated in the Recruitment Rules for the post of Upper Division Clerk. Therefore, the contention of the petitioner that the opposite party No.2 namely Administrative Officer, Films Division, in not considering his case for promotion acted discriminately violating provisions of Article 16 of the Constitution of India is not correct. As explained in reply to paragraph 18, the petitioner was duly considered by the Departmental Promotion Committee and Administrative Officer on the basis of the recommendations of the Committee and because he was not found fit for promotion, he was not appointed to that post.

24. That in reply to the contents of para 26 of the writ petition it is submitted that as already stated in reply to paragraphs 4 and 5 of the writ petition that the record relating to work and conduct of the petitioner over the years carried adverse remarks in the Character Rolls of the petitioner and this record was duly considered by the Departmental Promotion Committee which met on the 27th October, 1980 and 3rd November, 1980 on the basis of which he was adjudged unfit for promotion to the post of Upper Division Clerk.

25. That in reply to the contents of para 27 of the writ petition it is stated that the penalty of withholding of increment vide order dated 6.3.1981 (Annexure-4) was not taken into consideration by the Departmental Promotion Committee, or for that matter by the Administrative Officer, the Competent Appointing Authority, while adjudging the petitioner as unfit for promotion to

6/10/82

the post of Upper Division Clerk in October/November, 1980 when the panel was drawn up.

A/83

26. That in reply to the contents of para 28 of the writ petition it is not disputed that in the office order dated 28.11.1981, in so far as it relates to the promotion and posting of Shri B.N.Yadava referred to as opposite party No.10, has not been given effect till date and that he is still holding the post of Junior Booker. Shri B.N.Yadava, permanent Lower Division Clerk in this Division has been officiating as Junior Booker carrying the same scale of pay as attached to the post of Upper Division Clerk Viz. Rs.330-560/- on ad-hoc basis.(There is no channel for promotion of Lower Division Clerks of Films Division for promotion to the post of Junior Booker). He has represented that he may be considered for continuance in the post of Junior Booker held by him on ad-hoc basis or for reverting him to the post of Lower Division Clerk till such time as it is possible to appoint him as Junior Booker. His representation is under consideration.

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

Solemnly affirmed and signed before me at this *7th day of* *October 1982*

Rama.
Deponent
Administrative Officer,

BEFORE ME



R. A. GAGRAT
NOTARY
UNION OF INDIA
C/O. GAGRAT & CO.,
ALI CHAMBERS,
N. MASTER ROAD,
BOMBAY-400 022
7-10-82

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW
TA..NO.1024 OF 1987(T)

(Signature)

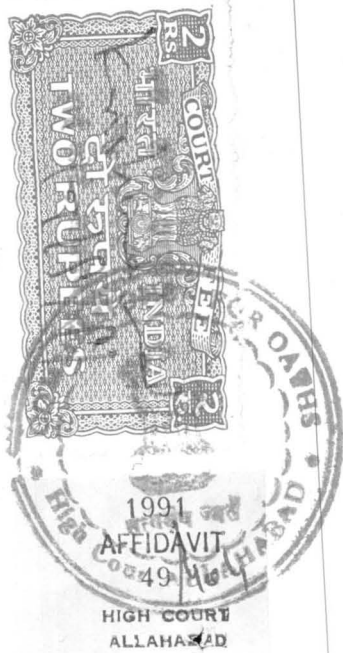
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Krishan Lal Applicant
Versus
Union of India & Others .. . Respondents

REJOINDER AFFIDAVIT TO THE SUPPLEMENTARY
COUNTER AFFIDAVIT FILED ON BEHALF OF
THE OPPOSITE PARTIES

I, Krishan Lal aged about 50 years son of late Shri Jagannath, Upper Division Clerk, Films Division, Ministry of Information & Broadcasting, Govt. of India, 94-Durga Bhawan Kapoor Lane, M.G.Marg, Lucknow, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the petitioner in the above noted case and is fully conversant with the facts deposed to here under.
2. That the contents of para 3 of the Supplementary-Counter Affidavit are not disputed except that the case of the deponent for promotion to the post of Upper Division Clerk should have been considered by the Departmental Promotional Committee with effect from the date when persons juniors to the deponent were promoted as U.D.C. vide order dated 28.11.1981 contained in Annexure No. I to the writ petition and the deponent should have been allowed promotion with effect from 28.11.1981 with all consequential benefits such as arrears of Pay & Allowances and the benefits of Seniority. There is no justification to allow promotion to the deponent w.e.f.10.4.1984 & not from 28.11.1981.



(Signature)

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- 3) That with reference to the contents of Para 5 of the Supplementary Counter Affidavit, it is respectfully submitted that the decision of the Departmental-Promotional Committee regarding unfitness of the deponent for the post of U.D.C. on 28.11.1981 alongwith with his juniors is wholly arbitrary and un reasonable in as much as there was no valid & firm material on the basis of this the deponent could have been adjusted as unfit for promotion to the post of U.D.C. Even otherwise also in the Counter Affidavit filed on behalf of the Opposite Parties in the case neither any material adverse to the petitioner has been pointed out nor any reasons too have been indicated to the declare the deponent as unfit for promotion to the post of U.D.C. Thus, the supercession of the deponent in the matter of promotion with his juniors on 28.11.1981 till wholly arbitrary and discriminatory hit by Article 14 & 16 of the Constitution of India. The deponent is advised to state that the Opposite Parties are under legal obligation to the disclose the reasons and the material on the basis of which the supercession in the matter of promotion may be said to be justified when the supercession a challenge on the ground of arbitrariness or there being no material adverse to the incumbent concerned.
- 4) That the contents of the paragraph 6 of the Supplementary Counter Affidavit are wrong & denied in view of the submissions already made here is before and in reply it is submitted that the deponent is entitled to get promotion and seniority as U.D.C. w.e. from 28.11.1981 and is also entitled for payment of Arrears etc. from the said date.
- 5) That the writ Petition filed by the deponent deserves to be allowed.



LUCKNOW
DATED 17-9-91

Manishan Lal
DEPONENT

(Handwritten signature)
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VERIFICATION

I, the deponent named above do hereby verify that the contents of paragraph 1 to 5 are true to my own knowledge. Nothing material has been concealed and no part of it is false so help me God.

(Handwritten signature: Krishan Lal)
DEPONENT

LUCKNOW

DATEDL 17-9-91

I identify the deponent named above who has signed in my presence and personally known to me.

(Handwritten signature)
(R.C.SAXENA)
ADVOCATE
17-9-91

Solmly affirmed before me on 17.9.91 at 11.30 a.m./p.m. by Shri Krishan Lal, the deponent who is identified by Shri R.C.Saxena, Advocate, High Court Lucknow Bench Lucknow.



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

(Handwritten signature: A.N. Khanam)
A.N. KHANAM
OATH COMMISSIONER
High Court Allahabad
Lucknow Bench Lucknow
No..... 49/40.4
Date..... 17/9/91

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

C.M. Application No. 4322 (W) of 1983

In-Re:

Writ Petition No. 540 of 1982



Krishna Lal

... Petitioner.

Versus

Union of India & Others

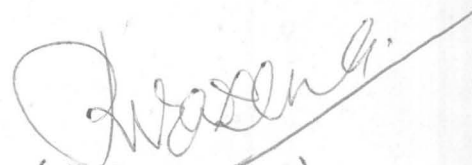
... Opp. Parties.

Application for condonation of delay in filing of
Rejoinder Affidavit

2550
That due to inadvertance or mistake the Rejoinder Affidavit could not be filed within time but the same is now ready and being filed herewith which may kindly be brought ~~to~~ on record after condoning the delay in question.

Lucknow:

Dated: April 8, 1983.

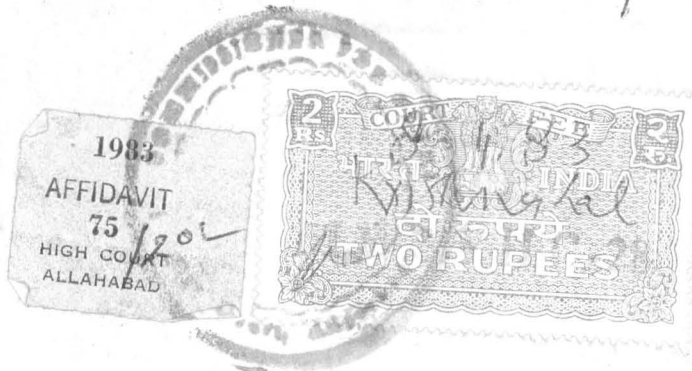

(R.C. Saxena)
Advocate,
Counsel for Petitioner.

11
1-4-83

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

WRIT PETITION NO. 540 OF 1982

[Handwritten signature]



Krishan Lal Petitioner

Versus

Union of India & Others Opposite Parties

REJOINDER AFFIDAVIT

I, Krishan Lal, aged about 41 years, son of late Sri Jagan Nath R/o 281/352 Mawaiya, Lucknow do hereby solemnly affirm and state on oath as under:-

- 1) That the deponent is the petitioner in the above noted case and he is well conversant with the facts deposed hereunder.
- 2) That the contents of paragraph 1 to 5 of the Counter-Affidavit need no comments.
- 3) That with reference to the contents of paragraph 6 of the Counter Affidavit the contents of paragraph 4 & 5 of the Writ Petition are reaffirmed as correct. The Opposite Parties have not been able to dispute the contentions of the deponent that his entire record prior to 1981 has remained unblemished and that he was never communicated with any adverse entry by filing any documentary evidence. The contention of the Opposite Parties



Contd2....

Krishan Lal

(Handwritten initials in a circle)
9/3

" his record bears adverse remarks over the years since 1968, is a vague statement unsupported by any evidence and is not worthy of evidence. The deponent once again affirms that he was never communicated with any adverse entry and his service record is unblemished.

A/S

4) That the contents of paragraph 8 of the Counter-Affidavit are not correct as stated and the same are denied. It is once again reaffirmed that in the charge-sheet no evidence or material was disclosed on the basis of which the charges were required to be proved. The interpretation of Rule 16 of Central Civil Service (Classification Control and appeal) Rules 1965 in respect of mentioning of evidence in the Charge-sheets is wholly wrong. As a matter of fact under Rule 16 (1) (b) there is a provision for holding an enquiry in the manner laid down in Sub Rule (3) to (23) of Rule 14 in every case in which the disciplinary authority is of the opinion that such enquiry is necessary. The opinion referred to in sub Rule (b) (1) of Rule 16 has to be formed by the disciplinary authority objectively by application of his mind to the material available in support of the charges and not arbitrarily. The disciplinary authority in no case can form the opinion of holding an oral enquiry in case the evidence proposed to be relied upon in proof of charges have not been disclosed in the charge-sheet itself. Charge-Sheet itself remains incomplete unless it discloses the evidence on the basis of which the charges are said to be sustainable. Even otherwise also the delinquent



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Contd.....3.....

1/20/07
g/y

employee cannot be able to submit his effective representation unless he is informed the basis and the materials in support of the imputation/allegations ^{A/B} made against him. The deponent denied all the charges and explained the whole situation and in his case the submission of reply vide ^LANNEXURE No. 3 to the ^LWrit Petition it was incumbent upon the disciplinary authority to have held the oral enquiry in order to prove the charges. The disciplinary authority ^Lsimply ^Lon the basis of facts that the deponent did not ask for the oral enquiry considered the charges to have been proved and passed the punishment order contained in Annexure No. 4 even without considering the entire facts and circumstances and the plea's taken by the deponent in his reply. The punishment ^Lorder is a non-speaking order and does not disclose any ^Lmaterial of legal/probative value on the basis of which the charges levelled against the deponent can be said to have been proved.

5)

That the ^Lcontents of paragraph 9 of the Counter Affidavit are denied and it is stated that the intention of the deponent was that the charges levelled against him being devoid of merit and being false be withdrawn and the authority concerned should not have proceeded further.

6)

That the contents of paragraph ^L10 of the Counter Affidavit are not correct as ^Lstated and are denied and it is respectfully submitted that holding of enquiry is entirely not the sweet will of the

Contd.....4.....



1st. Sham Lal

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disciplinary authority but it depends on the circumstances of each case. Holding of enquiry can be necessary even in a case where the delinquent employee has denied the charges but have not asked for holding oral enquiry. In the present case holding of enquiry was necessary which has not been done at all and the deponent has been punished arbitrarily on the basis of mere allegations made in the Charge sheet.

- 7) That the contents of paragraph 11 of the Counter-Affidavit are denied and those of para 10 of the Writ Petition are reaffirmed as correct.
- 8) That the contents of paragraph 12 of the Counter Affidavit are denied and those of paragraph 11 of the Writ Petition are reaffirmed as correct.
- 9) That the contents of paragraph 13 of the Counter Affidavit are not correct and are denied and in reply the contents of para 12 of the Writ Petition are reaffirmed. The perusal of annexure no. 4 will clarify the position.
- 10) That the contents of paragraph 14 of the Counter Affidavit are denied and those of para 13 of the Writ Petition are reaffirmed as correct.
- 11) That with reference to the contents of paragraph 17 of the counter affidavit it is stated that the review preferred by the deponent is still undisposed off and the opposite party no. 4 has acted negligently in not deciding the review of deponent.



Krishanlal

(Handwritten initials in a circle) 9/6

19 are the Counter Affidavit it is stated that the ^A/₆₂ contention of opposite parties that the deponent's case was considered and he was found unfit is not tenable in view of the facts that there was not valid and firm material on the basis of which he could have been adjudged unfit. The deponents service record being unblemished and no adverse entry having been ever communicated, he could not have been adjudged unfit. The deponent was also not communicated any reasons are material while rejecting his representation dated 20 January 1981 vide Memo. No. 5/25/64-Estt.II, dated 17 February 1981 referred to in para under reply. A true copy of memo. dated 17 Feb. 1981 is filed herewith as annexure no. R-1 to this Rejoinder Affidavit. It is quite non speaking.

13) That with reference to contents of paragraph 20 of the Counter Affidavit it is stated that the deponent was fully ligible and qualified for promotion having about 16 years unblemished service at the relevant time.

14) That with reference to the contents of paragraph 22 of the Counter Affidavit while reiterating the contents of para 24 of the Writ Petition it is stated that the deponents seniority position having been ~~admit~~ admitted, he had a preferential claim for promotion wis-a-wis his juniors. The decision of the departmental Committ ee considering the deponent as not fit for promotion is wholly arbitrary and illegal in as much as there w as no valid and firm material on the basis of which the deponent could have been adjudged unfit.



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15) That with reference to the contents of paragraph 23 of the Counter-Affidavit it is stated that there was no valid and firm material to adjudged the deponent as unfit and the opposite parties have acted discriminately in considering the deponent as unfit even in absence of any adverse material. The opposite parties even in their counter affidavit have not indicated any adverse material on the basis of which the deponent can be declared unfit for promotion.

16) That the contents of paragraph 24 of the Counter Affidavit are ~~very~~ vague and no specific material has been disclosed to identify the seriousness of the alleged adverse remarks, which have been considered to declare the deponent as unfit for promotion. Even the years alleged to have carrying adverse remarks have not been disclosed. The deponent emphatically asserts that he was never communicated with any adverse remarks for any years in his entire service. The decision of departmental committee declaring the deponent as unfit for promotion is wholly arbitrary and illegal. Even otherwise also the deponent having crossed his last Efficiency Bar with effect from 14.1.73 vide order No. 5/26/64-Estt.II, dated 26.2.74 in the Scale of Rs. 260-6-290-EB-6-326-8-366-EB-8-390-10-400 the alleged adverse remarks if any, although never communicated to the deponent, would be deemed to have been washed off and could not have been taken in to consideration while adjudging the deponent as unfit for promotion to the post of Upper Division Clerk.



17) That the contents of paragraph 25 & 26 of the Counter Affidavit do not call for any reply.

Handwritten signature: *K. S. Ramiah*

(Handwritten signature/initials)

9/8

18) That the contents of paragraph 27 of the Counter Affidavit are denied and those of para 29 of Writ Petition are reaffirmed as correct and it is submitted that the grounds taken by the deponents are tenable in law and the Writ Petition deserves to be allowed.

(Handwritten signature)
Deponent

Lucknow:
Dated April 8, 1983.

V E R I F I C A T I O N

I, the deponent named above do hereby verify that the contents of para 1 to 18 of this Rejoinder Affidavit are true to my own knowledge.

That no part of it is false and nothing material has been concealed, so help me God.

(Handwritten signature)
Deponent

Lucknow
Dated April 8, 1983.

I identify the deponent, whose has signed in my presence.

(Handwritten signature)
(R.C. Saxena)
Advocate

(Handwritten signature)
8.4.83

Solemnly affirmed before me on April 8, 1983 at 2.30 a.m./p.m. by Sri Krishan Lal, the deponent, who is identified by Sri R.C. Saxena, Advocate, High Court, Lucknow Bench, Lucknow.

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



Commissioner for the Cause of the Deaf,
High Court, (Lucknow Bench),
LUCKNOW

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8/4/83

(Handwritten initials)

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

WRIT PETITION NO. 540 OF 1982

A 9/9

Krishan Lal Petitioner

Versus

Union of India & Others Opposite Parties

ANNEXURE NO. R-I

NO.5/26/64/Estt.II
FILMS DIVISION
MINISTRY OF INFORMATION AND BROADCASTING
GOVERNMENT OF INDIA

24- Dr.G-Deshmukh Marg Marg-
Bombay.

Dated 17th Feb. 1981.

M E M O R A N D U M

Subject: Promotion to the post of Upper Division Clerk
in Films Division, Lucknow Bench.

.....

With reference to his representation dated the
20th Janaury 1981 regarding promotion to the post of
Upper Division Clerk, Shri Krishan Lal, Permanent Lower-
Division Clerk is informed that as per the panel drawn-up
for the post of U.D.C. Shri Krishan Lal, L.D.C. has not
been found fit for the post of U.D.C. by the Departmental
Promotion Committee.



Sd/-

(S.N.SINGH)

Asstt. Administrative Officer.

Shri Krishan Lal,
Pmt. Lower Division Clerk,
Films Division,
LUCKNOW.

TRUE COPY

Handwritten signature of Krishan Lal

Handwritten signature of Sachin Ch...
JUDGE COMMISSIONER
High Court, (Lucknow Bench)
LUCKNOW

25/202
Handwritten notes and scribbles

Bench copy.

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

C.M. Application No. *4322* (W) of 1983

In-Re:

Writ Petition No. 540 of 1982

(MSL)
1/16

Krishna Lal

... Petitioner.

Versus

Union of India & Others

... Opp. Parties.

Application for condonation of delay in filing of
Rejoinder Affidavit

That due to inadvertance or mistake the Rejoinder Affidavit could not be filed within time but the same is now ready and being filed herewith which may kindly be brought ~~is~~ on record after condoning the delay in question.

Lucknow:

Dated: April *8* / *11*, 1983.

R.C. Saxena

(R.C. Saxena)
Advocate,
Counsel for Petitioner.

Bench Copy

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

WRIT PETITION NO. 540 OF 1982

(15/5)

67

Krishan Lal Petitioner

Versus

Union of India & Others Opposite Parties

REJOINDER AFFIDAVIT

I, Krishan Lal, aged about 41 years, son of late Sri Jagan Nath R/o 231/352 Mawaiya, Lucknow do hereby solemnly affirm and state on oath as under:-

- 1) That the deponent is the petitioner in the above noted case and he is well conversant with the facts deposed hereunder.
- 2) That the contents of paragraph 1 to 5 of the Counter-Affidavit need no comments.
- 3) That with reference to the contents of paragraph 6 of the Counter Affidavit the contents of paragraph 4 & 5 of the Writ Petition are reaffirmed as correct. The Opposite Parties have not been able to dispute the contentions of the deponent that his entire record prior to 1981 has remained unblemished and that he was never communicated with any adverse entry by filing any documentary evidence. The contention of the Opposite Parties

T-1
Advocate
Advocate

Contd2....

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" his record bears adverse remarks over the years since 1968, is a vague statement unsupported by any evidence and is not worthy of evidence. The deponent once again affirms that he was never communicated with any adverse entry and his service record is unblemished.

4) That the contents of paragraph 3 of the Counter-Affidavit are not correct as stated and the same are denied. It is once again reaffirmed that in the charge-sheet no evidence or material was disclosed on the basis of which the charges were required to be proved. The interpretation of Rule 16 of Central Civil Service (Classification Control and appeal) Rules 1965 in respect of mentioning of evidence in the Charge-sheets is wholly wrong. As a matter of fact under Rule 16 (1) (b) there is a provision for holding an enquiry in the manner laid down in Sub Rule (3) to (23) of Rule 14 in every case in which the disciplinary authority is of the opinion that such enquiry is necessary. The opinion referred to in sub Rule (b) (1) of Rule 16 has to be formed by the disciplinary authority objectively by application of his mind to the material available in support of the charges and not arbitrarily. The disciplinary authority in no case can form the opinion of holding an oral enquiry in case the evidence proposed to be relied upon in proof of charges have not been disclosed in the charge-sheet itself. Charge-Sheet itself remains incomplete unless it discloses the evidence on the basis of which the charges are said to be sustainable. Even otherwise also the delinquent

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employee cannot be able to submit his effective representation unless he is informed the basis and the materials in support of the imputation/allegations made against him. The deponent denied all the charges and explained the whole situation and in his case the submission of reply vide ANNEXURE No. 3 to the Writ Petition it was incumbent upon the disciplinary authority to have held the oral enquiry in order to prove the charges. The disciplinary authority simply on the basis of facts that the deponent did not ask for the oral enquiry considered the charges to have been proved and passed the punishment order contained in Annexure No. 4 even without considering the entire facts and circumstances and the plea's taken by the deponent in his reply. The punishment order is a non-speaking order and does not disclose any material of legal/probative value on the basis of which the charges levelled against the deponent can be said to have been proved.

5) That the contents of paragraph 9 of the Counter Affidavit are denied and it is stated that the intention of the deponent was that the charges levelled against him being devoid of merit and being false be withdrawn and the authority concerned should not have proceeded further.

6) That the contents of paragraph 10 of the Counter Affidavit are not correct as stated and are denied and it is respectfully submitted that holding of enquiry is entirely not the sweet will of the

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disciplinary authority but it depends on the circumstances of each case. Holding of enquiry can be necessary even in a case where the delinquent employee has denied the charges but have not asked for holding oral enquiry. In the present case holding of enquiry was necessary which has not been done at all and the deponent has been punished arbitrarily on the basis of mere allegations made in the Charge sheet.

7) That the contents of paragraph 11 of the Counter-Affidavit are denied and those of para 10 of the Writ Petition are reaffirmed as correct.

8) That the contents of paragraph 12 of the Counter Affidavit are denied and those of paragraph 11 of the Writ Petition are reaffirmed as correct.

9) That the contents of paragraph 13 of the Counter Affidavit are not correct and are denied and in reply the contents of para 12 of the Writ Petition are reaffirmed. The perusal of annexure no. 4 will clarify the position.

10) That the contents of paragraph 14 of the Counter Affidavit are denied and those of para 13 of the Writ Petition are reaffirmed as correct.

11) That with reference to the contents of paragraph 17 of the counter affidavit it is stated that the review preferred by the deponent is still undisposed off and the opposite party no. 4 has acted negligently in not deciding the review of deponent.

12) That with the reference to the contents of para

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19 are the Counter Affidavit it is stated that the contention of opposite parties that the deponent's case was considered and he was found unfit is not tenable in view of the facts that there was not valid and firm material on the basis of which he could have been adjudged unfit. The deponents service record being unblemished and no adverse entry having been ever communicated, he could not have been adjudged unfit. The deponent was also not communicated any reasons are material while rejecting his representation dated 20 January 1981 vide Memo. No. 5/25/64-Estt.II, dated 17 February 1981 referred to in para under reply. A true copy of memo. dated 17 Feb. 1981 is filed herewith as annexure no. R-1 to this Rejoinder Affidavit. It is quite non speaking.

13) That with reference to contents of paragraph 20 of the Counter Affidavit it is stated that the deponent was fully ligible and qualified for promotion having about 16 years unblemished service at the relevant time.

14) That with reference to the contents of paragraph 22 of the Counter Affidavit while reiterating the contents of para 24 of the Writ Petition it is stated that the deponents seniority position having been ~~xxxx~~ admitted, he had a preferential claim for promotion wis-a-wis his juniors. The decision of the departmental Committ ee considering the deponent as not fit for promotion is wholly arbitrary and illegal in as much as there w as no valid and firm material on the basis of which the deponent could have been adjudged unfit.

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15) That with reference to the contents of paragraph 23 of the Counter-Affidavit it is stated that there was no valid and firm material to adjudged the deponent as unfit and the opposite parties have acted discriminately in considering the deponent as unfit even in absence of any adverse material. The opposite parties even in their counter affidavit have not indicated any adverse material on the basis of which the deponent can be declared unfit for promotion.

16) That the contents of paragraph 24 of the Counter Affidavit are ~~extremely~~ vague and no specific material has been disclosed to identify the seriousness of the alleged adverse remarks, which have been considered to declare the deponent as unfit for promotion. Even the years alleged to have carrying adverse remarks have not been disclosed. The deponent emphatically asserts that he was never communicated with any adverse remarks for any years in his entire service. The decision of departmental committee declaring the deponent as unfit for promotion is wholly arbitrary and illegal. Even otherwise also the deponent having crossed his last Efficiency Bar with effect from 14.1.73 vide order No. 5/26/64-Estt.II, dated 26.2.74 in the Scale of Rs. 260-6-290-EB-6-326-8-366-EB-8-390-10-400 the alleged adverse remarks if any, although never communicated to the deponent, would be deemed to have been washed off and could not have been taken in to consideration while adjudging the deponent as unfit for promotion to the post of Upper Division Clerk.

17) That the contents of paragraph 25 & 26 of the Counter Affidavit do not call for any reply.

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18) That the contents of paragraph 27 of the Counter Affidavit are denied and those are para 29 of Writ Petition are reaffirmed as correct and it is submitted that the grounds taken by the deponents are tenable in law and the Writ Pe tition deserves to be allowed.

Lucknow: Deponent
Dated April 8, 1983.

V E R I F I C A T I O N

I, the deponent named above do hereby verify that the contents of para 1 to 18 of this Rejoinder Affidavit are true to my own knowledge.

That no part of it is false and nothing material has been concealed, so help me God.

Lucknow Deponent
Dated April 8, 1983.

I identify the deponent, whose has signed in my presence.

(R.C.Saxena)
Advocate

Solemnly affirmed before me on April 8, 1983 at a.m./p.m. by Sri Krishan Lal, the deponent, who is identified by Sri R.C.Saxena, Advocate, High Court, Lucknow Bench, Lucknow.

I have satisfied myself by examining the deponent that ht understand the contents of this Affidavit which have been read out by to him and explained by me.

T.C.
D. S. Saxena
Advocate

(167)

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
(LUCKNOW BENCH) LUCKNOW
WRIT PETITION NO. 540 OF 1982

Krishan Lal Petitioner

Versus

Union of India & Others Opposite Parties

ANNEXURE NO. R-I

NO.5/26/64/Estt.II
FILMS DIVISION
MINISTRY OF INFORMATION AND BROADCASTING
GOVERNMENT OF INDIA

24- Dr.G-Deshmukh Marg Marg-
Bombay.
Dated 17th Feb. 1981.

M E M O R A N D U M

**Subject: Promotion to the post of Upper Division Clerk
in Films Division, Lucknow Bench.**

.....

With reference to his representation dated the 20th January 1981 regarding promotion to the post of Upper Division Clerk, Shri Krishan Lal, Permanent Lower-Division Clerk is informed that as per the panel drawn-up for the post of U.D.C. Shri Krishan Lal, L.D.C. has not been found fit for the post of U.D.C. by the Departmental Promotion Committee.

Sd/-

(S.N.SINGH)

Asstt. Administrative Officer.

Shri Krishan Lal,
Pmt. Lower Division Clerk,
Films Division,
LUCKNOW.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Sl. No 9

T.A.NO. 1024 OF 1987 (T)

8/100

Krishan Lal

Applicant

Versus

Union of India & Others... ..

Respondents

12/75

SUPPLEMENTARY AFFIDAVIT

I, Krishan Lal aged about 47 years son of late
Shri Jagan Nath, Upper Division Clerk, Films Division,

Ministry of Information & Broadcasting, Govt. of India, 94-
Durga Bhawan, Kapoor Lane, Mahatma Gandhi Marg, Lucknow,
do hereby solemnly affirm and state on oath as under:---

1. That the deponent had challenged the validity of the
impugned promotion order dated 28.11.1981 passed by Respondent
No.2 and had prayed for quashing the same. The deponent had
further prayed for his promotion w.e.f. 28.11.81 when persons
juniors to him in service were promoted by the impugned order
arbitrarily superceeding the deponent.

2. That the Hon'ble Court passed order dated 3-2-1982
directing the respondents to decide deponents representation
made within a week's time from the date of orders.

3. That the deponent submitted representation dated 9-2-82
to the Chief Producer, Films Division, Ministry of Information
& Broadcasting, Govt. of India, 24- Pedder Road, Bombay-26
enclosing the copy of the Hon'ble High Court requesting for
his promotions to save his victimisations.

4. That the concerned authorities considered the matter
and issued order No.A-12021/65/82-Est.II(RC), Dated 10th

..... 2



Krishan Lal

(Handwritten initials)

April, 1984 promoting the deponent to the post of Upper-Division Clerk and allowed the benefits of fractions w.e.f. the date when the deponent joins the post in question. The deponent joined the post of Upper Division Clerk on 17-4-1984. A true copy of the promotions order dated 10.4.1984 is filed herewith as ANNEXURE NO. S I to this Affidavit.

A/26

5. That the deponent's grievance now remains only to the extent that he is entitled for promotion on the post of Upper Division Clerk with effect from the date when persons juniors to him in service were promoted to the said post vide order dated 28.11.1981 contained in ANNEXURE No. II to the Writ Petition and he may be paid the difference of pay for the period in question.

6. That it is expedient in the interest of justice suitable orders may kindly be issued to the respondents to give the benefits of promotions to the post of Upper-Division Clerk w.e.f. 28.11.1981 and allow him arrears of pay for the period from 28.11.1981 to 16.4.1984 treating him promoted w.e.f. the said date.

LUCKNOW *29.3.1989*
Dated the ~~November~~ *1988*

(Signature)
DEPONENT

V E R I F I C A T I O N

I, the deponent named above do hereby verify that the contents of paras 1 to 6 of this Affidavit are true to my own knowledge.

That no part of it is false and nothing material has been concealed, so help me God.

Lucknow *29.3.1989*
Dated the ~~November~~ *88*

(Signature)
DEPONENT



(Handwritten initials)

I identify the deponent who has signed before me.

(Handwritten signature)
(R.C.SAXENA)
Advocate
A/77

Solemnly affirmed before me on ~~November~~ ^{March} 29th, 1988

at ~~9-00~~ a.m./p.m. by Sri Krishan Lal, High Court, Lucknow Bench, Lucknow. I have satisfied myself by examining the deponent that he understands the contents of this Affidavit which have been read out to him and explained by me.



N. D. Ahujari
N. D. AHUJARI
OATH COMMISSIONER
High Court Lucknow Bench Lucknow
No. 35/86
Date 29/3/88

(Handwritten initials)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW
T.A.NO. 1024 OF 1987(T)

KRISHAN LAL REPLICANT *1/78*
Versus
Union of India & Others Respondents.

ANNEXURE NO. S I

No.A-12021/65/82-Est.II(RC)
Films Division
Ministry of Information & Broadcasting
Government of India

24-Dr.G.Deshmukh Marg, Bombay-26
Dated the 10th April, 1984.

ORDER

The following transfers/appointments are hereby

ordered:

S.No.	Name and Designation of officials.	Transfer/appointment
1.	Shri Zahirul Hasan, Permanent Lower Division- Clerk, Films Division, Lucknow.	Transferred to New Delhi and appointed as Upper Division- Clerk on regular basis from the date he reports for duty to the Administrative- Officer, Films Division, New Delhi.
2.	Shri S.Anamalai Nayanar, Permanent Lower Division- Clerk, Films Division, Madras.	Transferred and appointed as Upper Division Clerk on regular basis from the date he reports for duty to the Branch Manager, Films Divn. Madurai.
3.	Shri D.Padmanabhan, Officiating Upper- Division Clerk(on- ad hoc basis), Films- Division, Madurai.	Reverted to the post of Lower- Division Clerk from the date Shri S.Anamalai Maynar reports for duty as Upper Division- Clerk and transferred to Branch Office- Madras.
4.	Shri K.Paneer Selvam, Officiating Upper Divn. Clerk(on ad hoc basis), Films Division, Madurai.	Appointed as Upper Division- Clerk on regular basis in the same office with effect from 24-2-1984.

TRUE COPY
ATTESTED

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(Handwritten signature)

R.C. Saxena
Advocate, High Court

8-3665, Rajajipuram, Lucknow



(Handwritten signature)

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5. Shri Krishan Lal,
Permanent Lower Division-
Clerk, Films Division,
Lucknow. Appointed as Upper Division-
Clerk on regular basis from
the date he takes over charge
in the same office. A
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6. Shri Y.Koteshwara Rao,
Officiating Lower Division-
Clerk, Films Division,
Vijaywada. Appointed as Upper Division-
Clerk on regular basis in the
same office from the date he
takes over charge.
7. Shri M.B.Dangre,
Permanent Lower Divn.-
Clerk, Films Division-
Nagpur. Appointed as Upper Division-
Clerk on regular basis from
the date he takes over charge
in the same office.

2. S/Shri Zahirul Hasan, S.Anamalai Nayanar, K-
Paneer Selvam, Krishan Lal, Y.Koteshwara Rao and
M.B.Dangre will be on probation for a period of two-
years ~~XX~~ from the date of their regular appointment
to the post of Upper Division Clerk. The probationary
period may be extended at the discretion of the
appointing authority.

3. It is certified that the transfers of the
officials mentioned above are in the public interest.
Sanction is also accorded to the concerned as
admissible under the rules.

Sd/-
(R.P.PARMAR)
Assistant Administrative Officer
for Administrative Officer

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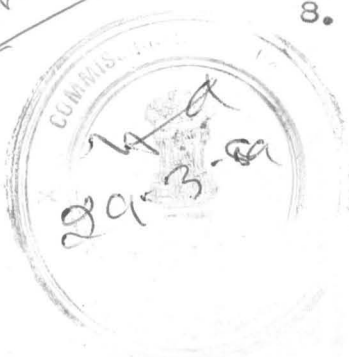
1. All the Officials mentioned above.
2. Distribution Wing.
3. The Branch Manager, Films Division, Lucknow, Madras,
Madurai, Vijaywada and Nagpur.
4. Personal files of the officials.
5. Confidential files of the officials
6. Costing Section.
7. Vigilance Section.
8. Office Order Book.

TRUE COPY
.. ATTESTED

[Signature]

R.C. Sarma
Advocate, High Court

E-3665, Rajajinagar, Lucknow



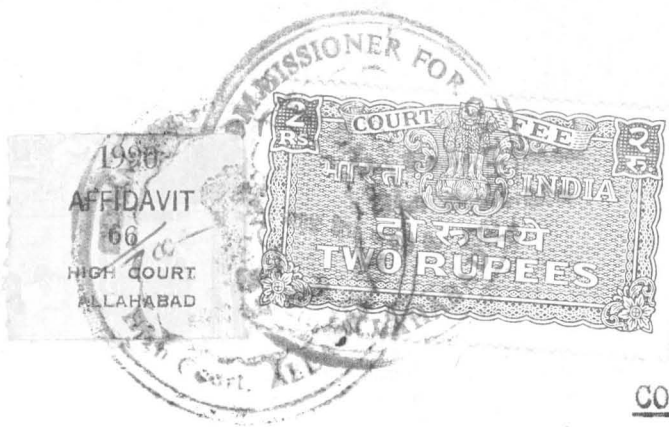
169

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT BENCH

LUCKNOW

A/80

T.A. NO. 1024 of 1987 (T)



COUNTER AFFIDAVIT TO THE
SUPPLEMENTARY AFFIDAVIT
FILED BY THE PETITIONER

Krishan Lal ... PETITIONER.

VERSUS

Union of India and others ... RESPONDANTS.

I, Madhava Rao, aged about 35 years, son of B. Polaiiah Branch Manager Films Division Government of India Ministry of Information and Broadcasting Lucknow do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the Branch Manager Films Division Government of India Ministry of Information and Broadcasting Lucknow as such he is fully acquainted with the facts of the case. The contents of supplementary affidavit filed by the petitioner have been read over and explained to the deponent and its para-wise reply is as follows :
2. That the contents of para 1 of the supplementary affidavit need no comments.
3. That with respect to the contents of paras 2 and 3 of the supplementary affidavit it is submitted that on 24.2.1984 the departmental promotion committee met

.../2.



Madhava Rao

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to consider illigibility of Lower Division Clerk for promotion to the post of Upper Division Clerk the departmental promotion committee recommended the petitioner as fit for promotion and accordingly an order dated 10.4.1984 was issued promoting the petitioner on the post of Upper Division Clerk on regular basis from the date he takes over charge. The petitioner took charge of the post of Upper Division Clerk on 17.4.1984 (fore noon).

4. That the contents of para 4 of the supplementary affidavit need no comments.
5. That with respect to the contents of para 5 of the supplementary affidavit it is submitted that 6 officials mentioned by the petitioner were promoted to the post of Upper Division Clerk on regular basis by the order dated 28.11.1981 as they were found fit for promotion by the duly constituted departmental promotion committee where as the petitioner was not found fit by the said departmental promotion committee.
6. That with respect to the contents of para 6 of the supplementary affidavit it is submitted that since the petitioner was not found fit for promotion by the departmental promotion committee which met on 27th October 1980 and 3.11.1980 he is not entitled for the benefits with effect from the 28.11.1981 as alleged in ¶ this para. The petitioner was promoted by an order dated 10.4.1984 and he is getting his pay and salary of the said post since the date of joining i.e. 17.4.1984. The petitioner is not entitle for the arrears of pay for the pay from the 28.11.1981



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to 16.4.1984 as alleged in this para.

Lucknow.

Dated: March 26, 1990.

Deponent.

M. Madhava Rao
A/S

VERIFICATION

I the above named deponent do hereby verify that the contents of paras 1 to 6 of this affidavit are true to my knowledge on the basis of records maintained in the office.

Signed and verified this on 26 th day of March 1990 at Lucknow.

M. Madhava Rao
Deponent.

I identify the deponent who has signed before me and personally known to me.

M. Mohan Lal
(Mohan Lal)
Clerk

To Sri U.K. Dhaon Advocate.

Solemnly affirmed before me on 26-3-90 at 10-30 a.m./p.m. by Sri Madhava Rao, the deponent who is identified by Shri Mohan Lal, Clerk to Shri U.K. Dhaon, Advocate High Court, Allahabad.

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



R. M. M.
THE COMMISSIONER
High Court, (Lucknow Bench)
LUCKNOW

No. 66175

Date 26-3-90

Registered
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Allahabad Bench, Lucknow.
Post Bag No. 013
Gandhi Bhawan ***** Lucknow.

9/c
17/27

No. CAT/Alld/Jud/32621 To 632 Dated the 5/9/88
Registration T.A.No. 1025 of 1987 (T)

Kishan Lal

Applicant's

Versus

Union of India & or

Respondent's

(Ministry of Information & Broadcasting)
Lucknow

To

- 1. S. R. C. Saxena, Advocate, High Court, Allahabad.
- 2. Union of India, through Secretary, Information and Broadcasting, Government of India, New Delhi.

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. 540/82 of 198 of the High Court Lko Court at of arising out of order dated passed by in

The Tribunal has fixed date of 20-9-1988. For the hearing of the matter. If no appearance is made on your behalf by you or some one duly authorised by Act

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

Given under my hand and seal of the Tribunal this 30 day of 1988.

Administrative officer, Films Division, Govt. of India Ministry of Information and Broadcasting, 24, Pedder Road Bombay 400026.

DEPUTY REGISTRAR (J)

Chief Producer Films Division Govt of India Ministry of Information and Broadcasting, 24, Pedder Road Bombay. 400026.

- ④ Secretary Information and Broadcasting
Govt. of India New Delhi.
- ⑤ Branch Manager, Films Division Govt. of India
Ministry of Information and Broadcasting
Hazratganj Lucknow.
- ⑥ Sri N. N. Mandal, Upper Division Clerk, Films
Division Govt. of India 15/1 Chowringi Square
IIIrd Floor, Calcutta.
- ⑦ Sri A. K. Vasant Gadkar, Upper Division Clerk
Films Division Govt. of India, No. II, New Delhi
Mission Compound, Lal Baugh Road Bangalore-
560027.
- ⑧ Sri T. K. Jaisan, Upper Division Clerk, Films Division
Govt. of India 4/285 Kowdiar Trivandrum-695003.
- ⑨ Sri K. N. Rastogi, Upper Division Clerk, Films
Division Govt. of India, Hazratganj, Lucknow.
- ⑩ Sri B. N. Yadav, Upper Division Clerk, Films
Division Govt. of India, Hazratganj Lucknow.
- ⑪ Sri M. Muni swamy, Upper Division Clerk, Govt.
of India No. II New Mission Compound, Lal
Baugh Road Bangalore-560027.

3094

018

हाईकोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ
(अध्याय १२, नियम १ और ७)

दीवानी विभाग

8/12

प्रकीर्णांक (मुतफर्रिक) प्रार्थना सं० _____ सन १९____ ई०

WP No 540 of 1982 सं० _____ सन १९____ ई० में

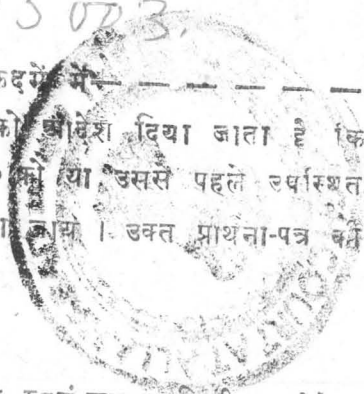
Krishan Lal _____ प्रार्थी

Union of India प्रति _____ प्रत्यार्थी

Sri T.K. Jaisan, upper division clerk
Films Division (Govt. of India)
4/485-Kandiar

TRIVANDRUM - 695023.

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुकदमें में _____
_____ लिये प्रार्थना-पत्र दिया है, अतः आपको सूचित किया जाता है कि
आप दिनांक _____ / 3 - माह - 7 - सन १९83 ई० को या उससे पहले उपस्थित
होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र को
सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।



विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट
या ऐसे व्यक्ति द्वारा जो कानूनन अधिकृत हो, उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई
और निर्णय आपकी अनुपस्थिति में ले

बीमा नहीं NOT INSURED

क्रमांक/No. 2281

दि० 28 - माह 11 - 83

आपको गये डाक टिकटों का मूल्य रु० 4.75

Amount of Stamps affixed Rs. 4.75

एक रजिस्ट्री प्राप्त किया

Received a Registered*

पाने वाले का नाम

Addressed: O. M. Khandekar

तारीख मोहर

Date Stamp

पाने वाले अधिकारी का हस्ताक्षर

Signature of Receiving Officer

840/82

डिप्टी रजिस्ट्रार

इलाहाबाद/लखनऊ

[Signature]

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलबाना मिल गया।

तलबाना प्राप्त करने वाले वर्क के हस्ताक्षर

3090

W.P. 11/25
120

हाईकोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ
(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मुतफरिंक) प्रार्थना सं० ----- सन १९----- ई०
W.P. NO 540 of 1982
सं----- सन १९----- ई० में

Krishan Lal

प्रार्थी

Union of India & others

प्रत्यार्थी

Sri M. Muni Swamy

Upper Division Clerk Films Division

Govt. of India, No II, New Mission

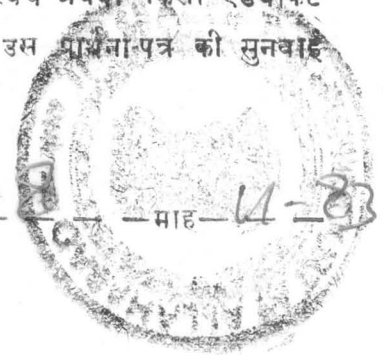
Compound Lal Baugh Road

BENGALORE-560027.

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुकदमें में -----

----- लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक- 13 - माह- 7 - सन 1983 ई० को या उससे पहले उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा जो कानूनन अधिकृत हो, उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायगा।



मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक- 28 - माह- 11 - 83

सं० १०
लभावे
Amount
एक ररि
Receives
पाने बां
Address
54c

M. P. Tandon

डि टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम २ के अधीन आप तलबाना मिल गया।

तलबाना प्राप्त करने वाले वक्तूरे के हस्ताक्षर

3091

186

W.P.

हाईकोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ
(अध्याय १२, नियम १ और ७)



दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना सं०-----सन १९-----ई०

W.P. NO 540 of 1982
सं-----सन १९-----ई० में

Krishan dal

प्रार्थी

union of ^{पति} ~~Amahis~~ & ~~Shresth~~
प्रत्यार्थी

Sri N.N. Mandal, upper division clerk

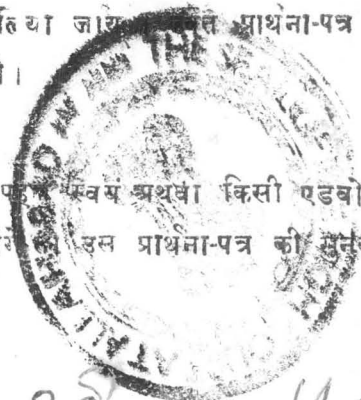
Estms Division (govt. of India)

15/1, Chowrangee Square

1st Floor, ~~etc~~ CALCUTTA

700001

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुकदमें में
लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है कि
आप दिनांक-----73-----माह-----7-----सन १९-----83 ई० को या उससे पहले उपस्थित
होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। प्रार्थना-पत्र की
मुनवाई इसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।



विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट
या ऐसे व्यक्ति द्वारा जो कानूनन अधिकृत हो, उपस्थित न होंगे तो उस प्रार्थना-पत्र की मुनवाई
बिना निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक-----28-----माह-----11-----83
सन १९-----को जारी किया गया।

-----के एडवोकेट

Mr. Tandon

डि टी रजिस्ट्रार
इलाहाबाद/लखनऊ

य की १९५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलबाना

तलबाना प्राप्त करने वाले वक्ता के हस्ताक्षर

3095

WP 2/10

हाईकोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ
(अध्याय १२, नियम १ और ७)

दीवानी बिभाग

(Circular stamp with initials)

प्रकीर्णांक (मुतफरिंक) प्रार्थना सं० _____ सन १९ _____ ई०

W.P. No. 540 of 1982

सं _____ सन १९ _____ ई० में

Krishan dal

प्रार्थी

Union of India's ^{प्रति} & others

प्रत्यार्थी

Sri B.N. Yadava, upper division clerk
Films Division (Govt. of India)

Muztaganj, Lucknow 226001

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुकदमें में — — — — —
— — — — — लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है कि
आप दिनांक — 13 — माह — 7 — सन १९ 82 ई० को या उससे पहले उपस्थित
होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की
सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट
या ऐसे व्यक्ति द्वारा जो कानूनन अधिकृत हो, उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई
और निर्णय आपकी अनुपस्थिति में हो जायगा।



मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 22 — — — माह — — —
सन १९ — — — को जारी किया गया।

क्रमांक/No. 2282

बोना नहीं NOT INSURED

जमाये गये डाक टिकटों का मूल्य Rs. 475 P.

Amount of Stamps Affixed Rs. P.

एक रजिस्ट्री Received a Registered

पाने वाले का नाम Addressed to

प्राप्त किया Date Stamp

540/82

B.N. Yadava

Signature of Receiving Officer

Tandon
डि टो रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम २ के आधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले पत्रके वे हस्ताक्षर

3093

wp 289

हाईकोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ
(अध्याय १२, नियम १ और ७)



दीवानी विभाग

प्रकीर्णांक (मुत्तफारिक) प्रार्थना सं० _____ सन १९ _____ ई०
WP NO 540 of 1982 सं _____ सन १९ _____ ई० में

Krishan Lal

प्रार्थी

Union of Gandhi & others प्रति

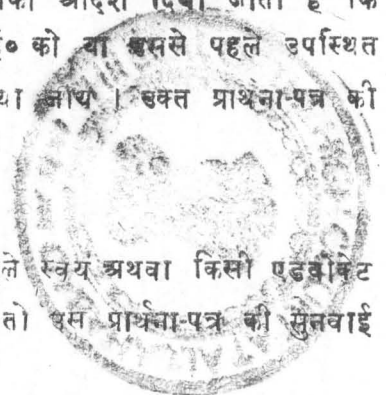
प्रत्यार्थी

Sri K.N. Bastogi, upper division clerk

Films Division (cont. of Gandhi)

Muzfatganj, Lucknow - 226001

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुकदमें में _____
_____ लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है कि
आप दिनांक- 13 - माह- 7 - सन 1983 ई० को या उससे पहले उपस्थित
होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की
सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।



विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट
या ऐसे व्यक्ति द्वारा जो कानूनन अधिकृत हो, उपस्थित न होंगे तो इस प्रार्थना-पत्र की सुनवाई
और निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 28 - माह 11 - 83
सन १९

बीमा नहीं NOT INSURED
 लगाये गये डाक टिकटों का मूल्य रु 47.00
 Amount of Stamps affixed Rs. P.
 एक रजिस्ट्री * प्राप्त किया
 Received a Registered *
 पाने वाले का नाम
 Addressed to: 5/10/82
 क्रमांक/No. 2277
 मोहर/मोहर
 Date Stamp
 पाने वाले अधिकारी के हस्ताक्षर
 Signature of Receiving Officer

Handwritten signature

डी रजिस्ट्रार
बाद/लखनऊ

Handwritten initials

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम २ के आरीन प्राप्ति तलबाना
मिल गया।

तलबाना प्राप्त करने वाले वर्क के हस्ताक्षर

087

हाईकोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ
(अध्याय १२, नियम १ और ७)

दीवानी विभाग

A/98

प्रकीर्णक (मुतफरिंक) प्रार्थना सं०-----सन १९-----ई०

WP No 540 of 1982

सं-----सन १९-----ई० में

Krishan Lal

प्रार्थी

Union of India & others

प्रति

प्रत्यार्थी

Sr. A. T. Vasant Gadkar

Films Division (Govt. of India)

No II New Mission Compound

Delhi - Bangh Road

Punjab - 560027.

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुकदमें में-----

----- लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है कि

आप दिनांक- 13 - माह- 7 - सन १९८३ ई० को या उससे पहले उपस्थित

होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय । उक्त प्रार्थना-पत्र की

सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी ।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा जो कानूनन अधिकृत हो, उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायगा ।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक- 28 - माह- 4 - 83
सन १९-----को जारी किया गया ।

-----के एडवोकेट

तिथि-----



T. S. Tandon
डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलबाना मिल गया ।

तलबाना प्राप्त करने वाले बलर्क के हस्ताक्षर

Atcharya S. G. S. ...

To the ...

दिनांक महीना

पक्षी (गवाह) पक्षी (गवाह)

हस्ताक्षर

Magesh-Nath Mouda

रहे और समय पर काम आवे।

नहीं होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण
खिलाफ प्रस्तुत हो जाता है उसकी निरासरी ही वकील पर
को खोजना रूढ़िगत अगर मुकदमा अदालत में प्रस्तुत हो
स्वीकार करना है कि मैं इस पक्षी पक्षी या किसी अपने पक्षीकार
वह कायवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी
सहीर से लेने या पत्र नियुक्त करे-वकील महोदय द्वारा की गई
दाखिल किया गया अपने या हमारे हस्ताक्षर-रुक्मिणी (दस्तावेजों)
या कोई कपड़ा जमा करे या हमारी या निपट (फरीकसानी) का
हस्ताक्षर से दाखिल करे और नसदीक करे या मुकदमा नदीक
दावा तथा अपील व निगारानी हमारी और से हमारे या अपने
जारी करावे और कपड़ा वसूल करे या हस्ताक्षरनामा या इकबाल
कोई कागज दाखिल करे या लौटावे या हमारी और से हमारी
वकील द्वारा जो कुछ रीती व जवाबदेही व प्रयोजन करे या अन्य
लिखे देता है इस मुकदमा में वकील महोदय स्वयं अथवा अन्य
को अपना वकील नियुक्त करके प्रतिष्ठा (इकरार) करना है और

नाम अदालत
नं० मुकदमा
नाम फरीकैन

वकील

महोदय

Magesh-Nath Mouda

पक्षीकार

ऊपर लिखे मुकदमा में अपनी और से श्री S. G. S. ...

नं० मुकदमा १२४ २५५ की तारीख १३/१२/२४ ई०

प्रतिवादी (मुकदमा)

वकील



Magesh-Nath Mouda

Magesh-Nath Mouda

वकालतनामा

प्रतिवादी (मुकदमा)
पक्षी (मुकदमा)

व अदालत आमान

Magesh-Nath Mouda

Magesh-Nath Mouda

In The Honored High Court of Justice at ...

Memo

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

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(213)

Writ Petition No 540 of 1982

.....*Krishan Lal*.....Petitioner,

versus

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

REGISTRAR,

I AM appearing as the ^{Senior} Central Government
Standing Counsel, on behalf of Applicant/
Respondent/Opposite Parties. No. 1 to 5.....

Date, d. 19.10.1982

Senior

(D. S. Randhawa)
Central Government
Standing Counsel.

Lucknow

Ad. with

From:- M. Muniswamy,
Offg. U.D.C.,
Films Division,
Southern Regional Production Centre,
79, 1st Main Road,
Seshadripuram,
Bangalore-560 020.

A
qr



To :- The Deputy Registrar,
High Court of Allhabad,
Lucknow Bench,
Lucknow.

Subject:- Writ Petition No.540 of 1982
Krishan Lal, viz, Union of India and
others .

Through Proper Channel:-

Dated 25th July, 83.

Sir,

With reference to the summons dated 28.4.1983 requiring me to present myself before the High Court on or before 13.7.1983, I write to state that I was suffering from gastritis and severe stomach pain from 8.7.83 to 14.7.83 and as such I could not present myself in the High Court on 13.7.1983. This position has been reported to the Administrative Officer, Films Division, Bombay-26 who is the Administrative Officer in my case.

This is for your kind information.

Yours faithfully,

M. Muniswamy
(M. MUNISWAMY / U.D.C)

No.P-8/81-82/fosrpe/563 Dated 25-7-1983 25/7/83

Forwarded to the Dy. Registrar, High Court of Allahabad, Lucknow bench, Lucknow.

[Signature] 25/7/83
Accounts officer
Accounts Officer
Films Division
Southern Regional Production Centre
Min of I & B, Govt of India
Bangalore-560 020.

137

O. W. S. R.

h
D. R.
29/7/83

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(Handwritten initials)

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ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

540 Personalal vs. Union of India No. 82 of 198

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
3-2-82	<p>Hon H.N. Seth, J Hon R.C.D. Sharma, J</p> <p>sent this petition for admission after three months, in the mean time of the petitioner. The petition has been directed to be listed for admission.</p> <p>Sd H.N. Seth Sd R.C.D. Sharma</p> <p><u>C.M. An. No 1149(W)1982</u></p>	
-	<p>Hon H.N. Seth, J Hon R.C.D. Sharma, J</p> <p>Hon H.N. Seth, J Hon R.C.D. Sharma, J</p> <p>put up along with the writ petition.</p> <p>Sd H.N. Seth Sd R.C.D. Sharma</p> <p>3-2-82</p>	
17.5.82	<p>Writ under C.M. 1149-82 for order.</p> <p>Hon K.S.V.J. Hon M.S.J.</p> <p>17.5.82</p>	

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

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173/02

1149

No. 540.

of 198

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
17/3/83 22/3/83	HOU. TSM - H/O DM 2/87.	
31/3/83	Fixed for adjournment on A. No. 1149/81 HOU TSM H/O DM 2/87. Adj. Issued by 31/3/83	1149/81 1149/81
	13-7-83 Fixed for attendance and for filing C.A. in W.P. by R. P. N. 1 to O.P. No. 6 to 11	B 20-4-83

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned	
1	2	3	
21/5/82	Went with CMA No 10149-82 for order Honble KVVJ Honble SSA J. for 21/5/82	In stay Po 3	
27.5.82	Went with CMA No. 10149-82 for orders Hon. T.S. Misra J Hon. D.N. Jha J So		
5/10/82	Went with CMA No ¹¹⁴⁹ 10149-82 for order Honble Copinath J Honble KMM J	Po Bench	
5-10-1982	Hon. G.N. J Hon. K.N.M. J Learned counsel for Union of India has prayed for, and is allowed, two weeks' time to obtain instructions. List immediately thereafter. SST J for	Po 2	

20 10 M
by H. D.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	<p>Service report in WD 540 of 1982 and CA A No. 1149(W) of 1982</p> <p>Respondents:- OAs No. 1 to 5 are served through Chief Standing Counsel. Off. No. 6 is represented through Counsel. OAs no. 7 to 11 appear to be served as per post notice sent to them have not been received back unserved by Mr. Subramanian</p> <p style="text-align: right;">W. S. S. S.</p>	
16.5.84	<p>Ad Reg.</p> <p>Notice on behalf of OAs 1 to 5 has been accepted by Shri Ashish N. Trivedi and Senior Standing Counsel for Central Government. Off. 6 is represented by Shri S.C. Srivastava Advocate, Service on OAs 7 to 11 deemed sufficient under Ch VIII rules of Rules of Court.</p> <p>Office to proceed.</p> <p>By</p>	<p>21/4/84</p> <p style="text-align: right;">✓</p> <p>16.5.84</p> <p style="text-align: right;">O/S</p>