

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE O.A. 373 OF 88NAME OF THE PARTIES..... Chandra Prakash

.....Applicant

Versus

..... Union of IndiaRespondent

Part A, B & C

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CERTIFICATE

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

Dated.. 28/12/2011....

Counter Signed.....

Section Officer In charge

Signature of the
Dealing Assistant

Central Administrative Tribunal

Lucknow Bench

INDEX SHEET

Cause Title C.A. 373 of 1988

Name of the Parties Chandra Prakash Applicant

Versus

Union of India Respondents.

Part A.E.C.

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5/4/88

Departmental Examination

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 373 of 1988

APPLICANT (s) Chandra Prakash

RESPONDENT(s) Union of India and others

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent ?
2. (a) Is the application in the prescribed form ?
(b) Is the application in paper book form ?
(c) Have six complete sets of the application been filed ?
3. (a) Is the appeal in time ?
(b) If not, by how many days it is beyond time ?
(c) Has sufficient case for not making the application in time, been filed ?
4. Has the document of authorisation/Vakalat-nama been filed ?
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?

yes

yes

yes

Four sets have been

yes

yes

yes

yes

yes

- (b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?

Attested by Advocate

ORDER SHEET.

18.4.88/

Hon.D.S. Misra-AM

Hon.G.S.Sharma-JM

Shri Govind Saran for the applicant and Shri K.C.Sinha for the respondents are present. No reply to the show cause notice for the grant of interim relief has been filed by the respondents. We have heard the learned counsel for the parties. Shri K.C.Sinha requests for two weeks' time to file reply. The same is allowed. We also direct that any promotion made hereafter, will be subject to the decision of the claim petition. Rejoinder, if any may be filed thereafter within two weeks. Put up on 8-8-1988 for final hearing.

A.M.
Sh.

J.M.

8-8-88

No sitting. List the case before DOL(S) on 17-10-88 for fixing date of hearing

17.10.88

OR

Applicant is present -
but before court for hearing
on 16.12.88

OR

16-12-88 No sitting, adj. to 20/2/89

20/2/89 No sitting. Adj. to 10/4/89.

R

10.4.89 Due to sad demise of Sri S.M.-Chaturvedi, the case is adjourned to 14-8-89 for hearing. Counter-affidavit filed today.

AM.

OA NO 373/88

18/4/90

Hon Mr. D.K. Agrawal, J.M.
 Hon. Mr. P.S. Habib Mohammed, AM

Shri R.S. Srivastav, for the
 applicant and Shri K.C. Sinha, for the
 opposite parties are present. Shri K.C. Sinha,
 doesn't want to press the Civil Misc.
 Appl. No 321/89 for transfer of the case
 to Allahabad, the case is otherwise ready
 for hearing.

List it for hearing on 30/7/90,

SD

A.M.

Do
 J.M.

30-7-90

No sitting. Adj: to 25/11/90

25.10.90

No sitting Adj: to 30.11.90

25.11.90

No sitting Adj: to 25.1.91.

25.1.91 -

No sitting Adj: to 3.4.91.

3/4/91

Hon. Mr. A.B. Joshi, AM.
 Hon. Mr. S.R. Prasad, J.M.

Put up tomorrow for
 final hearing as prayed by
 the learned Counsel for the
 applicant.

J.M.

AM.

48

31.1.92-

Hon. Justice U.C. Srivastava - U.C.
Hon. Mr. A.B. Gorti - B.M.

On the request of counsel for
the both parties case is adjourned
for hearing on 4.3.92

or

CA/BA have been
exchanged
Submitted for
hearing.
SAH
22.2.92

J
B.M.

Ln
v.c.

4.3.92

Due to Shri. S. Advaita
case is adjourned 19.5.92

Bac

19.5.92

Hon. Mr. Justice U.C. Srivastava - U.C.
Hon. Mr. L. Obayya - B.M.

On the request of Learned
Counsel for respondent. Case
is adjourned 22.5.92

R

P
Shri

Ln
12

21/5
21/5

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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH
LUCKNOW

O.A.No. 373/88

Chandra Prakash

Applicant

versus

Union of India & others

Respondents.

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

Hon. Mr. K. Obayya, Adm. Member.

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

The applicant was appointed as class IV in the office of the Accountant General, U.P. Allahabad on 25.11.1972. He was appointed as [~]Record Keeper vide vide order dated 3.8.84 which post he joined on 14.8.84. He moved an application for appearing in the departmental examination for High School passed Group D examination. ~~on 6.11.84~~ After passing requisite exam the applicant moved an application on 20.2.85 to the effect that since he has passed High School Group 'D' examination, he should be promoted in the Clerk Grade. Shri S.D.H. Abidi, Audit Officer(Admn.) vide letter dated 27.4.85 wrote to the respondent in connection with the promotion of the applicant. In this letter Shri Abidi specifically mentioned that the applicant was promoted to the post of record keeper w.e.f. 14.8.84

W

410

Tribunal

Allahabad

26.2.88

Free of 5.4.88

26/2/88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, ALLAHABAD

...

I N D E X

IN

CLAIM APPLICATION NO. OF 1987

DISTRICT: MUCKNOW

Chandra Prakash Applicant.

//Versus //

Union of India through Accountant General,
(Audit), I, Uttar Pradesh, Allahabad and others.

. Respondents.

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25488

26/2/88

Noted for 5/88

26/2/88

26/2/88

26/2/88

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urayam

San

AM

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, ALLAHABAD

...

APPLICATION
(Under Section-19 of the Administrative
Tribunals Act, 1985)

...

For use of Tribunal's Office:

Date of filing _ _ _ _ _

OR

Date of Receipt by post _ _ _ _ _

Registration No. _ _ _ _ _

SIGNATURE _ _ _ _

REGISTRAR _ _ _ _

B E T W E E N

Chandra Prakash Applicant

AND

- 1. Union of India, through Accountant General U.P.
(Audit-I), Allahabad. *Sr Deputy Accountant General (Adm)*
- 2. Accountant General (Audit) II, U.P. 14-Vidhan
Sabha Marg, Sahkarita Bhawan, Second Floor, Lucknow.

[Handwritten signatures]

AP/2

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3. Sri Janardan Sahu.
4. Sri Vijai Bahadur.
5. Sri Yag Narain.
6. Sri Ram Bahadur Yadav.

All the employees of office of the Accountant
General(Audit)-I,U.P.Allahabad.

..... Respondents.

DETAILS OF APPLICATION:

1. Particulars of the applicant:

- | | |
|--|--|
| i) Name of Applicant : | Chandra Prakash |
| ii) Name of the Father : | Late Sri Raja Ram Lal |
| iii) Age of the applicant: | 5.1.1954 |
| iv) Designation and particular
of Office (name & station)
in which employed: | Group 'D' Accountant
General (Audit) II, U.P.
14, Vidhan Sabha Marg,
Sahkarita Bhawan,
Second Floor, Lucknow. |
| v) Office Address: | Office of the
Accountant General,
(Audit), II, U.P. 14-
Vidhan Sabha Marg,
Sahkarita Bhawan,
Second Floor, Lucknow. |
| vi) Address of service of all
notices. | I-5/I-49, Aliganj,
Lucknow. |

Contd..P/2.

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4. Jurisdiction of the Tribunal:

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

5. Limitation:

The applicant further declares that the application is within the limitation prescribed in Section -21 of the Administrative Tribunals Act, 1985.

6. Facts of the case:

(1) That the applicant has been appointed w.o.f. 25.11.1972 in Class-IV Group 'D' in the office of the Accountant General, Uttar Pradesh, Allahabad.

(2) That the applicant was appointed as Record Keeper vide Office Order No. AG(Audit)-I/Admn./4-9 (2)/498 dated 3.8.84. The applicant joined the post of Record Keeper w.o.f. 14.8.1984.

(3) That the applicant moved an application for appearing in departmental examination for High School passed Group 'D' in response to CA & G's Exan. Sec. Circular No.25 of 1984 issued on 23.7.1984 read with Accountant General (Audit), I, U.P. Allahabad

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lotter No.Exan./D-1/54,dated 2.8.84. The applicant's application was forwarded by the Audit Officer Lotter No.CAO/Admn./Exan.649 dated 10.8.1984.

(4) That the applicant appeared in the departmental examination of High School passed Group'D' on 19.9.1984,20.9.1984 & 22.9.1984 at Allahabad.

(5) That the applicant was declared passed in the departmental High School passed Group'D' examination on 6.11.1984. The true copy of the order dated 6.11.1984 is being filed herewith as Annexure-1 to the application.

ANNEXURE-1

(6) That after passing the requisite examination the applicant moved an application on 20.2.1985 to this effect that since he has passed the departmental High School passed Group'D' examination on 6.11.84, therefore, he should be promoted in the clerk grade. He also stressed that the applicant never gave his consent for promotion on the post of Record Keeper. He also stressed that he is even ready to relinquished the post of the record keeper for promotion in clerk grade. The true copy of the application given by the applicant is being filed herewith as Annexure-2 to the application. This application was received by the department on 20.2.1985.

ANNEXURE-2

Contd..P/6.

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ANNEXURE-3

(7) That the applicant gave a reminder on 23.4.1985 to the respondent No.1 for his appointment in clerk grade, which was received by the department on 23.4.1985. The true copy of the reminder dated 23.4.1985 is being filed herewith as Annexure-3 to the application.

(8) That Sri S.D.H. Abidi, Audit Officer (Admn.) vide his letter No. CAW/Admn./Exam/Auditor-Clerk/245, dated 27.4.1985 wrote to the respondent No.2 in connection with the promotion of the applicant. Sri Abidi in his letter aforesaid stated that Sri Chandra Prakash applied for appearing in departmental examination for High School Passed Group 'D' in response to C&AG's Exam. Sec. Circular No.25 of 1984 issued on 23.7.1984 read with A.G. (A), I.U.P., Allahabad letter No. Exam./D.1/54, dated 2.8.84. In his aforesaid letter Sri Abidi also specifically mentioned that the applicant was promoted to the post of record keeper w.e.f. 14.8.1984 in terms of office order No. AG (Audit)-I/Admn/4-9(2)/498, dated 3.8.1984. He also stated that the applicant had taken over charge on the post of record keeper in the forenoon of 14th August, 1984. No reference was made on this subject by the respondent No.1, when Sri Chandra Prakash was deputed to appear in the said examination held from 19th to 20th Sept. 1984. The true copy of the letter aforesaid is being filed herewith as Annexure-4 to the application.

ANNEXURE-4

Contd..P/7

(9) That the applicant again sent a reminder on 21.8.1985 which was received by the office on 21.8.1985 for his promotion in the office in clerk grade. The true copy of the application dated 21.8.1985 is being filed herewith as Annexure-5 to the application.

ANNEXURE-5

(10) That the applicant again sent a reminder on 24.10.1985 which was received by the office on 24.10.1985 for his promotion in clerk grade. The true copy of the application dated 24.10.1985 is being filed herewith as Annexure-6 to the application.

ANNEXURE-6

(11) That when in spite of giving several reminders no action was taken on the request of the applicant, then the applicant wrote to the Principal Accountant General (Audit), I, Uttar Pradesh, Allahabad on 5.11.1985 and the same was received on 6.11.85. The true copy of the application dated 5.11.1985 is being filed herewith as Annexure-7 to the application.

ANNEXURE-7

(12) That again on 24.11.1985 the applicant gave a reminder to the respondent No.1, which was received in the office on 18.11.1985. The true copy of the reminder dated 24.11.1985 is being filed herewith Annexure-8 to the application.

ANNEXURE-8

(13) That the applicant again gave a reminder on 20.12.85 to the respondent No.1. The true copy of

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ANNEXURE-9

the application(reminder) dated 20.12.1985 is being filed herewith as Annexure-9 to the application.

(14) That Sahayak Lekha Adhikari (Pariksha) vide his letter No. स. अ. / अ. व. / ग. म. म. / 12-11/2199 dated 9.1.86 wrote to the ~~xxx~~ applicant that for being promoted for the post of clerk grade it is necessary that the employee should be working in Class-IV. Therefore, the applicant should give an application that he should be reverted from the post of record keeper to the post of Class-IV employee. The true copy of the letter dated 9.1.86 is being filed herewith as Annexure-10 to the application.

ANNEXURE-10

(15) That the applicant wrote to the respondent No.1 that he has passed the departmental examination for promotion in the clerk grade but since the department has written a letter on 9.1.85 to this effect that the applicant will not be ~~promoted~~ promoted in clerk grade unless he seeks reversion from the post of record keeper to the post of Class-IV employee as such in pursuance of the letter dated 9.11.85 this letter may be treated as a consent for reversion in Class -IV. He further prayed that now he should be promoted to clerk grade since he has passed the departmental examination. The true copy of the letter aforesaid written by the applicant to the respondent No.1 is being filed herewith as

Contd.P/9.

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ANNEXURE-11

Annexure-11 to the application.

(16) That the applicant was reverted from the post of record keeper to the post of Group-'D' Class -IV w.e.f. March, 1986 and since then the applicant is working in Group-'D' Class-IV.

(17) That Sri J.P. Srivastava, Audit Officer, Admn. vido his letter No. CAW/P.C./307, dated 22.11.85 wrote a letter to the Audit Officer (Admn.) Office of The Accountant General (Audit), I, Allahabad, stating therein that the applicant has passed the High School and Intermediate Examination with the permission of the department. In his service book the qualification of the applicant passing the High School & Intermediate has been recorded by Audit Officer (Admn.) on 13.9.84 and 6.2.85 respectively. The true copy of the aforesaid letter is being filed herewith as

ANNEXURE-12

Annexure-12 to the application.

(18) That again on 20.3.87 the applicant sent a reminder to the respondent No.1 for his promotion in the clerk grade and this application was received in the office on 20.3.1987. The true copy of the reminder dated 20.3.1987 is being filed herewith as Annexure-13 to the application. In this application the applicant stated that four persons who passed the examination with him and they are junior to the applicant have been promoted in the clerk grade illegally.

ANNEXURE-13

Contd...P/10.

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(19) That Sri Satish Loonba, Deputy Accountant General vide his D.O. letter No. CAW/Admn/Exam.-Ars/elks/230, dated 21.4.1987 wrote to Sri P.K. Mukhopadhyay, Sr. Dy. Accountant General/Admn. Officer of the Accountant General (Audit)-I, U.P. Allahabad that the applicant has written several reminders for his promotion in the clerk grade but no reply has come in this regard. The true copy of the aforesaid D.O. letter is being filed herewith as Annexure-14, to the application.

ANNEXURE:14

(20) That the applicant wrote a letter on 9.2.87 to the Comptroller and Auditor General of India, 10, Bahadur Shah Marg, New Delhi through proper channel. In this letter, the applicant stated his grievance that in spite of passing the requisite examination and in spite of several reminders from the applicant the applicant is not being permitted in the clerk grade, therefore, necessary action may be taken. The true copy of the aforesaid letter dated 9.2.87 is being filed herewith as Annexure-15 to the application.

ANNEXURE-15

(21) That Sr. Dy. Accountant General (Admn.) Office of the Accountant General (Audit), I, U.P. Allahabad vide his letter No. Sr. DAG (Admn.)/C-IV-105/536, dated 29.10.87 intimated to the applicant that the applicant was declared successful in the matriculate Group 'D' examination held in Sept. 1985 vide Office

Contd..P/11.

Order No.Sr.DAG(A)/C-IV/105/691,dated 6.11.1984. He further stated that subsequently it came to the notice that he appeared in the said examination as record keeper and as such his name was deleted from the list of successful candidates vide Office Order No.Sr.DAG(A)/C-IV/105/1128,dated 15.2.85. He further stated that in view of the consideration of the representations made by the applicant dated 28.11.86 and 20.3.87 the applicant is being declared successful in the above mentioned examination held in the month of Sept.1984. The true copy of the letter aforesaid is being filed herewith as Annexure-16 to the application.

ANNEXURE-16

(22) That to the utter surprise of the applicant the applicant received the communication from Sr. Deputy Accountant General(Admn.) vide his letter No.Sr.DAG(A)/C-IV-105/736,dated 13.1.1988 stating therein that the result of the applicant declaring him successful in matriculate Group'D' examination held in Sept.1984 vide this Office Order No.Sr.DAG (A)/C-IV-105/536 dated 28.10.87 is cancelled abinitio as per directives of the Headquarters. The true copy of the letter aforesaid is being filed herewith as Annexure-17 to the application.

ANNEXURE-17

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-12-

(23) That the applicant on 21.1.88 wrote to the respondent No.1 for his promotion and also about the illegal order dated 13.1.1988 which was received by the office on 21.1.1988. The true copy of the letter dated ~~13~~ 21.1.88 is being filed herewith as Annexure-18 to the application.

ANNEXURE-18

(24) That the following is pay scale of Group 'D' employees, record keeper and clerk:-

- (i) Clerk: 950-20-1150-EB-25-1500
- (ii) Record Keeper: 825-15-900-EB-20-1200
- (iii) Group 'D' 750-12-870-EB-14-940.

(25) That four persons junior to the applicant have been promoted in the year 1985, who had passed matriculate Group 'D' examination with the applicant. The details of these employees is as following:-

- (i) 06/7127 Sri Janardan Sahu
- (ii) 06/7130 Sri Vijai Bahadur
- (iii) 06/7133 Sri Yag Narain
- (iv) 06/7144 Sri Ran Bahadur Yadav,

The above persons are working in clerk grade though they are junior to the applicant and they have passed matriculate Group 'D' examination alongwith the applicant.

Contd..P/13.

(26) That the order dated 13.1.1983 to this effect that the applicant should appear again in matriculate Group 'D' examination is bad in law in view of this fact that he had already passed this examination in Sept. 1984.

(27) That the respondent No. 1 has acted illegally and arbitrarily in promoting respondent No. 4 to 6 in clerk grade while they are junior to the applicant and they were declared successful along with the applicant in the aforesaid examination. According to the law the applicant should have been promoted first to these four persons.

(28) That the order cancelling the result of the applicant is unconstitutional.

(29) That there is violation of Articles-14 & 16 of Constitution of India in not promoting the applicant in clerk scale.

(30) That the decision to this effect that the applicant reappear in the examination is against the cannons of law while the applicant had already passed the examination and declared successful in the examination.

(31) That the orders passed by the respondent No. 1 & 2 to this effect that a record keeper should take his reversion in Group 'D' Class-IV for promotion in clerk grade is unconstitutional and against

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the provisions of law and as such the order is liable to be set aside.

7. Details of the remedies exhausted:

The applicant declares that he was availed of all the the remedies available to him under the relevant service rules etc.

8. Matters not previously filed or pending with any other Court:

The applicant further declares that the matter regarding that this application has been made is not pending before any court of law or any other bench of the tribunal.

9. Relief(s) sought:

In view of the facts mentioned in the paragraph-6 above the applicant prays for the following reliefs:-

- (i) This Hon'ble tribunal may be pleased to direct the respondent No.1 & 2 to promote the applicant in the clerk grade and may place him senior to respondent no 3 to 6.
- (ii) This Hon'ble Tribunal may be pleased to set aside the order dated 13.1.1988 (Annexure-17 to the application) intimating the applicant in

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cancellation of result abinitio and for re-appearing in the departmental matriculate Group'D' examination.

(iii) This Hon'ble Tribunal may be pleased to direct the respondent Nos. 1 & 2 not to take arbitrary actions to this effect that a record keeper should get his reversion in Group'D' Class-IV and then should appear in the matriculate Group 'D' examination and then one will be entitled for the promotion in clerk grade.

(a) Because the respondent No.1 & 2 are acting arbitrarily in not promoting the applicant in clerk grade inspite of this fact that the applicant has passed matriculate Group'D' examination in 1984 and he has been declared successful.

(b) Because the 4 persons junior to the applicant have already been promoted in clerk grade in spite of this fact that they are junior to the applicant and they passed the examination alongwith the applicant.

(c) Because the respondent No.1 & 2 have acted illegally in promoting the juniors to the applicant instead of promoting the applicant.

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(a) Because if the order dated 13.1.1988 cancelling the result of the applicant abinitio is not stayed when the other junior persons will be promoted by the departmental authorities and the applicant will suffer from irreparable loss.

11. Particulars of Postal Order/Bank Draft in respect of the Application Fee:

(1) Name of the Bank on which drawn. -

(2) Demand Draft No. _____

OR

1. Number of Indian Postal Order(s): ① CC 4 157833 Rs 4000
② W 52 751630 Rs 1000
2. Name of Issuing Post Office: High Court Post Office Allahabad Rs 5000
3. Date of Issue of Postal Order(s): 25/2/88
4. Post Office at which payable: General Post Office Allahabad

12. Details of the Index:

Please see in the beginning of the Claim Application.

13. List of Enclosures:

- (1) Order, dated 6.11.84.
(2) Application dated 20.2.85

Contd..P/18.

Handwritten signature/initials
Handwritten signature: Sareen

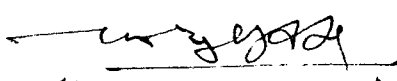
- (3) Reminder, Dated 23.4.85.
- (4) Letter, dated 27.4.85
- (5) Reminder, dated 21.8.85.
- (6) Reminder, dated 24.10.85.
- (7) Letter, dated 5.11.85
- (8) Application, dated 24.11.85.
- (9) Reminder, dated 20.12.85.
- (10) Letter, dated 9.1.86.
- (11) Letter of Applicant addressed to the Respondent No.1.
- (12) Letter, dated 22.11.85
- (13) Reminder, dated 20.3.87.
- (14) D.O. letter, dated 21.4.87
- (15) Letter, dated 9.2.87.
- (16) Letter, dated 29.10.87.
- (17) Letter, dated 13.1.88.
- (18) Application, dated 21.1.88.

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

I, Chandra Prakash, son of Late Sri Raja Ram Lal, aged about 34 years working as Group 'D' Class-IV in the office of the Accountant General (Audit), II, Uttar Pradesh, 14-Vidhan Sabha Marg, Sahkarita Bhawan, Lucknow, resident of L-5/L-49, Aliganj, Lucknow, do hereby verify that the contents mentioned in the claim application are true to my personal knowledge and belief that I have not suppressed any material fact.


Place: Allahabad

Dated: _____ 1987


(Chandra Prakash)
Signature of the Applicant

To:

The Registrar,
Central Administrative
Tribunal Addl. Bench. @32@242000@1000300000
Allahabad.



इन दी सेन्ट्रल एडमिनिस्ट्रेटिव दिव्यूनल एडशनल बेंच
रेनेक्चर नं० ।

इन

इन क्लेम पेटिशन नं० आफ 1988
जिला- लखनऊ

चन्द्र प्रकाश पेटिशनर
बनाम

दी यूनियन आफ इण्डिया एण्ड अदर्स रेस्पा०

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कार्यालय महालेखाकार (लेखा परीक्षा) -I, उत्तर प्रदेश
अलाहाबाद ।

सं०व०उ०स०ले०(प्र०) / सी-4-105/691 दिनांक 6-11-1984

निम्नलिखित वर्ग 'घ' कर्मचारी मेडिकुलेट ग्रुप 'घ' कर्मचारियों
के लिये सीमित विभागीय प्रतियोगी परीक्षा में जो कि दिनांक 19, 20
तथा 22 सितम्बर 1984 को हुआ था, सफल घोषित हुए हैं :-

क्रम संख्या	व्यक्तिगत संख्या	नाम
1-	06/7127	श्री जनार्दन साहू
2-	06/7141	'राम बहादुर यादव
3-	06/7133	'यज्ञ नारायण
4-	06/7130	'विजय बहादुर यादव
5-	06/7017	'चन्द्र प्रकाश

ह०

(राजीव शर्मा)

वरिष्ठ उप महालेखाकार (प्रशासन)

सं०व०उ०स०ले०(प्र०) /सी- 105/692 दि० 6-11-1984
प्रतिलिपि निम्नलिखित को सूचनार्थ प्रेषित:-

(d) Because inspite of this fact that the department has declared the applicant successful in matriculate Group'D' examination but now the department has cancelled the examination abinitio and is asking the applicant to re-appear in the examination.

(e) Because the actions taken by the respondent nos. 1&2 are illegal and arbitrary.

(f) Because there is violation of Articles-14 and 16 of the Constitution of India.

(g) Because the departmental authorities are acting arbitrarily in not promoting the applicant in the clerk grade in spite of this fact that the applicant has passed and has been declared successful in the requisite examination for promotion.

(h) Because the departmental officers are acting illegally, arbitrarily and against the principles of law.

10. Interim Orders, if any prayed for:


Pending final decision on the application, the applicant seeks issue following interim order to the authorities concerned for not cancelling the result of the applicant passing matriculate Group'D' examination in Sept.1984.

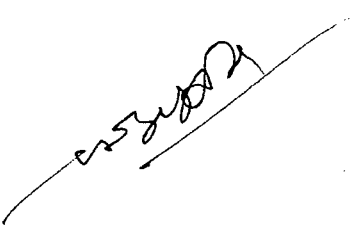
- 1- महालेखाकार (ऑडिट) द्वितीय, 30 प्र०, 14 विधान सभा मार्ग,
सहकारिता भवन, लखनऊ ।
- 2- सही ग्रुप अधिकारी ।
- 3- लेखापरीक्षा अधिकारी (प्रशासन) म० ले० (ऑडिट) प्रथम एवं द्वितीय
- 4- लेखा परीक्षा अधिकारी (सामान्य विभाग) ।
- 5- महामंत्री , वर्ग ' 'घ' ' कर्मचारी
- 6- सभी सम्बन्धित समूह ' 'घ' ' कर्मचारी ।
- (7) नोटिस बोर्ड ।

स० लेखा परीक्षा अधिकारी (परीक्षा)

सत्य प्रतिलिपि
=====

True Copy attested


Advocate



इन दी सेन्ट्रल एडमिनिस्ट्रेटिव दिब्यूनल एड्रेशनल बेंच

एनेक्चर नं० 2

इन

इन क्लेम पेटिशन नं० आफ। 988

जिला- लखनऊ

चन्द्र प्रकाश पेटिशनर

बनाम

दी यूनियन आफ इण्डिया एण्ड अदर रेसा। 0

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सेवामें,

श्रीमान् महालेखाकार (ऑडिट) प्रथम

उ०प्र० इलाहाबाद ।

विषय: लिपिक वर्ग में पदोन्नति के सम्बन्ध में ।

महोदय,

विवेदन है कि (चतुर्थ श्रेणी के वेतनमान 196-3-232 में दिनांक 25-11-72 को चपरासी के पद पर नियुक्ति किया गया था । मैंने इस कार्यालय में इस पद पर रहते हुए वर्ष 1982 में हाई स्कूल परीक्षा द्वितीय श्रेणी में उत्तीर्ण की है ।

इसके उपरान्त मैंने ग्रुप डी के हाई स्कूल उत्तीर्ण विभागीय परीक्षा के लिए आवेदन किया था तथा मैं उस परीक्षा में उत्तीर्ण भी हो गया हूँ ।

इसी मध्य मेरी पदोन्नति अस्थायी रूप से रिकार्ड कीपर के पद पर हो गई है । और आपने कार्यालय आदेश द्वारा मेरा विभागीय परीक्षा के द्वारा पदोन्नति का मार्ग बन्द कर दिया है ।

इस संदर्भ में मुझे यह कहना है कि रिकार्ड कीपर के पद पर मेरी नियुक्ति अस्थायी है और मैं अभी ग्रुप ' 'डी' ' में स्थायी पद पर हूँ (तथा मैंने रिकार्ड कीपर के पद पर पदोन्नति के सम्बन्ध में अपनी सहमति नहीं दी थी ।

आपने इस पद पर रहते हुए मैं केवल लिपिक में पदोन्नति

चाहता हूँ । जिससे इस विभाग में और आगे पदोन्नति के मार्ग खुले रहे
मैंने वर्ष 1984 में इष्टर मीडिस्ट की परीक्षा भी उत्तीर्ण कर ली है ।
और अब स्नातक की तैयारी कर रहा हूँ ।

ऐसी परिस्थिति में लिपिक वर्ग में मुझे मौका (चांस) न
मिलना एक मेधावी कर्मचारी के हित में न होगा , यदि लिपिक वर्ग
में पदोन्नति के लिए मुझे रिकार्ड कीपर का पद छोड़ना पड़े तो भी मैं
तैयार हूँ ।

आशा है कि मेरी प्रार्थना पर सहानुभूति पूर्व विचार किया
जायेगा ।

सम्मान सहित,

प्राणी

(चन्द प्रकाश)

दि 20-2-1985

व्यक्तिगत नं० 06/7017

सी० ए० डब्ल्यू० लखनऊ

सत्य प्रतिलिपि

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True Copy Attested
S. Sanyal
Advocate

[Handwritten signature]
S. Sanyal

इन दी सेटल एडमिनिस्ट्रिटिव दिबूतल एडीशनल बेंच

एनेक्वर नं०३

इन

इन क्लेम पेटिशन नं० आफ। 988

जिला लखनऊ

चन्द्र प्रकाश पेटिशनर

बनाम

दी यूनियन आफ इण्डिया एण्ड अदर्श रेसा०

सेवा में,

श्रीमान् महालेखाकार (ऑडिट प्रथम)

उ० प्र० इलाहाबाद ।

विषय:- लिपिक वर्ग में पदोन्नति के सम्बन्ध में , दिनांक 20-2-85 के पत्र का अनुस्मारक ।

महोदय,

निवेदन है कि प्रार्थी दिनांक 20-2-1985 को अपने लिपिक वर्ग में पदोन्नति हेतु एक पत्र दिया था परन्तु अभी तक उसका कोई उत्तर नहीं आया ।

इस कारण आपसे निवेदन है कि मैं चतुर्थ श्रेणी के वेतनमान 196-3 '232 दिनांक 25-11-72 को चपरासी के पद पर नियुक्ति किया गया था मैंने इस कार्यालय में रहते हुए । इसी पद पदा वर्ष 1982 में हाई स्कूल परीक्षा द्वितीय श्रेणी में उत्तीर्ण की है ।

इसके उपरान्त मैंने ग्रुप ' 'डी' ' के हाई स्कूल उत्तीर्ण विभागीय परीक्षा के लिए आवेदन किया था तथा मैं उस परीक्षा में उत्तीर्ण भी हो गया हूँ ।

इसी बीच मेरी पदोन्नति अस्थायी स्तर से रिकार्ड कीपर के पद पर हो गयी है । और आपने कार्यालय आदेश द्वारा मेरा विभागीय

(Handwritten signature)

परीक्षा के द्वारा पदोन्नति का मार्ग बंद कर दिया है ।

इस संदर्भ में मुझे यह कहना है कि रिकार्ड कीपर के पद पर मेरी नियुक्ति अस्थायी है और मैं अभी भी ग्रुप 'डी' में स्थायी पद पर तथा मैंने रिकार्ड कीपर के पद पर पदोन्नति के सम्बन्ध में अपनी सहमति नहीं दी थी ।

अपने इस पद पर रहते हुए मैं केवल लिपिक में पदोन्नति चाहता हूँ जिससे इस विभाग में और आगे पदोन्नति के मार्ग खुले रहे । मैंने वर्ष 84 में इष्टर मीडियट की परीक्षा भी उत्तीर्ण कर ली है और अब स्नातक की तैयारी कर रहा हूँ ।

ऐसी परिस्थिति में लिपिक वर्ग में मुझे मौका (चांस) न मिलना एक मेधावी कर्मचारी के हित में न होगा, यदि लिपिक वर्ग में पदोन्नति के लिये मुझे रिकार्ड कीपर का पद छोड़ना पड़े तो भी मैं तैयार हूँ ।

आशा है कि मेरी प्रार्थना पद सहानुभूति पूर्वक विचार किया जायेगा ।

सम्मान सन्नि,

प्रार्थी

(चन्द्र प्रकाश)

रिकार्ड कीपर

व्यक्तिगत नं० 06/7017

सी० ए० डब्लू० लखनऊ

दिनांक 17-4-1985

सत्य प्रतिलिपि

=====

True Copy attested

S. S. S. S.
Advocate-

CSJ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, ALLAHABAD
...

ANNEXURE '4'

In

CLAIM APPLICATION NO. OF 1988

DISTRICT: LUCKNOW

CHANDRA PRAKASH APPLICANT

//VERSUS //

UNION OF INDIA THROUGH ACCOUNTANT GENERAL

(AUDIT) II, U.P. ALLAHABAD AND OTHERS .. Respondents

OFFICE OF THE ACCOUNTANT GENERAL (AUDIT)-II, U.P.

14-VIDHAN SABHA MARG, LUCKNOW.

No. CAW/Admn./Exam/Auditor-Clerk/245 Dated/April, 27, 1988

To,

The Accountant General (Audit-II,

Allahabad.

SUB:- Promotion to the post of Clerks, High
School Passed Gr. 'D' Staff.

....

Sir,

I am to invite a reference to your
letter No. Exam/C-I/ 174 dated 14.2.1985 regarding
typewriting test of Shri Chandra Prakash (06/7017).

Shri Chandra Prakash applied for
appearing at departmental examination for High
School Passed Group 'D' in response to C&AG's

Contd..P/2.

-2-

Exam.Sec. Circular No.25 of 1984 issued on 23.7.1984 read with A.G.(A) I,U.P.Allahabad letter No.Exam./D.1/54,dated 2.8.84. His application was forwarded to your office vide this office letter No.CAW/Admn./Exan./649,dated 10.8.84.

Thereafter, without any request from Sri Chandra Prakash he was promoted to the post of Record Keeper w.e.f. 14.8.84, in terms of office Order No.AG(Audit)-I/Admn./4-9(2)/498 dated 3.8.84. Shri Chandra Prakash, thereafter, had applied for appearing at the said examination. Reference is also invited to this office letter No.CAW/Admn./E-6/749 dated 23.8.84 vide which it was clearly intimated that Shri Chandra Prakash had taken over charge on the post of Record Keeper in the forenoon of 14th August,1984. No reference was made on this subject by your office, when Sri Chandra Prakash was deputed to appear in the said examination held from 19th to 20th Sept.,1984.

Shri Chandra Prakash has now made representation dated 15.2.1985 and 20.2.1985 which are forwarded herewith for your consideration.

Encl:-As above.

Yours faithfully,
sd/-26.4.85
(S.D.H.Abidi)
Audit Officer(Admn.)

True Copy *Admn.* // True copy //

S. Jais
Admn.

इन दी सेन्ट्रल एडमिनिस्ट्रिटिव दिव्यूनल एडशनल बेंच

एनेक्चर नं० 5

इन

इन क्लेम पेट्रीशन नं० आफ 1988

जिला- लखनऊ

चन्द्र प्रकाश पेट्रीशनर

बनाम

दी यूनियन आफ इण्डिया एण्ड अदर्श रेसा 0

सेवा में,

श्रीमान् महालेखाकार (ऑडिट) प्रथम

उ० प्र० अलाहाबाद

विषय: - लिपिक वर्ग में पदोन्नति के सम्बन्ध में , दिनांक 20-2-85
स्व 17-4-85 के पत्र का अनुस्मारक।

महोदय,

निवेदन है कि प्रार्थी दिनांक 20-2-85 स्व 17-4-85 को अपने लिपिक वर्ग में पदोन्नति हेतु एक पत्र दिया था परन्तु अभी तक उसका कोई उत्तर नहीं आया ।

इस कारण आपसे निवेदन है कि मैं चतुर्थ श्रेणी के वेतनमान 1963-232 दिनांक 25-11-72 को चषरासी के पद पर नियुक्ति किया गया था मैंने इस कार्यालय में रहते हुए इसी पद पर वर्ष 1982 को हाई स्कूल परीक्षा द्वितीय श्रेणी में उत्तीर्ण की है ।

इसके उपरान्त मैंने ग्रुप 1 'डी' के हाई स्कूल उत्तीर्ण विभागीय परीक्षा के लिए आवेदन किया था तथा मैं उस परीक्षा में उत्तीर्ण भी हो गया हूँ ।

इसी बीच मेरी पदोन्नति अस्थायी स्तर से रिकार्ड कीपर के पद पर हो गयी है । और अपने कार्यालय आदेश द्वारा मेरा विभागीय

परीक्षा के द्वारा पदोन्नति का मार्ग बंद कर दिया है ।

इस संदर्भ में मुझे यह कहना है कि रिकार्ड कीपर के पद पर मेरी नियुक्ति अस्थायी है और मैं अभी भी ग्रुप 'डी' में स्थायी पद पर हूँ । तथा मैंने रिकार्ड कीपर के पद पर पदोन्नति के सम्बन्ध में अपनी सहमति नहीं दी थी ।

अपने इस पद पर रहते हुए मैं केवल लिपिक में पदोन्नति चाहता हूँ जिससे इस विभाग में और आगे पदोन्नति के मार्ग खुले रहे मैंने वर्ष 84 में इण्टरमीडि की परीक्षा भी उत्तीर्ण कर ली है । और अब स्नातक की तैयारी कर रहा हूँ ।

ऐसी परिस्थिति में लिपिक वर्ग में मुझे मौका न मिलना एक मेधावी कर्मचारी के हित में न होगा , यदि लिपिक वर्ग में पदोन्नति के लिए मुझे रिकार्ड कीपर का पद छोड़ना पड़े तो भी मैं तैयार हूँ ।

आशा है कि मेरी प्रार्थना पर सहानुभूति पूर्व विचार किया जायेगा। सम्मान सहित,

प्रार्थी

(चन्द्र प्रकाश)

रिकार्ड कीपर

ब्यक्तिगत नं० 06/7017

सी० ए० डब्लू० लखनऊ

दिनांक 21-8-85

सत्य प्रतिलिपि

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True Copy Attested

[Signature]
Adm. Secy

[Signature]

इन दी सेंट्रल एडमिनिस्ट्रेटिव दिव्यूनल एडीशनाल बेंच

रेनक्वर नं० 6

इन

इन क्लेम पेटिशन नं० आफ 1988

जिला- लखनऊ

चंद्र प्रकाश पेटिशनर

बनाम

दी यूनियन आफ इण्डिया एण्ड अदर्स रेखा 0

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सेवामें,

श्रीमान् महालेखाकार (ऑडिट) प्रथम

उ०प्र० इलाहाबाद ।

विषय: लिपिक वर्ग में पदोन्नति के सम्बन्ध में , दिनांक 20-2-85 और

~~22-2-85~~ ~~22-2-85~~ 17-4-85 एवं 21-8-85 के पत्र का अनुस्मारक

महोदय,

निवेदन है कि प्रार्थी दिनांक 20-2-85 और 21-8-85 को अपने लिपिक वर्ग में पदोन्नति हेतु पत्र दिया था परन्तु अभी तक उसका कोई उत्तर नहीं आया ।

इस कारण आपसे निवेदन है कि मैं चतुर्थ श्रेणी के बेतनमान 196-3-232 दिनांक 25-11-1972 को चपरासी के पद पर नियुक्ति किया गया था मैंने इस कार्यालय में रहते हुए इसी पद पर वर्ष 1982 को हाई स्कूल परीक्षा में उत्तीर्ण भी हो गया हूँ । द्वितीय श्रेणी में ।

इसके उपरान्त मैंने ग्रुप 'डी 6' के हाई स्कूल उत्तीर्ण विभागीय परीक्षा के लिए आवेदन किया था तथा मैं उस परीक्षा में उत्तीर्ण भी हो गया हूँ ।

इस बीच मेरी पदोन्नति अस्थायी रूप से रिकार्ड कीपर के

के पद पर हो गयी है और आपने कार्यालय आदेश द्वारा मेरा विभागीय परीक्षा के द्वारा पदोन्नति का मार्ग बंद कर दिया है ।

इस संदर्भ में मुझे सह कहना है कि रिकार्ड कीपर के पद पर मेरी नियुक्ति अस्थायी है और मैं अभी भी ग्रुप 'डी' में स्थायी पद पर हूँ । तथा मैंने रिकार्ड कीपर के पद पर पदोन्नति के लिए अपनी सहमति नहीं दी थी ।

अपने इस पद पर रहते हुए मैं केवल लिपिक वर्ग में पदोन्नति चाहता हूँ । जिससे इस विभाग में और आगे पदोन्नति के मार्ग खुले रहे । मैंने वर्ष 84 में इण्टरमीडिएट की परीक्षा भी उत्तीर्ण कर ली है और अब स्नातक की तैयारी कर रहा हूँ ।

ऐसी परिस्थिति में लिपिक वर्ग में मुझे मौका न मिलना एक मेधावी कर्मचारी के हित में न होगा । यदि तकनीकी आधार पर लिपिक वर्ग में पदोन्नति के लिये मुझे रिकार्ड कीपर का पद छोड़ना पड़े तो मैं इसके लिये तैयार हूँ । इसी प्रार्थना पत्र को हमारी प्रार्थना माना जाए ।

आशा है कि मेरी प्रार्थना पर सहानुभूति पूर्वक विचार किया जायेगा ।
सम्मान सहित,

प्रार्थी (

(चन्द्र प्रकाश)

रिकार्ड कीपर

व्यक्तिगत नं० 06/7017

सी० ए० डब्ल्यू लखनऊ

दि० 24-10-85

सर्वसाक्षरता
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S. S. S. S.
Advocate

इन की सेंट्रल एडमिनिस्ट्रेटिव दिव्युताल एडशनल बेंच

एनेक्चर नं० 7

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इन क्लेम पेटिशन नं० आफ 1988

जिला- लखनऊ

चन्द्र प्रकाश पेटिशनर

बनाम

दी यूनियन आफ इण्डियां एण्ड अदर रेस्पा०

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सेवामें,

श्रीमान् प्रिंसिपल एकाउंटेंट जरनल साहब

प्रथम उ०प्र० इलाहाबाद ।

द्वारा शिकायत पेटिका

विषय:- प्राथी के विभागीय परीक्षा पास करने के फलस्वरूप लिपिक वर्ग
में प्रोन्नति के सम्बन्ध में ।

आदरणीय महोदय,

सविनय निवेदन है कि प्राथी दिनांक 25-11-72 से
श्रीमान् जी के अधीनस्थ कार्यालय में चतुर्थ श्रेणी कर्मचारी के पद पर
निरन्तर कार्यरत है । प्राथी का कार्य सदैव उत्तम रहा है । तथा
कार्य की प्रशंसा निरन्तर सभी अधिकारियों ने की है ।

सन् 1982 में प्राथी ने हाई स्कूल तथा 1984 में
इण्टरमीडिएट परीक्षा कार्यालय से बकायदा अनुमति लेने के पश्चात् सम्मिलित
होकर पास कर ली है । जिसकी सूचना कार्यालय को भी विधिवत समया
नुकूल दे दी थी ।

मे 1984 की विभागीय परीक्षा लिपिक वर्ग में प्रोन्नति के लिए



कार्यालय द्वारा आयोजित विधिवत अनुमति प्राप्त करने के पश्चात् सम्मिलित हुआ था और उसमें कार्यालय विधि अक्टूबर 1984 के द्वारा प्रार्थी उत्तीर्ण घोषित किया गया। प्रार्थी का नं० 5 पर उपरोक्त विधि में नाम अंकित किया गया है। यह बताना आवश्यक है कि प्रार्थी के साथ जिन अन्य ग्रुप 'डी' कर्मचारी जो विभागीय परीक्षा प्रार्थी के साथ पास की है, और प्रार्थी के समीपनीय है। उनकी पदोन्नति लिपिक पद पर कर दी गयी है। परन्तु प्रार्थी की प्रोन्नति अभी तक अकारण लम्बित चली आ रही है।

इसी बीच में यह बताना भी उचित होगा कि प्रार्थी (मार्च 84) से आडिटिंग से वाईफरवेशन के उपरान्त सी० ए० डब्ल्यू० लखनऊ में ही नियुक्ति किया गया है। इसी बीच प्रार्थी को रिकार्ड कीपर के पद पर 14 अगस्त 1984 को निम्नलिखित आदेशानुसार प्रोन्नति किया गया।

प्रार्थी अपनी सेवा योगदान बराबर करता रहा और नवम्बर 1984 से रिकार्ड कीपर पद की वेतन देनी प्रारम्भ की गयी। इसी बीच अक्टूबर 84 कार्यालय द्वारा प्रार्थी को लिपिक वर्ग में का परीक्षा फल भी घोषित हो गया। प्रार्थी लिपिक वर्ग में ही अपनी पदोन्नति चाहता था जिससे उसका भविष्य उज्ज्वल रह सके क्योंकि प्रार्थी इस वर्ष अपनी स्नातक परीक्षा में कानपुर विश्वविद्यालय से सम्मिलित हुआ है।

प्रार्थी निरन्तर अपनी लिपिक वर्ग में पदोन्नति हेतु प्रार्थना करता चला आ रहा है। परन्तु कार्यालय द्वारा कोई सुनवाई किसी प्रकार न तो लखनऊ कार्यालय द्वारा या वीरछ अपमहालेखाकार प्रशासन इलाहाबाद द्वारा ही की गयी।

प्रार्थी आज यह अनुभव कर रहा है कि प्रार्थी के प्रार्थनापत्रों पर किसी प्रकार का विचार न किये जाने से भयभीत है कि उसका भविष्य परिश्रम करने और योग्यताएं ग्रहण करने के उपरान्त भी अन्धकार की ओर जा रहा है। और विवश होकर प्रार्थी आपसे अनुरोध करने का साहस कर

कर रहा हूँ कि प्रार्थी के मामले को नियमानुसार अतिशीघ्र निर्णित करके प्रार्थी को लिपिक पद पर प्रोन्नति करने के आदेश जारी किये जाने की महान् अनुकम्पा करें। प्रार्थी तथा उसके परिवार के सभी सदस्यगण आपकी इस महान् कृपा के लिये जीवन पर आभारी रहेगे।

आशा ब्रह्मान आप का सेवक

(चन्द्र प्रकाश)

स्थायी वर्ग ' 'घ' '

व्यक्तिगत नं० 06/7017

कार्यालय महालेखाकार उ० प्र० (आडिट)

सी० ए० डब्लू० 14 विधान सभा मार्ग

सहकारित भवन द्वितीय लखनऊ

सत्य प्रतिलिपि

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S. Lax
Advocate

W. S. S. S.

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इन की सेन्ट्रल एडीमिनिस्ट्रेटिव दिव्यूनल एडीशनल बेंच
स्नेकवर नं० 8

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इन क्लेम पेटिशन नं० आफ 1988

जिला - लखनऊ

चन्द्र प्रकाश पेटिशनर

बनाम

दी यूनियन आफ बण्डियां एण्ड अदरर्स रेखा 0

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सेवामें,

श्रीमान् महालेखाकार (ऑडिट) प्रथम

उत्तर प्रदेश इलाहाबाद।

विषय:- लिपिक वर्ग में पदोन्नति के सम्बन्ध में , दिनांक 20-2-80 , 17-4-85, 21-8-85 के पत्र का अनुस्मारक ।

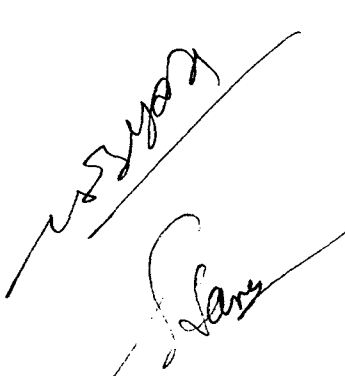
महोदय,

निवेदन है कि प्रार्थी दिनांक 20-2-85, 21-8-85 और 24-10-85 को लिपिक वर्ग में पदोन्नति हेतु पत्र दिया था परन्तु अभी तक उसका कोई उत्तर नहीं आया ।

इस कारण आपसे निवेदन है कि मैं चतुर्थ श्रेणी के वेतनमान 196-3-232 कांक 25-11-72 को चपरासी के पद पर नियुक्ति किया गया था मैंने इस कार्यालय में इसी पद पर रहते हुये वर्ष 82 में हाई स्कूल परीक्षा द्वितीय श्रेणी में उत्तीर्ण किया हूँ ।

इसके उपरान्त मैंने ग्रुप 'डी' के हाई स्कूल उत्तीर्ण विभागीय परीक्षा के लिए आवेदन किया था तथा मैं उस परीक्षा में उत्तीर्ण भी हो गया हूँ ।

इस बीच मेरी पदोन्नति अस्थायी रूप से रिकार्ड कीपर के पद पर हो गयी है । और आपने कार्यालय आदेश द्वारा मेरा विभागीय



परीक्षा के द्वारा पदोन्नति का शर्ग बन्द कर दिया है ।

इस संदर्भ में मुझे यह कहना है कि रिकार्ड कीपर के पद पर मेरी नियुक्ति आस्थायी है और मैं अभी भी ग्रुप 'डी' में स्थायी पद पर हूँ तथा मैंने रिकार्ड कीपर के पद पर अपनी सहमति नहीं दी थी ।

अपने पद पर रहते हुए मैंने केवल लिपिक वर्ग में ही ~~अपनी पदोन्नति चाहता हूँ~~ अपनी पदोन्नति चाहता हूँ । जिससे इस विभाग में और आगे पदोन्नति के शर्ग खुले रहे । मैंने वर्ष 1984 में इष्टर मीडिस्ट की परीक्षा भी उत्तीर्ण कर ली है । और अब स्नातक की तैयारी कर रहा हूँ।

ऐसी परिस्थिति में लिपिक वर्ग में मुझे मौका न मिलना एक मेधावी कर्मचारी के हित में न होगा । यदि तकनीकी आधार पर लिपिक वर्ग में पदोन्नति के लिए मुझे रिकार्ड कीपर का पद छोड़ना पड़े तो मैं उसके केलिए तैयार हूँ । इसी प्रार्थना पत्र को हमारी सहमति मानी जाएगी जस्ये ।

आशा है कि मेरी प्रार्थना पर सहानुभूति पूर्व विचार किया जायेगा सम्मान सहित,

प्रार्थी

(चन्द्र प्रकाश)

रिकार्ड कीपर

प्रतिलिपि अग्रसारित:-

महालेखाकार (ऑडिट) उ०प्र० लखनऊ ।

प्रार्थी

(चन्द्र प्रकाश)

रिकार्ड कीपर

दि० 18-11-1985

व्यक्तिगत नं० 06/7017

सत्य प्रतिलिपि

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[Signature]

इन की सेंट्रल एडमिनिस्ट्रिटिव दिव्यूनल एडीशनल बेंच

एनैक्चर नं० 9

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रवि क्लेम पेटिशन नं० आफ 1988

जिला- लखनऊ

चन्द्र प्रकाश पेटिशनर

बनाम

दी यूनियन आफ इण्डियन एण्ड अदर्स रेखा०

सेवामें,

श्रीमान् महालेखाकार (आडिट) प्रथम

उत्तर प्रदेश इलाहाबाद

द्वारा :- उचित माध्यम

विषय:- लिपिक वर्ग में पदोन्नति के सम्बन्ध में , दिनांक 20-2-85

17-4-85, 21-8-85, 24-10-85 और 18-11-85 के पत्र का

अनुस्मारक

महोदय,

निवेदन है कि प्रार्थी उपरोक्त ता० में अपनी लिपिक वर्ग में पदोन्नति के लिए पत्र दिया था, परन्तु अभी तक उसका कोई उत्तर नहीं आया है।

इस कारण आपसे निवेदन है कि मुझे चतुर्थ श्रेणी के वेतनमान में दिनांक 25-11-72 को चपरासी के पद पर नियुक्ति किया गया था मैंने इस कार्यालय में रहते हुए वर्ष 1982 में हाई स्कूल परीक्षा दिवतीय श्रेणी में उत्तीर्ण किया हूँ।

इसके उपरान्त मैंने हाई स्कूल उत्तीर्ण विभागीय परीक्षा के लिए आवेदन किया था। मैं उस परीक्षा में उत्तीर्ण भी हो गया हूँ। इस बीच मेरी पदोन्नति अस्थायी रूप से रिकार्ड कीपर के पद पर हो गयी है। और आपने कार्यालय आदेश द्वारा मेरा विभागीय परीक्षा के द्वारा पदोन्नति का मार्ग बन्द कर दिया।

इस संदर्भ में मुझे यह कहना है कि रिकार्ड कीपर के पद पर मेरी नियुक्ति अस्थायी है और मैं अभी भी चपरासी के रूप में स्थायी पद पर हूँ। तथा मैंने रिकार्ड कीपर के पद पर अपनी सहमति नहीं दी थी।

अब मैं इस पद पर रहते हुए मैं केवल लिपिक वर्ग में ही अपनी पदोन्नति चाहता हूँ। जिससे इस विभाग में और आगे पदोन्नति का मार्ग खुला रहे। मैंने वर्ष 1984 में इष्टर मीडिस्ट की परीक्षा भी उत्तीर्ण कर ली है। और अब स्नातक की तैयारी भी कर रहा हूँ।

ऐसी परिस्थिति में लिपिक वर्ग में मुझे मौका न मिलना एक मेधावी कर्मचारी के हित में न होगा। यदि तकनीकी आधार पर लिपिक वर्ग में पदोन्नति के लिये मुझे रिकार्ड कीपर का पद छोड़ना भी पड़े तो मैं उसके लिए तैयार हूँ। इसी प्रार्थनापत्र को हमारा सहमति का पत्र माना जाये।

आशा है कि मेरी प्रार्थना पर सहानुभूतिपूर्व विचार किया जायेगा।

प्रार्थी

(चन्द्र प्रकाश)

रिकार्ड कीपर

प्रतिलिपि अग्रसारित:- महालेखाकार (आर्डी)।। उ०प्र० लखनऊ

प्रार्थी

(चन्द्र प्रकाश)

दिनांक 20-12-85

व्यक्तिगत नं० 06/7017

True Copy Attached

सत्य प्रतिलिपि

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इन दी सैन्डल एडी मनिस्ट्रिटि ब दिव्यूनल एडिशनल बेंच

एनेक्चर नं० 10

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इन क्लेम पेटिशन नं० आफ 1988

जिला- लखनऊ

चन्द्र प्रकाश पेटिशनर

बनाम

दी यूनियन आफ इण्डियाइसण्ड अदर्श रेखा 10

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कार्यालय महालेखाकार (ऑडिट) । उत्तर प्रदेश इलाहाबाद

=====

सं० म० ले० / ले० प० / प्रथम / 12-11/2199

दि० 9-1-86

श्री चन्द्र प्रकाश

(रिकार्ड कीपर)

द्वारा कार्यालय महालेखाकार (लेखापरीक्षा) (1)

सी० ए० डब्लू०

14: विधान सभा मार्ग , सहकारिता भवन

लखनऊ ।

विषय :- विभागीय परीक्षा पास करने के फलस्वरूप लिपिक वर्ग में पदोन्नति हेतु ।

आपको सूचित किया जाता है कि प्रार्थनानुसार आपकी लिपिक वर्ग में पदोन्नति हेतु यह आवश्यक है कि आप चतुर्थ श्रेणी के कर्मचारी के स्तर पर कार्यरत हो । आपने , जैसा कि पूर्व में अपनी इच्छा भी व्यक्त की थी , एक प्रार्थना पत्र प्रशासन को प्रेषित करें जिसमें यह इंगित हो कि आप अपनी स्वेच्छा से रिकार्ड कीपर के पद से चतुर्थ श्रेणी कर्मचारी के पद पर अवनीति (रिवर्सन) के हेतु इच्छुक हैं ।

सहायक लेखापरीक्षा अधिकारी

इन दी सेक्टर रडमिनिस्ट्रिएटिव दिव्यूनल रडशिमिल बेंच

रनेत्सर नं० ११

इन

इन क्लेम पेट्रीशन नं० आफ 1988

जिला- लखनऊ

चन्द्र प्रकाश पेट्रीशनर

बनाम

दी यूनियन आफ इण्डिया स्ट्रड अ दर्श रेस्पॉ

सेवामें,

श्रीमान् महालेखाकार उ०प्र० (ऑडिट) प्रथम

इलाहाबाद

विषयः - विभागीय परीक्षा पास करने के फलस्वरूप प्राप्ति का लिपिक वर्ग
में पदोन्नति करने हेतु।

आदरणीय महोदय,

आपके अधीनस्थ सहायक लेखा परीक्षा अधिकारी प्रशासन के उपरोक्त विषयक पर जारी पत्र संख्या नं० म०ले०/ ले०प०/प्रथम 12-11-2199 दिनांक 9-1-86 के सम्बन्ध में तारतम्य में मुझे यह आदेश दिया गया है कि मैं एक प्रार्थना पत्र प्रशासन को यह इंगित करते हुए की मैं अपनी स्वेच्छा से जैसाकि मैंने पूर्व में भी अपनी इच्छा प्रशासन को व्यक्त कर चुका हूँ। रिकार्ड कीपर के पद से चतुर्थ श्रेणी कर्मचारी के पद पर समझा जाये। जिसकाकि मैं इसलिए इच्छुक हूँ मेरे विभागीय परीक्षा उर् तीर्ण करने के उपरान्त अविलम्ब लिपिक वर्ग में पदोन्नति की जाये।

क्योंकि जैसा उपरोक्त पत्र में बताया गया है कि मेरे लिपिक वर्ग में पदोन्नति हेतु यह आवश्यक है कि मैं चतुर्थ श्रेणी के कर्मचारी के रूप में कार्यरत होऊँ। यह मेरा उपरोक्त आधार पर स्वेच्छा पत्र माना जावे।

अतः आपसे निवेदन है कि इसे मेरी वांछित इच्छा समझा जाये तथा आवश्यक औपचारिकताओं को अविलम्ब पूर्ण करने के उपरान्त मुझे लिपिक वर्ग में पदोन्नति करने की महान् कृपा की जावे।

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, ALLAHABAD

ANNEXURE-12

In

CLAIM APPLICATION NO. OF 1988

DISTRICT: LUCKNOW

Chandra Prakash.Applicant

//Versus//

Union of India through Accountant General
(Audit), I, UP. at Allahabad, and others.

. Respondents.

OFFICE OF THE ACCOUNTANT GENERAL-II(AUDIT)
U.P. COMMERCIAL AUDIT WING,
14, VIDHAN SABHA MARG,
LUCKNOW

No.CAW/P.C./307

Dated 22.11.85

To,

The Audit Officer(Admn.)
Office of the Accountant General(Audit)-I,
Allahabad.

Sir,

With reference to your letter No.AG(A)II/
Admn./12-11/47, dated 9.4.85 regarding educational
qualification of Shri Chandra Prakash record
keeper, I am to state as under:-

1. As per service records noted in the
service book the educational qualification of
Sri Chandra Prakash was IX class passed on the
date of his joining.

Contd..P/2.

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-2-

2. He was permitted to appear in High School and thereafter in Intermediate examination by Audit Officer(Admn.), Office of the A.G.HI, U.P., C.A.W., Lucknow on 17.8.81 and 6.12.83 respectively.

3. After passing the above mentioned examination Shri Chandra Prakash submitted his High School and Intermediate certificate in this office along with mark sheet which are attached with the personal file of Sri Chandra Prakash.

4. The entries regarding his passing High and Intermediate qualification was made in his service book by Audit Officer(Admn.) on 10.9.84 and 6.2.85 respectively.

5. He had submitted his information regarding passing the Intermediate examination on 5.2.85, while his written statement about passing High School Examination is not traceable in his personal file.

Yours faithfully,
sd/-
J.P.Srivastava
xAdmxix@xxxxxxx
Audit Officer/Admn.

True Copy Attested
// True copy //
S. S. S. Advocate

[Handwritten signature]

AS2 413

इन दी सेन्ट्रल एडमिनिस्ट्रेटिव ट्रिब्यूनल एडीशानल बेंच

एनेक्चर नं० 13

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इन क्लेम पेटिशन नं० आफ 1988

जिला- लखनऊ

चन्द्र प्रकाश पेटिशनर

बनाम

दी यूनियन आफ इण्डिया स्टूड अदर्श रेखा 0

सेवामें,

श्रीमान् महालेखाकार (उ०प्र०)

आडिट प्रथम

इलाहाबाद

विषय :- हाई स्कूल पास वर्ग ' 'घ' ' कर्मचारी का लिपिक वर्ग परीक्षा
1984 में उत्तीर्ण करने के बाद लिपिक वर्ग में पदोन्नति हेतु
दिनांक 28-11-86 का अनुस्मारक पत्र ।

महोदय,

निवेदन है कि प्रार्थी ने वर्ष 1984 में हाई स्कूल परीक्षा उत्तीर्ण
वर्ग ' 'घ' ' कर्मचारी से लिपिक वर्ग में पदोन्नति के लिए प्रार्थनापत्र
किया था, और विधिवत अनुमति के बाद परीक्षा में बैठा है, और
परीक्षाफल आने पर उत्तीर्ण भी हुआ है। परन्तु अभी तक प्रार्थी की
पदोन्नति लिपिक वर्ग में नहीं हुई है। इससे संकथ में कई प्रार्थनापत्र
पहिले भी दे चुका हूँ। जिसका मुझे कोई उत्तर नहीं मिला है।

अतः श्रीमान् जी से निवेदन है कि प्रार्थी की पदोन्नति लिपिक
वर्ग में करने की कृपा करें। आपकी महान् कृपा होगी।

नोट:- प्रार्थी का वर्ष 1984 में घोषित परीक्षा फल में क्रमांक 5 पर नाम

CSY/2001
Barz

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, ALLAHABAD

...

ANNEXURE-14

In
Claim Application No. of 1988
Chandra Prakash Applicant

//Versus //

Union of India through Accountant General,
(Audit), I, U. P. Allahabad and others .

... Respondents
District: Lucknow.

Satish Loomba
Dy. Accountant General

Office of The
Accountant General (Audit) II, U.
Sahkarita Bhawan
14- Kadhana Sabha Marg,
Lucknow.

D.O.No. CAW/Admn./Exan.-Ars./Clks/230, Dated 21.4.87

Dear Sri

Kindly refer to headquarter letter No.
230-N-2/126-86, dated 10.3.87 (Circular No. NGE/26/
1987) regarding Limited Departmental Competitive
Examination for Matriculate Group 'D' staff for
promotion as Clerk-Eligibility for the Matriculate
Record Keepers.

In this connection, kindly refer to the
Correspondence resting with this office letter No.
CAW/Admn./Exan./Ars./Clks./-245, dated 27.4.85
followed by reminders No. 1203, dated 23.8.85 and
No. 2064, dated 25.11.85 regarding the case of Sri
Chandra Prakash, a matriculate Gr. 'D' (promoted

Gontd..P/2

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as record sorter w.e.f. 14.8.84) who passed the above mentioned departmental examination vide your No. Sr. Dy. Accountant General/ Admn./C-IV-105/691 dated 6.11.84. His representation dated 1.4.86 giving his willingness for promotion to clerical cadre after reversion from Record Keeper was forwarded to you vide this office endt. No. CAW/Admn./Exam./Hindi despatch/30, dated 28.2.86. As your decision in the matter has not been received so far, I would request you kindly to review his case in view of headquarters orders dated 10.3.87 referred to above, and communicate the final decision to this office in his case at an early date.

Yours sincerely,

Shri P.K. Mukhopadhyay,
Sr. Dy. Accountant General/Admn.,
Office of the Accountant General
(Audit), I., U.P. Allahabad.

// True copy //

True Copy Attached

Saran
Advocate

458

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इन दी सेटल एडीमिनिस्ट्रेटिव दिव्यूनल एडीशनल बेंच

एनेक्तर नं० 15

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इन क्लेम पेटिशन नं० आफ 1988

जिला- लखनऊ

चन्द्र प्रकाश पेटिशनर

बनाम

दी यूनियन आफ इण्डिया एंड अदर्स रेखा 0

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सेवामें,

श्रीमान् भारत के नियंत्रक महालेखा परीक्षक,

10- बहोदर शाह जफर मार्गः

नई दिल्ली।

उचित माध्यम द्वारा एवं एक अभिमत प्रतिलिपिस्वरुं

विषयः - प्रार्थी द्वारा वर्ष 1984 में विभागीय प्रतियोगी परीक्षापास करने के बाद भी अभी तक लिपिक वर्ग में पदोन्नति न करने के सम्बन्ध में ।

महोदय,

निवेदन है कि प्रार्थी महालेखाकार , उत्तर प्रदेश आर्डिट -2 14 विधान सभा मार्ग , लखनऊ कार्यालय में चपरासी के पद पर 25 नवम्बर 1972 से कार्यरत है। कार्यालय में चपरासी के पद पर कार्य करते हुए मैंने हाई स्कूल , 1982 एवं इण्टरमीडिएट की परीक्षा , 1984 में पास की। तत्पश्चात विभाग द्वारा आयोजित लिपिक वर्ग में पदोन्नति हेतु प्रतियोगी परीक्षा वर्ष 1984 में कार्यालय द्वारा विधिवत अनुमति के बाद उत्तीर्ण हुआ। परीक्षा फल में हेरफेर करके प्रार्थी से सभी जूनियर लोगो को ऊपर करके परीक्षाफल घोषित किया गया। प्रार्थी जब इस सम्बन्ध में परीक्षा अनुभाग से पता किया तो उससे यह कहा गया कि इस परीक्षाफल से कुछ नहीं होता है तुम सभी की पदोन्नति एक साथ ही कर दी जायेगी। अपने परिचितो को लाभ पहुंचाने के उद्देश्य

प्रार्थी

साक्ष

से सबसे जूनियर की पदोन्नति सबसे पहले कर दी और फिर प्रार्थी से पुनः तीन जूनियर कर्मचारियों की पदोन्नति कर दी गयी किन्तु सबसे सीनियर होने के बावजूद मेरी पदोन्नति अभी तक लिपिक वर्ग में नहीं की गयी है ।

मैं अपनी पदोन्नति के लिए महालेखाकार उत्तर प्रदेश आडिट प्रथम , इलाहाबाद को निम्न दिनांक 20-2-85, 14-4-85, 21-8-85 18-11-85, 20-12-85, 9-1-86, 28-11-86 और 20-3-88 को पत्र दिया तथा र0जी0 आडिट -2 से वरिष्ठ उप महालेखाकार महोदय ने भी दो अर्घशासकीय पत्र भेजा । जिसका अभी तक उत्तर नहीं आया और न ही प्रार्थी की पदोन्नति लिपिक वर्ग में हुई ।

प्रार्थी की पदोन्नति के मामले में अनावश्यक विलम्ब से स्थानीय प्रशासन अनुभाग की मंसा सिद्धि प्रतीत होती है ।

प्रार्थी इस कार्यालय में 15 वर्ष से पूर्ण निष्ठा से कार्यरत है और वर्ष 1984 में वित्तीय परीक्षा भी पास कर चुका है । अ चरित्र पंजी में भी कोई प्रतिकूल प्रविष्टि नहीं है जो पदोन्नति में बाधक हो सके । अतः अपना भविष्य अन्धकार में जानकर और कार्यालय के उपेक्षापूर्ण व्यवहार से तंग आकर परीक्षाफल की एक फोटो स्टेटकॉपी संलमा करके आपकी सेवा में प्रार्थना पत्र प्रस्तुत कर रहा हूँ । अपशा करता हूँ कि आप कृपया न्याय करके प्रार्थी की पदोन्नति लिपिक वर्ग में करने की कृपा करेंगे । साथ में प्रार्थी की वरिष्ठता क्रम का ध्यान रखते हुए न्याय करने की महान् कृपा करें । इसके लिए मैं और मेरे बच्चे आपके आजीवन आभारी रहेंगे ।

प्रार्थी

(चन्द्र प्रकाश)

वर्ग ' 'घ' '

व्यक्तिगत नं० 06/7017
प्रतिलिपि महालेखाकार , उत्तर प्रदेश प्रथम आडिट , इलाहाबाद प्रतिलिपि प
महालेखाकार , उत्तर प्रदेश आडिट -2 लखनऊ
दिनांक 9-7-87 चन्द्र प्रकाश

प्रशासन / हिन्दी / 36, 37, 38 दिनांक 9-7-87 सी0र0सी0

सत्य प्रतिलिपि

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, ALLAHABAD

....

ANNEXURE '16'

In
Claim Application No. of 1986
for ...
District: Unknown.

Chandra Prakash Applicant

//Versus //

Union of India through Accountant General,
(Audit), I, U. P., Allahabad and others.

..... Respondents.

OFFICE OF THE ACCOUNTANT GENERAL (AUDIT), I, U. P.

ALLAHABAD

No. Sr. DAG (Admn.) / C-IV-105/536 Dated 29.10.1987.

Shri Chandra Prakash, Gr. 'D' (06/7017) was declared successful in the matriculate Group 'D' examination held ~~dated~~ in September, 1984 vide O.O. No. Sr. DAG (A) / C-IV/105/691, dated 6.11.1984. Subsequently, it came to the notice that he appeared in the said examination as a Record Keeper and as such his name was deleted from the list of successful candidates vide O.O. NO. Sr. D. A. G. (A) / C-IV/105/1128, dated 15.2.1985.

2. Now after careful consideration of his representations dated 28.11.1986 and 20.3.1987 and the recent liberalisation by the Headquarter, Office of the Accountant General has been pleased to declare ~~him~~ successful in the above mentioned

Contd..P/2.

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-2-

examination held in September, 1984.

Sd/-

(Sword Vashun)

Sr. Dy. Accountant Genral/Admn.

No. Sr. DAG (Admn.) / C-IV-105/ Dated 29.10.87.

Copy forwarded for information and necessary
action to:-

1. The AO/Admn. O/O the AG (Audit), II, 14, Vidhan
Sabha Marg, Sahakarita Bhawan, Lucknow.
2. The AO/Admn., O/O the AG (Audit) I & II,
Allahabad.
3. The AAO/Exam. Section.
4. Shri Chandra Prakash, Gr. 'D', 660 the A.G.
(Audit), II, 14, Vidhan Sabha Marg, Sahakarita Bhawan,
Lucknow.

Sd/- S.K. Maatra

(S.K. Maatra)

Audit Officer/Exam.

// True copy //

True Copy Attested

Sarav Datta

A60 51

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, ALLAHABAD

ANNEXURE-17

In

CLAIM APPLICATION NO.

OF 1983

DISTRICT: LUDHIANA

Chandra Prakash Applicant

//Versus //

Union of India through Accountant General
(Audit), U.P. at Allahabad and others.

..... Respondents.

....

OFFICE OF THE ACCOUNTANT GENERAL(AUDIT), U.P.

ALLAHABAD

No. Sr. DAG(A)/C-IV-105/736 Dated 13.1.1983.

I am directed to intimate that the office order declaring Sri Chandra Prakash, Group 'D' (06/7017) successful in the Matriculate Group 'D' examination held in September, 1984 vide this office Order No. Sr. DAG(A)/C-IV-105/536, dated 23.10.87 is cancelled abinitio as per directive of the Headquarters. Sri Chandra Prakash, Group 'D' will be permitted to appear in the Limited Departmental Examination for Matriculate Group 'D' staff in case he desires promotion through Examination quota.

Sd/-
(P.K. Mukhopadhyay)
Sr. Deputy Accountant General
(Admn.)

1. The Audit Officer(Admn.) alongwith Headquarters Office letter No. 1424-N.2/46-87, dated 22.12.87 for necessary action. Sri Chandra Prakash's

Contd..P/2.

-2-

eligibility for promotion to the post of Record keeper, in his own turn should be considered.

2. The Audit Officer/Examination, alongwith a copy of Headquarter's office letter No.1424-N.2/46-87 dated 22.12.87. The list of Departmental Examination passed matriculate Group 'D' should stand corrected accordingly.

3. The Audit Officer/Admn. Office of the A.G. (Audit)-II, 14, Vidhan Sabha Marg, Sahkarita Bhawan, Lucknow, for information.

4. Sri Chandra Prakash Group 'D' (06/7017) Office of the Accountant General (Audit) II, Vidhan Sabha Marg, Lucknow.

5. Personal File of Sri Chandra Prakash, Group (D).

Sd/-
P.K. Mukhopadhyay
Sr. Deputy Accountant General
(Admn.)

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इन की सेंट्रल एडमिनिस्ट्रेटिव ट्रिब्यूनल एडशनल बेंच

एनेक्चर नं० 18

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इन क्लेम पेटिशन नं० आफ 1988

जिला- लखनऊ

चन्द्र प्रकाश पेटिशनर

बनाम

दी यूनियन आफ इण्डिया एण्ड अदर्स रेस्पा०

=====

सेवायें,

श्रीमान् महाकाकार ,

लेखा परीक्षा प्रथम , 30प्र०

इलाहाबाद

विषय :- विभागीय परीक्षापास करने के फलस्वरूप लिपिक वर्ग में पदोन्नति न करने के संबंध में।

द्वारा उचित माध्यम

महोदय,

प्राप्ति की नियुक्ति वर्ग ' 'घ' ' के पद पर दिनांक 25-11-82 को इस कार्यालय के इलाहाबाद आफिस में हुई थी तब से आज तक बिना किसी अवरोध के निष्ठापूर्वक सेवा करता आ रहा है । प्राप्ति को विभागीय परीक्षा पास करने के उपरान्त लिपिक के पद पर प्रोन्नति न करके उस परीक्षा फल को अब साठे तीन वर्ष बाद निरस्त करने का जो आदेश अब प्राप्त हुआ है वह सही नहीं है , जैसाकि निम्न तथ्यों से स्पष्ट है :-

(1) प्राप्ति ने हाई स्कूल परीक्षा मार्च 82 और इण्टरमीडिएट परीक्षा मार्च 84 , कार्यालय की अनुमति लेकर उत्तीर्ण की है और उसकी सूचना कार्यालय को दिनांक 7-12-82 को दी जा चुकी है (पी०सी०अनुभाग) डायरी नं० 2308 दिनांक 7-12-82 इण्टरमीडिएट की परीक्षा में

सम्मिलित होने के लिए अनुमति दिनांक 9-3-84 (सी0ए0डब्ल्यू0/ रडमिन परीमान 678 दिनांक 9-3-84) की जब मिली तो यह स्वतः सिद्ध हो जाता है कि प्रार्थी हाई स्कूल इसके पूर्व उत्तीर्ण हो चुका है इसके पश्चात इष्टर पास होने की भी सूचना अगस्त 1984 में दी जा चुकी है ।

2- विभागीय परीक्षा में बैठने का प्रार्थना पत्र कार्यालय द्वारा दिनांक 10-8-84 को इलाहाबाद आफिस को भेजा गया था ।

3- विभागीय परीक्षा जो प्रार्थी 19-9-84 की उत्तीर्ण की है उस समय तक प्रार्थी न कि हाई स्कूल बल्कि इष्टर भी उत्तीर्ण हो चुका था ।

5- इसी अवधि में प्रार्थी को दिनांक 14-8-84 से रिकार्ड सार्टर के पद पर विना किसी प्रार्थना एवं सहमति के प्रोन्नति कर दिया गया था जबकि कार्य वस्तुतः वर्ग ' 'घ' ' का ही लिया जाता रहा है माह सितम्बर 84 तक का बेतन वर्ग ' 'घ' ' का ही दिया गया है ।

5- जबकि उसी परीक्षा में उत्तीर्ण अन्य वर्ग ' 'घ' ' कर्मचारी जो कि मुझसे जूनियर थे , उनकी पदोन्नति लिपिक के पद पर कर दी गई तत्पश्चात मेरे बार बार अनुरोध करने पर भी मेरी भी पदोन्नति होनी चाहिए तो कार्यालय के अदेश सं० स०म०ले०/ले०प्र०/प्रथम / 12-11/ 2199 दिनांक 9-1-86 के द्वारा यह कहा गया कि लिपिक वर्ग के पदोन्नति के लिए रिकार्ड सार्टर के पद से अवनति (रिवर्सन) लेनी पड़ेगी जिसके अनुपालन में मैंने पदअवनति ले ली किन्तु फिर भी लिपिक वर्ग में प्रोन्नति न करने की प्रशासन की हठवादिता को देखते हुए प्रार्थी ने पुनः 9-7-87 को एक अनुस्मारक दिया । लिपिक वर्ग में प्रोन्नति देने के वजाय नवम्बर 1984 के घोषित परीक्षाफल को दोबारा दिनांक 29-10-87 को घोषित किया गया जो कि महालेखाकार द्वारा बहुत सोच समझकर जारी किया गया है । अब दिनांक 13-1-88 के अदेश सं० वरिष्ठ उय महालेखाकार (प्रशासन) सी०४-105/736 दिनांक 13-1-88 के अनुसार यह परीक्षाफल निरस्त कर दिया गया और पदोन्नति हेतु पुनः आगामी परीक्षाओं में

6- प्राथी ने रिकार्ड सार्टर के पद पर जो ज्वाइनिंग रिपोर्ट दी है उसमें यह स्पष्ट अंकित कर दिया गया है कि मेरे द्वारा विशाखीय परीक्षा उत्तीर्ण होने पर निषेक वर्ग में प्रोन्नति के अधिकार सुरक्षित रहे जाय ।

7- चौकि प्रार्थी एक हाई स्कूल पास वर्ग ' 'घ' ' कर्मचारी था जिसकी की प्रोन्नति रिकार्ड्स ऑफर के पद पर विना किसी प्रार्थना पत्र के कर दी गई जिसे प्रार्थी ने सशर्त स्वीकार किया था पुनः श्रम कार्यालय के संकेत पर प्रार्थी ने पदोन्नति स्वीकार इस अज्ञात से की थी थी कि उसे लिक्विड वर्ग में प्रोन्नति कर दिया जायेगा जिसका कि आश्वासन बार बार दिया जाता रहा है ।

कार्यालय को जो आदेश दिनांक 13-1-88 की परीक्षाफल निरस्त करने के आदेश हुए हैं वह हठवादिता पूर्ण है। प्रार्थी के जूनियर्स को पदोन्नति दे दी गई है जबकि नियमानुसार सबसे प्रथम प्रार्थी की पदोन्नति होनी चाहिये थी उपर्युक्त तथ्यों को देखते हुए प्रार्थी के अधिकारों का हनन किया गया है और विभिन्न प्रकार से मानसिक आर्थिक एवं सामाजिक प्रतिष्ठा की हानि पहुँचाई गई है। समय समय पर विभिन्न आदेश पारित करके प्रशासन ने प्रार्थी को गुमराह किया है। संविधान में प्रदत्त प्रोन्नति के अधिकार को प्रार्थी से छीन लिया गया है। यदि प्रार्थी को 10 दिन के अन्दर वरिष्ठता क्रम को ध्यान में रखते हुए लिपिक वर्ग में प्रोन्नति न किया गया तो प्रार्थी अपने सभी संवैधानिक अधिकारों को प्राप्त करने एवं क्षतिपूर्ति हेतु न्यायालय की शरण लेने को बाध्य होगा जिसका कि समस्त उत्तरदायित्व प्रशासन का होगा।

(चन्द्र प्रकाश)

वर्ग 'ध' :

व्यक्तिगत नं० ००६/७०।७

कार्यालय महालेखाकार उ०प्र०
विधान सभा मार्ग लखनऊ

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दिनांक 21-1-88

दिनांक 21-1-88



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वकालतनामा
हाईकोर्ट ऑफ जूडिकेचर एट इलाहाबाद
इलाहाबाद

रिट/अपील

Claim Petition No

नम्बर

सन् १६

जिला

of 1988

निगरानी

Chander Prakash

वादी प्रतिवादी

अपीलान्ट

बनाम

Union of India through Accountant वादी प्रतिवादी

General (Audit) I P. & others रेस्पान्डेन्ट

मैं

कि

Chander Prakash & Shri Raja Ramlal

हम

Office of the Accountant General (Audit) II, G.P.

14 - मैं Vithan Sabha Marg Sakarita Bhawan

उपरोक्त प्रकरण—अपनी ओर के पक्ष समर्थन के हेतु

हम

श्री GOVIND SARAH, एडवोकेट

301, Baghambau Area, Allahabad

को उपरोक्त मुकदमे की पैरवी के लिये मेहनताना अदा करने का वचन देकर मैं अपना वकील नियुक्त करता हूँ/करते हैं उक्त वकील महोदय को मैं/हम यह अधिकार देता हूँ/देते हैं कि इस मुकदमे में वह मेरी ओर से पैरवी आवश्यक सवाल पूछें जवाब दें, और बहस करें। दस्तावेज का कागज अदालत में दाखिल करें व वापिस लें। पंचनामा उपस्थित करें पंच नियुक्त करें यदि आवश्यक हो तो पंच के निर्णय का लिखित विरोध करें सुलहनामा दाखिल करें दावा स्वीकार करें या उठा लेवें और डिग्री प्राप्त हो जाय तो उसे जारी करावें, डिग्री का रुपया व खर्चा व हरजाने का रुपया व किसी तरह का रुपया जो अदालत से मुझे/हमें मिलने वाला हो तो वसूल करें। मेरी/हमारी ओर से अदालत में दाखिल करें। कोर्ट फीस व स्टाम्प दें या चापिल लेवें रसीद लेवें व प्रमाणित करें। नकल प्राप्त करें अदालत की अनुमति से मिसिल का मुआइना करें आवश्यकता होने पर मुकदमा स्थापित करावें व मुकदमे के सम्बन्ध में दूसरे काम काज जो जरूरी समझें करें पैरवी के लिये अपनी ओर से कोई दूसरा वकील नियुक्त करें यदि आवश्यकता हो तो अपील या निगरानी दायर करें और अपील या निगरानी अदालत में पैरवी करें।

इस अधिकार पत्र के अनुसार उक्त वकील महोदय इस मुकदमे के सम्बन्ध में जो कुछ काम करेंगे वह सब अदालत में स्वयं मेरा/हमारा किया हुआ समझा जायेगा और वह मुझे/हमें अपने ही किये के समान/सर्वथा मान्य होगा।

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स्वीकार है।

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH

AT ALLAHABAD.

CIVIL MISC. APPLICATION NO. _____ OF 1988;

On behalf of the respond-ents.

..... Applicants.

IN

REGISTRATION NO.262 OF 1988.

Chandra Prakash Applicant.

Versus

The Union of India

and others.

..... Respondent.

To

The Hon'ble the Vice-Chairman and His other
companion members of the aforesaid Tribunal.

The humble petition of the abovenamed
applicants most respectfully Showeth:-

1. That the full facts have been set out in the
accompanying counter affidavit.
2. That it is necessary in the interest of
justice that the reliefs sought by the applicant in his

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aforesaid application may kindly be rejected.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may be pleased to allow this application and reject the reliefs sought by the applicant in his aforesaid application.

And/or be further pleased to pass such other and further order which this Hon'ble Tribunal may deem fit and proper under the circumstances of the case.

DT/-10/4/89


(K.C. SINHA),
Addl. Standing Counsel,
Central Government.

1988
AFFIDAVIT
II
HIGH COURT
ALLAHABAD

A68

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH
AT ALIAHABAD.

COUNTER AFFIDAVIT

IN

REGISTRATION NO.262 OF 1988.

Chandra Prakash Applicant.

Versus

The Union of India
and others.

..... Respondents.

Affidavit of Shri *Mukhopadhyay*

aged about 39 years son of

Shri P.K. MUKHOPADHYAY

Sr. Dy. Accountant General
U.P. Allahabad

(Deponent)

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

1. That the deponent is posted as *Sr Dy accountant*
General, U.P. Allahabad *Mukhopadhyay*

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and is authorised to file this counter affidavit on behalf of the respondents and as such he is fully acquainted with the facts of the case deposed to below.

2. That the contents of the application filed by the petitioner have been read over by this deponent and he has fully understood them and is in a position to reply the same.

3. That before giving parawise comments to the application it is necessary to give certain facts which may assist this Hon'ble Tribunal in deciding the controversies involved in the present case.

4. That prior to 1984, non-matriculate Grade 'D' employees could appear in a departmental examination for promotion as Clerks. Since February, 1984 this system was discontinued and only Matriculate Group 'D' employees were eligible for the Limited Departmental Competitive Examination for promotion as Clerks (vide para 3.13.1 and 3.13.3 of the Manual of Instructions, photostat copies of which are being filed herewith and

Indraprastha

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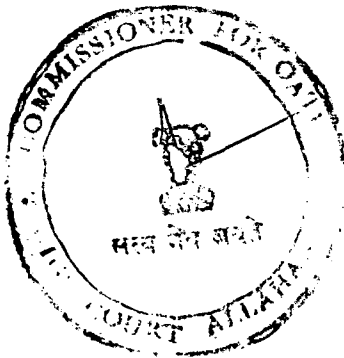
marked as ANNEXURE NO.C.A.1 & C.A.2). For the non-matriculate Group 'D' employees, a new channel of promotion to the newly created (since 1-3-1984) posts of Record Keepers (Group 'C') on seniority-cum-fitness basis was introduced.

5. That the petitioner, a Group 'D' and a non-matriculate as per official records, was promoted as Record Keeper on 3-8-1984 on the recommendation of a Departmental Promotion Committee. He took charge as Record Keeper on 14-8-1984. This promotion as Record Keeper meant for him the closure of the channel of promotion as Clerk as per the provision of the Manual of Instructions. Meanwhile, in response to notice inviting application for L.D.C.E. for Matriculate Group 'D' employees to be held on 19-22 September, 1984, the petitioner sent an application for the same examination. The respondent was a matriculate, was not known to the Administration till then as he had not intimated about his passing Matriculation Examination in 1982 though he was required to do so. He was considered eligible for this examination as a Group 'D' employee in view of the above omission on his part.

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6. That since the fact of his promotion as a Record Keeper (Group 'C') was not known to the Examination Section of this office, he was allowed to write, the examination (meant for non-matriculate Group 'D') although he was not eligible for this examination by virtue of his promotion as a Record Keeper (Group 'C'). Shri Chandra Prakash, the petitioner, at no stage intimated the Administration about his promotion as Record Keeper while appearing for this examination.



7. That after the examinations the results were declared vide G.O. No. Sr. D.A.G.(A)/C-IV-105/691 dated 6-11-1984 (photostat copy of which is being filed herewith and marked as ANNEXURE NO.C.A.3) and his name was placed at serial no.5 of the successful candidates. After the publication of the result when it was detected that he had already been promoted before the examination as Record Keeper and as such was not eligible to appear in the Limited Departmental Competitive Examination for Matriculate Group 'D' for promotion as Clerks, his result was cancelled and a revised result removing his name

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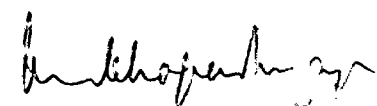
from the successful candidates vide O.O.No.Sr.

DAG (A)/C-IV105/1128 dated 15-2-1985 was published.

8. That after Shri Chandra Prakash, the petitioner, started making representation for his promotion as Clerk on the basis of the result which was cancelled, he was advised by the Administration to seek revision of grade 'D'. In order to be eligible for promotion to Clerks grade he vide his letter dated 14-2-1986 requested Administration section to revert him from the post of Record Keeper to the post of Group 'D'. On the basis of this written request Administration reverted him to the post of Group 'D' vide O.O.No.A.G. (Audit)-I/Admn/4.9(2)/300 dated 21-3-1986 without any commitment for promotion as Clerk.

9. That the petitioner continued to make representation for his promotion as Clerk in view of his reversion and having passed the examination in 1984 result of which was subsequently cancelled.

However, after considering his representations dated 28-11-1986 and 20-3-1987 the Accountant General (Audit)-I was pleased to hold the petitioner's



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candidature for the Limited Departmental Comp.Exam. for Group 'D' employees held in 1984 for Clerks as valid and also declared him as successful in the same examination vide O.O.No.Sr.DAG (A)/C-IV-105/536 dated 29-10-1987.

10. That subsequently, the petitioner made a representation to the Comptroller and Auditor General of India on 9-7-1987 to promote him as Clerk with reference to his result of the said examination held in September, 1984 and his success in that Examination as declared in the O.O. dated 29-10-1987.

11. That after examining the representation of the petitioner dated 9-7-1987 and the other records, the Comptroller and Auditor General of India ordered to cancel the office order dated 29-10-1987 and further ordered that a Group 'D' employee Shri Chandra Prakash, the petitioner, has to take the Limited Departmental Examination meant for matriculate Group 'D' staff again, if he wants promotion through Examination quota to the cadre of Clerks and that there is no bar to his promotion afresh if he is other.

Chandra Prakash

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-wise eligible. So the said order was cancelled vide the office order No.Sr-DAG(A)/C-IV-105/736 dated 13-1-1988. As the Comptroller and Auditor General has decided, the employee has to appear in the Limited Departmental Examination meant for Matriculation Group 'D' staff again if he wants promotion through examination quota to the cadre of Clerk. He has now filed a petition in the Central Administrative Tribunal, Allahabad against this order.

12. That the contents of paragraph nos.1, 2, 3, 4 and 5 of the application need no comments.

13. That the contents of paragraph no.6(1) and 6(2) of the application are admitted.

14. That in reply to the contents of paragraph no.6(3) of the application it is submitted that an office order dated 2-8-1984 was issued for inviting application ~~for~~ from eligible Group 'D' employees. Photostat copies of the order dated 2-8-1984 and 25-7-1984 are being filed herewith and

hukhopashya

(8)

marked as ANNEXURES NOS.C.A.4 and C.A.5.

15. That the contents of paragraph no.6(4) and 6(5) of the application are correct. It is further submitted that the petitioner was declared successful in the Departmental Competitive Examination for Matriculate Group 'D' employees held on 19/20 and 22nd September, 1984 (vide No.Sr.DAG (Admn)/G-IV-105/691 dated 6-11-1984, photostat copy of which is being filed herewith and marked as ANNEXURE NO.C.A.6.) his result was subsequently cancelled and hisname was deleted from the merit list of successful candidates vide an order dated 15-2-1985, as he was not eligible to take up the examination because of his promotion as Record Keeper-Group 'D' in August, 1984. A photostat copy of the order dated 15-2-1985 is being filed herewith and marked as ANNEXURE NO.C.A.7.

16. That in reply to the contents of paragraph no.6(6) of the application it is submitted that in terms of Comptroller and Auditor General's office circular letter No.3945-N.2/74-83 dated 16-12-1983

Principal

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(9)

(Circular No.NGE/86/1983) creating a new promotional cadre of Record Sorters (Now Record Keepers) with effect from 1-3-1984 option for promotion as Record Keepers was to be obtained from those Group 'D' employees who had already qualified in the Departmental examination for non-matriculate Group 'D'. A photostat copy of the circular dated 16-12-1983 is being filed herewith and marked as ANNEXURE NO.C.A.8. As the petitioner had not qualified in the said examination, there was no question of obtaining his consent for promotion as Record Keeper. Moreover, after promotion orders were issued on 3-8-1984 the petitioner joined on the post of the Record Keeper on 14-8-1984 and thereby gave his consent for promotion.

17. That in reply to the contents of paragraph no.6(7) and 6(8) of the application it is submitted that the ~~petitioner's~~ petitioner's application was forwarded by the Commercial Audit Wing, Office of the Accountant General (Audit)-II, U.P. Lucknow on 10-8-1984 vide letter No.CAW/Admn/Exam./649 dated 10-8-1984 to Examination Section. A photostat copy of the

M. K. Singh

A97

(10)

letter through which his application was forwarded is being filed herewith and marked as ANNEXURE NO.C.A.9.

18. That in reply to the contents of paragraph no.6(9), 6(10), 6(11), 6(12) and 6(13) of the application it is submitted that since the applicant was not eligible for promotion as a Clerk because of the cancellation of the result dated 15-2-1985 and as such no action was taken on the reminders as well as the representations of the petitioner, as referred to in the para under reply.

19. That the contents of paragraph nos.6(14) and 6(15) of the application being matters of record, need no comments. However, it is further submitted that through a letter dated 9-1-1986 the petitioner was advised to seek reversion in view of the existing orders for promotion of Group 'D' to Clerks cadre. Photostat copy of the letter dated 9-1-1986 is being filed herewith and marked as ANNEXURE NO.C.A.10. His promotion was subject to being declared successful

Mullholland

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(11)

in the Departmental Examination held every year. As per orders dated 15-2-1985 he had not been declared successful in the examination of September, 1984. He should have appeared in the Departmental Examination after his reversion to Group 'D' post.

20. That in reply to the contents of paragraph no.6(16) of the application it is submitted that the petitioner was reverted from the post of the Record Keeper with effect from ~~11-11-1984~~ 31-3-1986 in pursuance of his written request dated 14-2-1986. Photostat copy of the order dated 21-3-1986 and the photostat copy of the written request dated 14-2-1986 are being filed herewith and marked as ANNEXURE NO.C.A.11 & C.A.12.



21. That in reply to the contents of paragraph no.6(17) of the application it is submitted that the petitioner had passed his High School examination in the year 1982. Moreover, an office order dated 17/18-7-1984 was published, (photostat copy of which is being filed herewith and marked as ANNEXURE C.A.13)

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(12)

through which it was informed that all Group 'D' employees should get their educational qualifications noted in their service record. Though the petitioner has passed the High School Examination in 1982 ~~and~~ he got it noted by Audit Officer/Administration, office of the Accountant General (Audit)-II, U.P., Lucknow only on 13-9-1984. At the time of promotion as Record Keeper, he was, therefore, treated as non-matriculate, as per his service record and promoted as such. In view of the aforesaid facts, the concealment of his educational qualification and presumably deliberate delay in its noting in service records in the face of specific order of the office led to the present situation.

22. That in reply to the contents of paragraph no. 6(18), 6(19), 6(20) and 6(21) of the application it is submitted that the reminder, referred to in the paras under reply, dated 20-3-1987 was received and in pursuance of the said reminder the petitioner was declared successful, in the Departmental Examination of September, 1984 vide letter dated 29-10-1987,

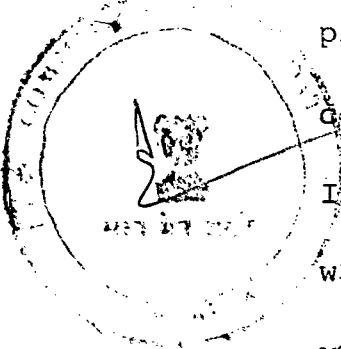
[Handwritten Signature]

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(13)

a photostat copy of which is being filed herewith and marked as ANNEXURE NO.C.A.13. As per the orders, the petitioner was not to suffer loss of seniority amongst the passed candidates which follows the order of merit in the relevant examination and not the order of seniority as per gradation list. The petitioner was placed at serial no.2 of the list of successful candidates in the examination of September, 1984.

In view of the facts stated above, it is absolutely wrong to allege that all the four persons junior to him were promoted illegally. All of them were promoted by 28-12-1985 while the petitioner was declared successful vide an order dated 29-10-1987. The petitioner sent a reminder dt.9-7-1987 to the Comptroller and Auditor General of India and remarks were called for from the office of the Accountant General, U.P., Allahabad, against his representation on 31-8-1987, which was also forwarded on 4-11-1987. Thereafter an order dated 22-12-1987 was passed on the basis of which the office order dated 13-1-1988 was issued. Photostat copies of the order dated 22-12-1987 and 13-1-1988 are being filed herewith and marked as ANNEXURE NO.C.A.C.A.14 and ANNEXURE NO.C.A.15.



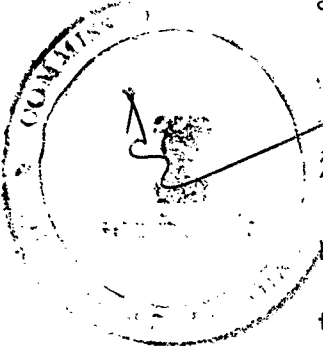
Indrapati

101

(14)

23. That the contents of paragraph no.6 (23) and 6 (24) of the application are admitted.

24. That in reply to the contents of paragraph no.6(25) of the application it is submitted that since a suitable reply in this regard has already been furnished in the earlier paras of this counter affidavit, hence they need not be repeated here again.



25. That in reply to the contents of paragraph no.6(25) of the application it is submitted that in September, 1984 he was mistakenly allowed to appear in the examination. He was, therefore, required to appear again in the said examination in case he desires to be promoted as Clerk.

26. That in reply to the contents of paragraph no.6(27) of the application it is submitted that in view of the position stated against earlier paras 6(1), 6(26), the contention of the petitioner is not admitted. The promotion of the respondent no.4 to 6 was regular according to rules and orders applicable at that time.

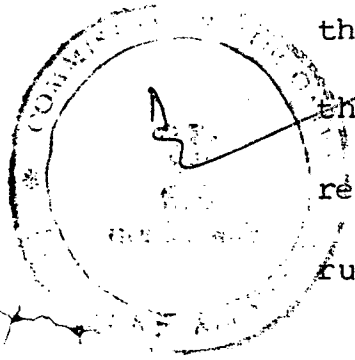
Amal Chandra

182

(15)

27. That the contents of paragraph nos.6(28) and 6(29) of the application are not correct and as such are denied. Since the petitioner was not entitled for promotion as Clerk and as such there is no violation of Article 14 and 16 of the Constitution of India.

28. That with regard to the contents of paragraph no.6(30) of the application it is submitted that as passing of departmental examination by the petitioner has not been held valid, his re-appearance in the said examination is according to rules and is as such legal.



29. That with regard to the contents of paragraph no.6(31) of the application it is submitted that the orders were issued as per departmental promotion rules framed by the Comptroller and Auditor General of India under powers vested in him under Constitution of India. As such action was constitutional and is not liable to be set aside.

30. That the contents of paras nos.7 and 8 of the application need no comments.

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(16)

31. That in reply to the contents of paragraph no.9 of the application, it is submitted that in view of the facts mentioned in the earlier paras of this affidavit, the petitioner is not entitled to any of the reliefs sought in the para under reply as reliefs nos.(i), (ii) and (iii) . Moreover, none of the grounds taken by the petitioner as grounds nos.(a) to (h) are sustainable in the eyes of law and the petition filed by the petitioner being wholly devoid of merit, is liable to be dismissed with costs.

32. That since the petitioner has failed to make out any prima-facie case in his favour and as such the petitioner is not entitled to the interim relief as referred to in paragraph no.10 of the application. The order has already been given effect to.

33. That the contents of paragraph nos.11, 12 and 13 of the application need no comments.

That the contents of paragraph nos.

1, 2 and 3
of this affidavit

.....
Anil Chopra

884

(17)

are true to my personal knowledge; those of
paras nos. 4020, 22 to 33

of this affidavit are based on perusal of record;
those of paras nos. 21

are based on legal advice; which I believe to be true
that no part of it is false and nothing material
has been concealed.

SO HELP ME GOD.

Mukhopadhyay
.....

(DEPONENT)

I, D.S. Chaubey, Clerk to Shri K.C. Sinha, Additional
Standing Counsel, Central Government, High Court, Alld.
do hereby declare that the person making this affidavit
and alleging himself to be Shri P.K. Mukhopadhyay is known to
me personally.

(Signature)
.....
(CLERK)

(18)

August Solemnly affirmed before me on this 4th
day of May 1988 at 9:20 AM A.M./P.M. by the deponent who
is identified by the Clerk.

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

OATH COMMISSIONER:

- [Signature]

[Signature]

4/8/88
11/671

Annexure 16 to C.A.

Exam / 2-1/54

dt 2-8-84

(26)

889

TO

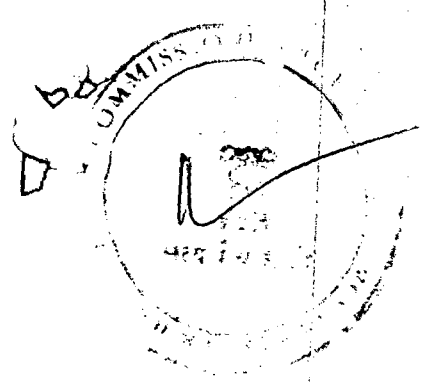
Sri V.K. Agarwal
The Audit Officer (A)
Office of the A.C. (Audit) II
C.A. W.
14 Vishwan Subbar Mang
Lucknow

10/2/8/84

Annexure 16 to C.A.
Exam / 2-1/54
dt 2-8-84

Sir,

The above mentioned examination will be held on 17, 20th and 22nd Sept 1984, for which O.O. and forms have already been sent. As we have to intimate the Hq. Office about the number of candidates by 10.8.84, I request you to forward the applications to this office immediately. Also, please intimate the number of candidates to be expected to appear in the above examination in Hindi/English by the return of the examination. While forwarding their applications it may be ensured that the candidates have mentioned their options for Hindi/English. Please inform me in each case.



11/6/84

11/6/84

11/6/84

Yr
11/8

11/8

Annexure V to C.A

कार्यालय महालेखाकार (आडिट) प्रथम, उत्तर प्रदेश, इलाहाबाद

का.आ.संख्या परीक्षा/डी-1/50

दिनांक: 25 मार्च, 1984

विषय:- मैट्रोकुलेट समूह "घ" कर्मचारियों के लिये सीमित विभागीय प्रतियोगी परीक्षा

कार्यालय के आदेश संख्या परीक्षा/डी-1/9 दिनांक 24 मई 1984 के सन्दर्भ में सभी सम्बन्धित कर्मचारियों को सूचित किया जाता है कि उपरोक्त परीक्षा सितम्बर 1984 में किसी समय होगी। इस परीक्षा में ऐसे समूह "घ" कर्मचारी जो मैट्रोकुलेट है और जिन्होंने सितम्बर माह की पहली तिथि को पांच वर्ष की निरन्तर सेवा पूरी कर ली बैठ सकते हैं।

§2§ निम्नलिखित विषयों से सम्बन्धित तीन लिखित प्रश्नपत्र होंगे।

- 1- अंग्रेजी/हिन्दी
- 2- गणित और सारणीयन।

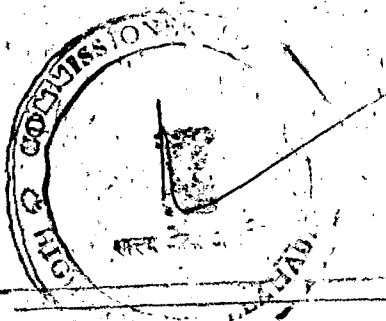
3 सामान्य ज्ञान और कार्यालय क्रिया विधि।

§3§ इस परीक्षा के लिखित प्रश्न पत्रों के साथ साथ टंकण परीक्षा नहीं आयोजित की जायेगी।

मैट्रोकुलेट समूह "घ" कर्मचारी परीक्षा से पहले या परीक्षा के बाद किसी समय टंकण परीक्षा दे सकते हैं। इस परीक्षा के लिखित प्रश्न पत्रों में उत्तीर्ण होने के बाद वे पदोन्नति के पात्र हो जायेंगे, तथापि जिस उम्मीदवार ने लिपिक के रूप में अपने पदोन्नति की तारीख को टंकण परीक्षा उत्तीर्ण नहीं की है, उसे पदोन्नति की तारीख से वह तारीख के भीतर टंकण परीक्षा उत्तीर्ण करना होगा। ऐसा न करने पर वह समूह "घ" के पद पर प्रस्थापित कर दिया जायगा।

§4§ परीक्षा उत्तीर्ण करने के लिये अवसरों की अधिकतम संख्या चार होगी और किसी भी दशा में और कोई अवसर नहीं दिया जायगा। अनुसूचित चार अवसरों की अधिकतम संख्या के लिये पहले लिये गये अवसरों को भी हिसाब में लिया जायगा।

§5§ इस परीक्षा में सम्बन्धित सलग्न प्रपत्र को भर कर 10-8-1984 तक अपना आवेदन पत्र परीक्षा विभाग में जमा कर से प्राप्त हुये आवेदन पत्र पर विचार नहीं किया जायगा।



आ.सं. 48/84

§आर.के.ओ. मेहरा§

लेखपरीक्षा अधिकारी (परीक्षा)

पृ. 04/100

11/6/84

उत्तीर्ण होने के बाद इस उम्मीदवार ने लिपिक के रूप में अपना पद स्वीकार किया।

आ.सं. ३० (प्र.०) (लेखा विभाग) I ३०५० १५
 दिनांक ६-११-८५

सं. व. ३० प्र.० (प्र.०) / ए-१५-१०५/६१

निम्नलिखित वर्ग 'घ' कर्मचारी भर्ती कुलेट
 ग्रुप "घ" कर्मचारियों के लिये शीघ्रित विभागीय प्रातयोगी
 परीक्षा में जो नाम निम्नलिखित ११, २० तथा २५ दिनांक
 १९८५ को हुआ था, सफल घोषित हुये हैं :-

क्रम संख्या	व्यक्तिगत संख्या	नाम
१.	०६/११३१	श्री जनार्दन साहू
२.	०६/११५१	" राम बहादुर यादव
३.	०६/११३३	" यश नारायण
४.	०६/११३०	" विजय बहादुर यादव
५.	०६/१०१७	" मनोरंजन झा

आ.सं. ३०/११/८५
 ले. ०५०३० (परिष्कार)
 ३-६/११

विभागीय निदेश (आ.सं. ३०/११/८५)

सं. व. ३० प्र.० (प्र.०) / ए-१५-१०५/

दिनांक ११-११-८५

- # निम्नलिखित निम्नलिखित को सूचनार्थ प्रेषित :-
- (१) महालेखाकार (आडिट) II, ३० प्र.०, १५ विधान सभा कार्य सहायकता भवन, लखनऊ।
 - (२) सभी ग्रुप अधिकारी।
 - (३) लेखा परीक्षा अधिकारी (प्रशासन), सं. व. ३० (आडिट) तथा
 - (४) लेखा परीक्षा अधिकारी (सामान्य विभाग)
 - (५) महाप्रज, वर्ग "घ" कर्मचारी।
 - (६) सभी संबंधित समूह "घ" कर्मचारी।
 - (७) ~~आ.सं. ३०/११/८५~~



११/६७१

Kuldeep Singh

आ.सं. ३०/११/८५
 सं. व. ३० (परिष्कार)
 सं. व. ३० प्र.० (प्र.०)

Annexure VII to

85

સાલના અધિકૃતોને મોકલેલ પત્રો - 1. કાચા પત્રો
સાથે મોકલેલા

સંખ્યા: 100/112/100/100 - 100/112/100/100

આ સાલના 5 માર્ચે મોકલેલ અધિકૃતોને મોકલેલ પત્રો - 100/112/100/100
6-11-85 ના મોકલેલ પત્રો ના મોકલેલ પત્રો ના મોકલેલ પત્રો ના મોકલેલ પત્રો
આ સાલના મોકલેલ પત્રો ના મોકલેલ પત્રો ના મોકલેલ પત્રો ના મોકલેલ પત્રો
22 માર્ચ 1985 ના મોકલેલ પત્રો ના મોકલેલ પત્રો ના મોકલેલ પત્રો ના મોકલેલ પત્રો
આ સાલના મોકલેલ પત્રો ના મોકલેલ પત્રો ના મોકલેલ પત્રો ના મોકલેલ પત્રો

સંખ્યા	સાલના મોકલેલ	પત્રો
10	06/7127	સાલના મોકલેલ
20	06/7130	સાલના મોકલેલ
30	06/7133	સાલના મોકલેલ
40	06/7141	સાલના મોકલેલ

R. B. Yadav
22-2-85

સંખ્યા: 100/112/100/100 - 100/112/100/100
આ સાલના મોકલેલ પત્રો ના મોકલેલ પત્રો ના મોકલેલ પત્રો ના મોકલેલ પત્રો
આ સાલના મોકલેલ પત્રો ના મોકલેલ પત્રો ના મોકલેલ પત્રો ના મોકલેલ પત્રો

સંખ્યા -
100/112/100/100 - 100/112/100/100
આ સાલના મોકલેલ પત્રો ના મોકલેલ પત્રો ના મોકલેલ પત્રો ના મોકલેલ પત્રો

સાલના મોકલેલ પત્રો ના મોકલેલ પત્રો ના મોકલેલ પત્રો ના મોકલેલ પત્રો

સંખ્યા 30/112/100/100
(31/12/85)
18/2/85

18/2/85

- 1- આ સાલના મોકલેલ પત્રો ના મોકલેલ પત્રો ના મોકલેલ પત્રો ના મોકલેલ પત્રો
- 2- આ સાલના મોકલેલ પત્રો ના મોકલેલ પત્રો ના મોકલેલ પત્રો ના મોકલેલ પત્રો
- 3- આ સાલના મોકલેલ પત્રો ના મોકલેલ પત્રો ના મોકલેલ પત્રો ના મોકલેલ પત્રો
- 4- આ સાલના મોકલેલ પત્રો ના મોકલેલ પત્રો ના મોકલેલ પત્રો ના મોકલેલ પત્રો

સંખ્યા 30/112/100/100
(31/12/85)
18/2/85

18/2/85

આ સાલના મોકલેલ પત્રો ના મોકલેલ પત્રો ના મોકલેલ પત્રો ના મોકલેલ પત્રો

સંખ્યા 30/112/100/100
(31/12/85)
18/2/85

સંખ્યા 30/112/100/100
(31/12/85)
18/2/85

Annexure VIII to CA

OFFICE OF THE COMPTROLLER & AUDITOR GENERAL OF INDIA :
10- BAHADUR SHAH ZAFAR ROAD,
NEW DELHI-110 002.

No: 3945-N.2/74-83

/CIRCULAR NO: HCE/CA/1003/

Dated: 16. 12. 1983

All Heads of Department in I.A.S.A.D.
(excluding overseas audit offices)

(5 copies)

Subject:- Cadre Review of Group 'D' -- Promotional avenues of Group 'D' staff -- Cadre of Record Sorters

I am directed to state that the question of improving the promotional avenues of Group 'D' staff of I.A.S.A.D. has been under consideration for some time past. The existing scheme of promotion of Group 'D' with 12 years service as clerks on qualifying in a departmental examination has been found to be unworkable and has benefited very limited number of Group 'D' staff. Accordingly, it has been decided that a cadre of record sorters (Group 'C' - non-gazetted) will be created from 1.3.1984 as per details given below:-

(i) 1% of the posts of Group 'D' in each office will be upgraded by the Accountants General and Directors of Audit, under intimation to Budget Division of this office, as record sorters in the scale of Rs.225-5-260-6-290-EB-6-308. In addition to these posts Heads of Department and O.S.M. Division will identify further posts in UDC/Clerks' cadre for being assigned by record sorters.

(ii) Any Group 'D' employee with the minimum educational qualification of middle pass and 7 years of service as regular Group 'D' employee will be eligible for appointment as record sorter. The crucial date for determining the eligibility will be the crucial date for the relevant panel year but for the panel year 1984, the crucial date will be 1st March, 1984.

(iii) The appointment will be on seniority-cum-fitness basis and the fitness will be decided by a DPC to be constituted by the Head of Department with the Sr.DAG/DAG(Admin)/Joint Director/Dy. Dir. (Admin) and another Group 'A' officer and a senior Accounts Officer/Audit Officer. At least one member of the DPC should belong to SC/ST.

(iv) For the limited purpose of promotion as record sorter a combined seniority list based on the length of service of the eligible Group 'D' employees will be kept.

Contd.....2/-

No Action is to be taken by AET, the cadre controller's action. No action. May be filed and one copy may be given to sent to Secy/D



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Agg Admin/IR 4887
 P-3
 8.0 (R-1.1.1)

(iii) Whether the option to choose the new channel of promotion or to remain in the waiting list for promotion as clerks referred to in para 2 of circular dated 16th December, 1983 is compulsory and if so how to handle cases where employees fail to exercise option? Whether the options are to be obtained immediately i.e. before 29-12-83?

The option referred to in para 2 of the circular dated 16th December, 1983 v-111 have to be obtained from all the staff concerned as referred to in that para. If however any employee fails to give the option within the stipulated date to be prescribed by the Head of Department, he may also be informed that he will be deemed to have exercised the option against appointment as record porter. These matters can be suitably incorporated in the intimation for the Group 'D' employees concerned by the Head of Department. The intention is that before promotion of any Group 'D' employee as record porter is decided, all options should be obtained and the seniority list prepared so that there is no complaint against non-consideration of any individual. Date by which these should be obtained is to be prescribed by the Accountant General/Director.

Yes.

iv) Whether the option referred to is available also to matriculate Group 'D' staff who have passed the Haldia departmental competitive examination for promotion as clerks and are waiting for promotion and also to those who have passed this examination and promoted but yet to pass the type test?

Final version will come separately.

Yours faithfully,

(Signature)
 16/12/83

(N VISWANATHAN)
 ADMINISTRATIVE OFFICER(N)

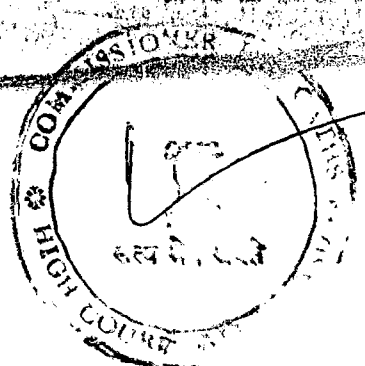
No. 122-N.2/ 74-83.

Dated:

Copy to:- JD(P), JD(C), JD(Rlys), JD(Bt), N.E.I, III & IV, Complaint (2 copies), HRM (10 copies), Inspection (2 copies), Examination, OAM and OSA/DMN.

ccy. 2. / All India Non-Gazetted Audit & Accounts Association,
 4-B/6 Ganga Ram Hospital Marg, New Delhi-110060.

(Signature)
 16/12/83
 (N VISWANATHAN)
 ADMINISTRATIVE OFFICER(N)



(Signature)

Annexure Tx

32

OFFICE OF THE ACCOUNTANT GENERAL (AUDIT)-II,
UTTAR PRADESH, LUCKNOW.

No. C.W./Admn/Exam/649

Dated: 10.8.1984.

To

The Asstt. Audit Officer (Exam.)
Office of the Accountant General/Audit, I
Allahabad.

Sir,

I forward herewith ~~the~~ applications of
following Group 'D' candidates who have to
appear in the Matriculate Group 'D' Departmental
Examination from Lucknow Office.

- (1) Sri Chandra Prakash 06/7017
- (2) Sri Shatrughan Lal. 06/7291

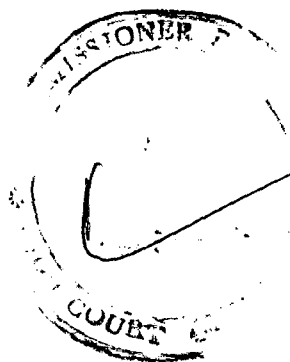
Regarding training of the Revenue Audit

Examination for S.O./MAO (Civil Branch) at present,
none of them have applied for undergoing the
training in this regard. However, commercial/S.Os.
and MAOs are willing for the same.

Yours faithfully,

K. Narain
(K. Narain) 14/8/84
Asstt. Audit Officer/Comal.

Encl. 2



Chell
4/8/88
11/6/71

Indraprasanna

कार्यालय महालेखाकार (आडिट), उत्तर प्रदेश, लखनऊ।

सं. म. ले. / ले. प. / प्रथम / 12-11/2199

दिनांक 9.1.86

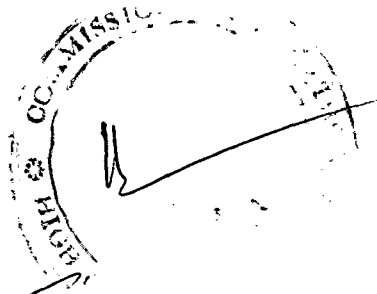
श्री न. ड. प्रसाद
 (रिजर्व कोपर)
 द्वारा आपका महालेखाकार (लेखापराखा)।।
 सा. ए. ड. नं.
 14, विधान सभा मार्ग, लखनऊ।
 लखनऊ।

विषय:- विभागीय पराखा प्राप्त करने के अनुरोध लिपिक वर्ग में पदोन्नति हेतु।

आपको सूचित किया जाता है कि आपके प्रार्थनानुसार आपकी लिपिक वर्ग में पदोन्नति हेतु यह आवश्यक है कि आप चतुर्थ श्रेणी के कर्मचारी के रूप में कार्यरत हों। आपने, जैसा कि पूर्व में अपनी इच्छा भी उक्त की थी, एक प्रार्थना पत्र प्रशासन को प्रेषित करें जिसमें यह प्रगति हो कि आप अपनी स्वेच्छा से रिजर्व कोपर के पद से चतुर्थ श्रेणी कर्मचारी के पद पर अधनति (रिवर्सन) के हेतु इच्छुक हैं।

स. ओ. (31)

सहायक महालेखाकार (आडिट) लखनऊ।



4/8/86

11/6/1

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શ્રેણી નં. ૧૦ માં મહાનિર્ણયકાર ડાયરેક્ટરિયમ દ્વારા

વિષય:- વિદ્યાર્થીની વર્ગના વાત્સલ્ય અને તેના અભ્યાસ પ્રત્યે તેના અભિપ્રાય અને જે વર્ગીકરણ કરે છે તે. આચરણીય મહત્વ.

આપને અહીંના મહત્વના સેક્ષ વર્ગના અધિકારી પ્રજ્ઞાન છે. ઉપરોક્ત વિષય પર ચર્ચાના વાત્સલ્ય અને મનોરંજન/સંસ્કાર/પ્રજ્ઞા/12-11/2199 વિષયક ૭-1-1986 ની સંબંધિત નિર્ણયને મુકે તેમ જ આદેશ વિષય વગેરે ની જે પદ પ્રાધિકાર પ્રજ્ઞાના ની વાત્સલ્ય અને તેના અભ્યાસ પ્રત્યે તેના અભિપ્રાય અને જે વર્ગીકરણ કરે છે તે. આચરણીય મહત્વ. આપને અહીંના મહત્વના સેક્ષ વર્ગના અધિકારી પ્રજ્ઞાન છે. ઉપરોક્ત વિષય પર ચર્ચાના વાત્સલ્ય અને મનોરંજન/સંસ્કાર/પ્રજ્ઞા/12-11/2199 વિષયક ૭-1-1986 ની સંબંધિત નિર્ણયને મુકે તેમ જ આદેશ વિષય વગેરે ની જે પદ પ્રાધિકાર પ્રજ્ઞાના ની વાત્સલ્ય અને તેના અભ્યાસ પ્રત્યે તેના અભિપ્રાય અને જે વર્ગીકરણ કરે છે તે. આચરણીય મહત્વ.

તેથી જોઈ શકાય છે કે આ વર્ગના અધિકારી પ્રજ્ઞાન છે. ઉપરોક્ત વિષય પર ચર્ચાના વાત્સલ્ય અને મનોરંજન/સંસ્કાર/પ્રજ્ઞા/12-11/2199 વિષયક ૭-1-1986 ની સંબંધિત નિર્ણયને મુકે તેમ જ આદેશ વિષય વગેરે ની જે પદ પ્રાધિકાર પ્રજ્ઞાના ની વાત્સલ્ય અને તેના અભ્યાસ પ્રત્યે તેના અભિપ્રાય અને જે વર્ગીકરણ કરે છે તે. આચરણીય મહત્વ.

આ: આપને વિષયક ની જે પદ પ્રાધિકાર પ્રજ્ઞાના ની વાત્સલ્ય અને તેના અભ્યાસ પ્રત્યે તેના અભિપ્રાય અને જે વર્ગીકરણ કરે છે તે. આચરણીય મહત્વ.

મુકે હવે જે પદ પ્રાધિકાર પ્રજ્ઞાના ની વાત્સલ્ય અને તેના અભ્યાસ પ્રત્યે તેના અભિપ્રાય અને જે વર્ગીકરણ કરે છે તે. આચરણીય મહત્વ.

પ્રજ્ઞા

1 મુદ્દા પ્રજ્ઞા 11/1/86
રિપોર્ટ નીચે

પ્રતિનિધિ સુધારા અને અભ્યાસક્રમ સુધારા જે
માટે આદેશ પ્રજ્ઞાના સુધારા મહાનિર્ણયકાર સેક્ષ વર્ગના 1111 ડાયરેક્ટરિયમ ની પ્રજ્ઞા

પ્રજ્ઞા

1 મુદ્દા પ્રજ્ઞા 1

રિપોર્ટ નીચે

સં. ૧૦૦૦ (૫૨૫૨૫) / પરીક્ષા / દિ-૨૦ / ૩૦ / ૮૬ નાંક 28/2/86

DATA COMMISSION
High Court Allahabad.
S. No. 11/67
Date

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9-11-11-11
6/3/86

Annexure XII to CA

(100)

OFFICE OF THE ACCOUNTANT GENERAL (AUDIT) -I, U.P. Allahabad.

No. A.G.(Audit)-I/Admn./4-9(2)/300

Dated: 21.3.1996.

OFFICE ORDER

On his written request, Sr. D.A.G. (Admn.) has been pleased to revert the following officiating Record Keeper to the post of Group-D with immediate effect :-

1. Sri Chandra Prakash 06/7017

[Signature]
(R.K. MEHRA)
Audit Officer (Admn.)

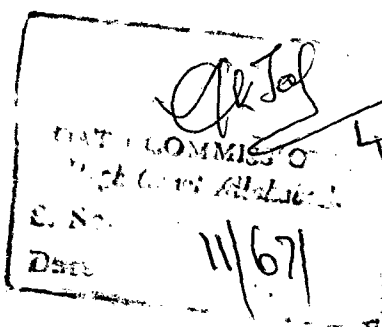
No. A.G.(Audit)-I/Admn./4-9(2)/2957 to 68

of date.

Copy forwarded to the following for information and necessary action:-

- (1) Secretary to Accountant General (Audit)-I and II.
- (2) All Group Officers in A.G.(Audit)-I and II, Allahabad and Lucknow.
- (3) Audit Officer (Admn.) and I.C. of A.G.(Audit)-I & II.
- (4) Audit Officer, G.O. Office of the A.G.(Audit)-I & II, with the request that the employees concerned may please be arranged to be relieved for Admn. Section of A.G.(Audit)-I, for their further posting.
- (5) Accounts Officer (Restructuring Cell), Office of the A.G.(A&E) -I, U.P., Allahabad.
- (6) Pay and Accounts Officer, Office of the A.G.(A&E) -I, U.P., Allahabad.
- (7) C.R. Group of A.O. Admn. Cell, Office of the A.G.(Audit)-I, U.P., Allahabad.
- (8) Administration Section (posting, transfer and Gradation List Group) Office of the Accountant General (Audit)-I, U.P., Allahabad.
- (9) Admn. Section, O/O the A.G.(Audit)-II U.P., Allahabad.
- (10) All Sections of A.G.(Audit I & II.) U.P., Allahabad.
- (11) Sri Chandra Prakash (06/7017) Re. 'D'
- (12) Personal file of the persons concerned.

[Signature]
(R.K. Mehra)
AUDIT OFFICER (ADMM.)



[Signature]

Annexure XIII to CA-

(199)

कार्यालय महालेखाकार, लेखापरीक्षा प्रथम, उत्तर प्रदेश,
इलाहाबाद।

का.आ./म.ले.।ले.प.।प्रथम/प्रशासन-1/4-9121/385

दिनांक:-17.7.84

प्र.वर्ग-घ-कर्मचारियों की अद्वितीय शैक्षिक योग्यता को उनकी सेवा-पुस्तिका में अंकित करने के दृष्टिकोण से महालेखाकार, लेखापरीक्षा प्रथम तथा द्वितीय के कार्यालय में कार्यरत सभी प्र.वर्ग-घ-कर्मचारियों को सूचित किया जाता है कि वे अपनी नवीनतम शैक्षिक योग्यता के प्रमाण पत्र प्रशासन, कार्यालय महालेखाकार, प्रथम के समक्ष दिनांक 29.7.84 तक उपस्थित करें ताकि उस आधार पर उनकी शैक्षिक योग्यता का अंकन उनकी सेवा-पुस्तिका में किया जा सके। उक्त दिनांक तक अपनी शैक्षिक योग्यता का प्रमाण पत्र लेखा-परीक्षा अधिकारी प्रशासन, कार्यालय महालेखाकार प्रथम के समक्ष प्रस्तुत करने की स्थिति में प्र.वर्ग-घ-कर्मचारियों की सेवा-पुस्तिका में अंकित शैक्षिक योग्यता ही प्रामाणिक मानी जायगी।

उ.प्र. के. मेहरा
17/7/84
लेखापरीक्षा अधिकारी प्र.।

प्रतिनिधि विभागों/विभागों की सूचना एवं आवश्यक कार्यवाही हेतु :-

1. वरिष्ठ उप महालेखाकार, प्रशासन
2. सचिव महालेखाकार, ले.प.।प्रथम
3. प्रशासन अनुभाग कार्यालय महालेखाकार, ले.प.।द्वितीय
4. सभी वर्ग घ कर्मचारी
5. मुख्य लेखापरीक्षा अधिकारी, संघ
6. सूचना पट्ट

18/7/84

32

दिनांक

18/7/84

11/6/1

Mukhopadhyay

Annexure XIV

(148)

OFFICE OF THE ACCOUNTANT GENERAL (AUDIT) I, UP,
ALLAHABAD.

No. Sr.DAG (Admn.)/C-IV-103/536

Dated: 29.10.1987.

NI

Shri Chandra Prakash Gr. 'D' (06/7017) was declared successful in the matriculate Group 'D' examination held in September 1984 vide O.O.No.Sr.DAG(A)/C-IV/103/391 dated 6.11.1984. Subsequently it came to notice that he appeared in the said examination as a Record Keeper and as such his name was deleted from the list of successful candidates vide O.O.No.Sr.DAG(A)/C-IV/103/1128 dated 15.2.85.

2. Now after careful consideration of his representations dated 28.11.86 and 20.3.87 and the recent liberalisation by the Headquarters the Accountant General has been pleased to declare him successful in the above mentioned examination held in September 1984.

(Sword Vashum)

Sr.Dy.Accountant General/Admn.

No. Sr.DAG (Admn.)/C-IV-103/

Dated: 29.10.87.

Copy forwarded for information and necessary action to:-

1. The AO/Admn. O/O the AG (Audit) II, 14, Vidhan Sabha Marg, Mang. Sahakarita Bhawan, Lucknow.
2. The AO/Admn., O/O the AG (Audit) I & II, Allahabad.
3. The AA/Exam. section.
4. Shri Chandra Prakash Gr. 'D' o/o the AG (Audit) II, 14, Vidhan Sabha Marg, Sahakarita Bhawan, Lucknow.

(S.K. Mahtab)

Audit Officer/Exam.

4/8/88
11/671

hinkhoyadhyar

Annexure XV to CA

(A101)

-225-

सर्वे संकेतित आदेशों को
निम्नलिखित मण्डलस्थानिकों को
सम्बोधित किया जाए।
All communications should be
addressed to the Comptroller
and Auditor General of India.
संकेतित पता : आरजेएल
Telegraphic Address: ARGEL



Sr. DAG (Admin) Cell

Office No. 564

30/12/87

1424-N.2/40-87

भारत के नियंत्रक-मण्डलस्थानिक का कार्यालय,
नई दिल्ली-110002

OFFICE OF THE COMPTROLLER
AND AUDITOR GENERAL OF INDIA,

(Bharat Ke Niyantarak-Mahalekha
Parikshak Ka Karyalaya),
NEW DELHI-110002

दिनांक

Dated

22 DEC 1987

भारत के नियंत्रक-मण्डलस्थानिक

नई दिल्ली-110002

THE COMPTROLLER AND AUDITOR GENERAL OF INDIA,
NEW DELHI-110002

दिनांक

को

The Accountant General (Admin)-1,
Office Premises,
ALLAHABAD-211001.

विषय

Subject

Regarding promotion of Shri Chandu Prakash Group 'D' as Clerk
on passing the Departmental Examination in 1984.

Ref: (A) 1
CAG 316

Sir,

I am directed to refer to your letter No: AG(Audit)-1/
Exam/D-1/1168 dated 6-11-1987 on the subject cited above and
to bring to your notice the following administrative lapses in
the case:-

PC. &
do-As. (as per) 1/11/87

Sd/- 1/11/87

Ad/Exam

C.I.C.
1152

P.68
AAE (A)

(i) The incumbent was allowed to appear in the Competi-
tive Examination meant for matriculate Group 'D' in
September 1984 when he was already promoted as Record
Keeper in August 1984 and there was no scheme to
permit this;

(ii) The incumbent was allowed to be reverted to the post
of Group 'D' in March 1986 when there was no provi-
sion for reversion of Record Keeper in our scheme.

2. It was not proper to have issued the orders dated
29-10-1987 as the orders referred to were not then applicable
and the matter has been referred to this office.

3. The office order dated 29-10-1987 being irregular needs
to be cancelled by you.

4. As the official had already been reverted to Group 'D'
on his own request and that he was not eligible to take the
examination in 1984 as Record Keeper he has to take the Limited
Departmental Examination meant for matriculate Group 'D' staff
again if he wants promotion through examination quote to the
cadre of Clerks. There is, however, no bar in his promotion
again as Record Keeper in his turn if he is otherwise eligible.

ADMIN. OFFICER (N)



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Annexure XVI

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- 229 -

OFFICE OF THE ACCOUNTANT GENERAL (AUDIT) I. U.P.
ALLAHABAD.

No. BE.DAG(A)/C-IV-105/730

Dated 13.1.1988

I am directed to intimate that the office order declaring Sri Chandra Prakash, Group 'D' (06/7017) successful in the Matriculate Group 'D' Examination held in September 1980 vide this office order No. BE.DAG(A)/C-IV-105/536 dt. 20.10.87 is cancelled abinitio as per directive of the Headquarters. Sri Chandra Prakash, Group 'D' will be permitted to appear in the Limited Departmental Examination for Matriculate Group 'D' staff in case he desires promotion through Examination quota.

(P.K. Mukhopadhyay)

Sr. Deputy Accountant General (Admn)

1. The Audit Officer (Admn) alongwith Headquarters office letter no. 1424-N.2/46-87 dated 22.12.87 for necessary action. Sri Chandra Prakash's eligibility for promotion to the post of Record Keeper, in his own turn should be considered.
2. The Audit Officer/Examination, alongwith a copy of Headquarter's office letter no. 1424-N.2/46-87 dated 22.12.87. The list of Departmental Examination passed matriculate Group 'D' & should stand corrected accordingly.
3. The Audit Officer/Admn., Office of the A.G. (Audit) II, 14 Vidhan Sabha Marg, Baharita Bhawan, Lucknow for information.
4. Sri Chandra Prakash, Group 'D' (06/7017) Office of the Accountant General (Audit) II, 14 Vidhan Sabha Marg, Lucknow.
5. Personal File of Sri Chandra Prakash, Group 'D'.

Sr. Deputy Accountant General (Admn)



13.1.88
4.8.88
11/6 / Mukhopadhyay

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH, LUCKNOW.

Registration/Application No. 373 of 1988
(C.A.T. Allahabad)

Since transferred to C.A.T., Lucknow.

Chandra Prakash

Applicant.

Versus

Union of India & others.

Respondents.

REJOINDER OF THE APPLICANT IN REPLY TO THE COUNTER
AFFIDAVIT FILED ON BEHALF OF THE RESPONDENTS.

The applicant, above named, most respectfully
states as under:-

1. That paragraphs 1 to 4 of the counter affidavit needs no comments.
2. That in reply to paragraph 5 of the counter affidavit it is submitted that the fact that applicant was promoted as Record Keeper on 3.8.1984 and joined as Record Keeper on 14.8.1984 is admitted. It is wrong to state that the fact of passing the Matriculation Examination by the applicant was not known to the Administration. This is not borne out on facts. The fact is that the applicant had intimated to the Administration about his passing the Matriculation Examination as early as 7.12.1982 and the said intimation letter was diarised as Diary No.2300 in P.C. Anubhag Diary on 7.12.1982. Subsequently the applicant was permitted to appear for the Intermediate

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Examination vide CAW/ADMN/Permission dated 6.12.83. The applicant was also allowed to appear for Lipik Verg Pariksha, 1984 Karamchari Chayan Ayog vide letter No. CAW/ADMN/Permission/678, dated 9.3.1984. Photostat copies of the above two letters are being enclosed as Annexures R-1 and R-2. It cannot therefore, be held by Respondent that the Administration was not aware of the fact that the applicant had passed the Matriculation Examination in 1982. Hence the averments made by the Respondent is denied. Since the applicant had given intimation of the passing Matriculated Examination as early as 7.12.1982 in the office, he committed no omission.

3. That in reply to paragraph 6 of the counter affidavit, it is submitted that the promotion was done by the Respondent No.1. In The Examination was conducted by the Respondent No.1, hence it is wrong to say that fact of promotion of applicant as Record Keeper was not known to the Examination Section of the Respondent No.1. Even the fact of promotion of applicant as Record Keeper, would not have stood in his way for appearance in the said Examination because as per the norms followed by Union Public Service Commission, the facts existing on a particular date i.e. by the last date of receipt of applications are ~~the~~ only relevant for the eligibility of a candidate for a particular ~~post~~ post and subsequent events or developments are not to be accounted for the consideration of eligibility of a candidate for a particular post. Photostat copies

Signature

of Advertisement No.32 published in Swatantra Bharat Hindi Daily dated 12.8.1989 and Advertisement No.33 published in National Herald English daily dated 19.8.89 of Union Public Service Commission are being filed as Annexures R-3 and R-4. In both the advertisements the facts as they existed on the date of receipt of applications i.e. on 11.9.1989 and 18.9.1989 respectively were to be accounted for consideration of the eligibility of a candidate for a particular post and later or subsequent events and developments were not to be accounted for. In the case of the applicant, the last date of receipt of applications was 10.8.1984 and the applicant joined on the post of Record Keeper on 14.8.84. Therefore, the applicant was fully eligible to take up the Departmental Examination as the last date of receipt of applications being 10.8.1984, and on 10.8.1984 the applicant was a Group 'D' employee. It was only subsequent to 10.8.1984 that the applicant joined the post of Record Keeper and as such the applicant was fully eligible for appearing in the Examination and joining the post of Record Keeper on 14.8.1984 did not bar him in any way from appearing in the said Departmental Examination. It is further stated that while joining the said post of Record Keeper the applicant had specifically stated that his right to promotion to post of Clerk should not be forfeited consequent of his passing the Departmental Examination. In the notice dated 25.8.1984 inviting applications for the said examination, it was nowhere mentioned that the applicant

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if promoted to the post of Record Keeper, shall forfeit his right to appear in the Departmental Examination.

7. 4. That in reply to paragraph 7 of the counter affidavit it is stated that once the applicant had passed the Departmental Test, it was not justified to have deleted his name from the list of successful candidates without having given him a chance to explain his position. As already stated in paragraph 3 above, the applicant was fully eligible for taking up the said Examination and the deletion of his name from successful candidates after declaration of result, was wholly illegal and arbitrary. There was no provision in the rules to have cancelled the result of the applicant after he had passed the said Examination.

5. That the contents of paragraph 8 need no comments.

6. That the contents of paragraphs 9 and 10 need no comments.

7. That in reply to the contents of paragraph 11 it is submitted that since the Respondent No.1 was delaying the promotion of the applicant, he had to approach the C.A.G. and submitted the representation dated 9.7.1987. The C.A.G. vide his letter dated 22.12.1987 stated that the applicant was allowed to take up the Examination in September, 1984 while he was promoted as Record Keeper though there was no scheme to permit this. Meanwhile the applicant vide O.O.No.Sr.D.A.G./1(A)/C-IV-105/536, dated 29.10.1987 was declared

Case closed

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successful by C.A.G. Respondent No.1 further wrote that since the applicant had got himself reverted to Class 'D' post, he will have to take up the Examination afresh. Thereupon the said O.O. dated 29.10.1987 declaring the applicant successful was cancelled vide letter No.Sr.D.A.G.(A)/C-IV-105/736, dated 13.1.1988 as the C.A.G. had decided that in case the applicant wanted to get promotion through Examination quota, he will have to appear again.

It is submitted in this connection that the Schema 'Manual of Instructions for restructuring of cadres in IA & AD' was approved by the Government of India (President) in December, 1983 vide powers conferred on them by Sub-article (5) of Article 148 of the Constitution of India and was issued under the signatures of C.A.G. The scheme contained no provision for deletion of the name of any candidate who was declared successful. In the absence of any provision in the scheme, the C.A.G. obviously had no jurisdiction to direct the Respondent No. 1 to cancel the office order dated 29.10.1987 under which the applicant was declared successful again. The Scheme was sanctioned by the Government of India (President) and unless there was a provision to cancel the result of a candidate declared successful, the C.A.G. could not act upon the ~~own~~ issue of his own. The C.A.G. also did not apply his mind while giving the above ~~the~~ direction as the applicant even on the date of Examination (19 -22 September, 1984) was holding

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the post of Group 'D' on a permanent basis and was only officiating on the post of Record Keeper. The eligibility of the applicant was to be considered on 10.8.1984 the last date for submission of applications and not on subsequent dates. Since the applicant joined the post of Record Keeper on an officiating capacity only on 14.8.1984, for taking up the Examination the eligibility of the applicant could not be questioned. As discussed in paragraph 3 above, the Union Public Service Commission, considers the eligibility only on the last date of submission of applications for the post. Subsequent events and developments could not therefore bebar the applicant from eligibility to appear in the said Examination and benefits and privileges accruing after passing it. Joining the post of Record Keeper in an officiating capacity on 14.8.1984 did not therefore affect the consideration of his eligibility for the said Examination. The direction given by the C.A.G. was therefore not tenable. Further in his joining report the applicant had mentioned specifically that his right for promotion to the post of Clerk on passing the Examination should not stand forfeited. It may be pointed out also that the Administrative authorities had not objected to it and allowed the applicant to take up the Examination. The applicant at no stage played fraud or misrepresented the facts and hence he could not be allowed to suffer for mistakes if any on the part of Respondent No.1.

That Respondant No.1 consequent on receiving the directions ^{From C.A.G.} to the effect that the applicant had appear-

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ed in Examination as Record Keeper ~~for~~ again cancelled the result of applicant vide letter dated 13.1.1988. Thus action of Respondent No.1 was barred by Rule of Promissory Estoppel as he had declared the applicant successful in the said Examination twice once on 6.11.1984 and on second occasion on 29.10.1987. Once the right of passing the Examination was vested in the applicant, it could not be withdrawn by Respondent No.1 to the prejudice of the applicant. The action of C.A.G. was thus beyond his jurisdiction while the action of Respondent No.1 was against the rule of Promissory Estoppel.

8. That the contents of paragraphs 12,13 and 14 need no comments.

9. That the reply given in para 3 above covers the reply to paragraph 15.

10. That in reply to paragraph 16 it is submitted that the applicant never appeared for Departmental Examination for Non-Matriculate Group 'D' and to say that the applicant had not qualified in this Examination and hence there was no question of obtaining his consent for promotion as Record Keeper, is utterly false and ~~very~~ vague. Consent as stated by the Respondents by joining on 14.8.1984 as Record Keeper by the applicant, was given but the same was subject to non-forefeiture of right of promotion to Class III post consequent on passing the said Examination which was held in September, 1984.

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11. That the contents of paragraph 17 need no comments.

12. That in reply to contents of paragraph 18 it is submitted that the question of eligibility of the applicant for appearing in Examination has already been discussed in paragraph 3 above and he was declared successful on 6.11.1984 and 29.10.87 as such he was fully deserved to be promoted to the post of the Clerk.

13. That in reply to paragraph 19 it is submitted that the position as shown in this paragraph by the Respondent is not correct. The correct position is that after being admitted for the said Examination the applicant was declared successful vide letter dated 6.11.1984. In the letter dated 15.2.1985 the Respondent No.1 deleted the name of applicant from the list of successful candidates and stated that the name of applicant was not in the list because of promotion of applicant to the post of Record Keeper. That vide letter dated 9.1.1986 it was intimated to the applicant that for getting promotion to the post of Clerk it was necessary that the applicant should hold the post of Group 'D'. It was not at all intimated that applicant would be promoted to the post of Clerk only after getting successful in the Examination every year. It was only on the assurance contemplated in letter dated 9.1.1986 of the Respondent No.1 that the applicant of his own sought reversion to Group 'D' post and was

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reverted to the post of Group 'D' vide letter of 21.3.1986. Even after this the Office order dated 15.2.1985 was not cancelled and the applicant was not promoted to the post of Clerk since he had already been declared successful vide letter dated 6.11.1984. The reversion was sought only after the assurance contemplated in letter dated 9.1.1986, question of reappearing in the Examination which the applicant had already passed, did not arise. The promotion to the post of Clerk became due after reversion and the Respondent No.1 did not fulfil his commitment. If the contents of this paragraph would have been correct, the applicant would not have been declared successful again on 29.10.1987 by Respondent No.1 without again appearing in the said Examination.

14. That the contents of paragraph 20 need no comments.

15. That the contents of paragraph 21 are emphatically denied. The applicant had neither ~~concealed~~ concealed any fact nor any deliberate delay may be attributed on the part of the applicant because he had already submitted the information of his passing High School Examination in the year 1982 on 7.12.1982. This has been clarified in detail in paragraph 2 of this Rejoinder. Since the Respondent No.1 failed to connect the relevant records, it was stated by the Respondent that the applicant had concealed the information of passing High School Examination. This has only been done to ^{camouflage} ~~conceal~~ the lapse on the part of Respondent No.1 to connect the relevant records.

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16. That in reply to paragraph 22 of the counter affidavit, it is stated that the position regarding the said Departmental Examination is some what misleading. In para 4.4 of the orders contained in Brochure issued by C.A.G. in 1983-84, the Examination has been prescribed as Limited Departmental Competitive Examination for Matric passed Group 'D' employees. It was further laid down in this paragraph that the syllabus will be intimated by the C.A.G.. The said syllabus was circulated vide C.A.G. letter No. 10/1984/341/Parichcha/161-83 dated 30.4.84. It has been laid down in this circular that whosoever candidate secures 40% in each paper shall be declared successful. These provisions obviously indicate that the Examination was only qualifying and not competitive. As per the knowledge of the applicant he is very well aware that the Departmental Examination held by Department either for promotion or otherwise were always qualifying in which a percentage was fixed for passing the said Examination so also the Examination for Group 'D' employees was only qualifying and not competitive. A copy is being filed as Annexure R-5. After passing the said Examination (vide order dated 6.11.1984) the applicant being senior most as per Gradation list, was to be promoted against the first vacancy. The contention of Respondent that applicant was declared successful on ²⁹20.10.1987 and all the four candidates who were also declared successful along with applicant were promoted on 28.12.1985 is wrong.

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Since the applicant was declared successful on 6.11.1984 and it being a qualifying Examination as per the syllabus circulated by C.A.G., his claim was taken considered against the 1st vacancy. Instead of promoting the applicant, other juniors to him were promoted which was wholly illegal, unjustified and arbitrary. Both the orders of 22.12.1987 and 13.1.1988 issued by C.A.G. and A.G.U.P.I Audit respectively were arbitrary and discriminatory resulting into sheer denial of legitimate claim of the applicant. Both the authorities have not applied their minds in correct prospective while adjudicating the matter.

17. That the contents of paragraphs 23 and 24 of counter affidavit need no comments.

18. That in reply to the contents of paragraph 25 of the counter affidavit, it is submitted that the applicant was validly admitted to the Examination and hence it is wrong to state that he was mistakenly allowed to appear in the Examination. This has also been discussed in paragraph 3 above. Once the applicant was declared successful in the Examination validly and rightly, it will be wholly unjust to ask the applicant to re-appear for the Examination already passed by him.

19. That in reply to paragraph 26 of the counter affidavit it is submitted that in view of the position

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Applications on prescribed form are invited by the 18th September, 1989 (3rd October, 1989 for applicants from abroad and to those posting applications from Andaman & Nicobar Islands, Lakshadweep, States/Union Territories in the North Eastern region, Ladakh division of J&K State, Sikkim, Pangri sub division of Chamba, Lahaul & Spiti districts of Himachal Pradesh). Pay Scale (Approx Total Emoluments excluding HRA & CCA) & Upper age limits immediately follow the name of the post.

Annexure R₄

AGRICULTURE MINISTRY

1. One Farm Superintendent, Dte of Plant Protection, Quarantine & Storage, Deptt of Agri & Coop. Rs. 1640-2900 (T.E. Rs. 2115). 30 yrs. EQ: (i) M.Sc. (Agri) with specialisation in Agronomy or eqv. (ii) One yr's exp in Farm Management & labour

COMMERCE MINISTRY

2. Two Asstt Oirs (Chemical), National Test House, Deptt of Supply. (One post each resvd for SC & ST). Rs. 2200-4000 (T.E. Rs. 2838). 45 yrs. EQ: (i) Master's Deg in Chemistry (Pure or Applied or Industrial) or Deg in Chemical Engg or Chemical Technology or eqv. (ii) 3 yrs exp in Industry or a Lab in any of the following: (a) Analysis of organic & inorganic materials, OR (b) Analysis and investigation of Petroleum products including oil and lubricants, OR (c) Analysis of metals, alloys, minerals etc, OR (d) Analysis and investigation of paints, enamels, lacquers, varnishes, OR (e) Analytical exp in one or more of the following instrumental methods of Physico-Chemical Analysis: Spectrography, Spectrophotometry, Polarography, electro-chemical analysis, Potentiometry etc.

CIVIL AVIATION & TOURISM MINISTRY

3. One Examiner of Personnel, Civil Aviation Deptt. Rs. 3000-4500 (T.E. Rs. 3870). 50 yrs. EQ: (A) (i) Exp of a minimum of 300 hrs of instructional flying as qualified Navigation Instructor, (ii) Exp of not less than 2,500 hrs as Flight Navigator with category 'A' and endorsement to flying VIPs/VVIPs on all routes in Indian Air Force, Aircraft, OR (B) (i) Shd hold or have held an Indian Flight Navigator's Licence, (ii) Exp of 2,000 hrs as Flight Navigator on International routes

DEFENCE MINISTRY

4. Nine Technical Asstts, O/o The Joint Secretary (Admn) & Chief Admn Officer. (Four posts resvd for SC & ST, One post resvd for ST) Rs. 1400-2600 (T.E. Rs. 1806). 25 yrs. EQ: Master's Deg in Maths/Mathematical Statistics/Operations Res/Computer Sc or eqv.

FINANCE MINISTRY

5. Three Asstt Legal Advisers, Enforcement Dte, Deptt of Revenue. Rs. 3000-4500 (T.E. Rs. 3870). 40 yrs. EQ: (i) A Deg in Law or eqv. (ii) 7 yrs exp as a member of a State Judicial Service or in a superior post in the Legal Deptt of a State Govt. OR 7 yrs exp in Legal Affairs in a Central Govt Orgn. OR 7 yrs exp as a qualified legal practitioner or a Teacher of Law. OR Master's Deg in Law of a recog Univ or eqv and with 5 yrs exp as a qualified legal practitioner or in teaching or res in Law in a Law Faculty of a Univ. NOTE I: Any period during which a person has been a legal practitioner or has held a teaching post in the Law Faculty of a recog Univ shall be included in computing the period during which a person has held any office in the state judicial service or the Law Deptt of a State or under the Central Govt. NOTE II: Any period during which a person has held any office in the State Judicial Service or has held a superior post in the Law Deptt of a State or Central Govt or has held a teaching post in the Law Faculty of a recog Univ shall be included in computing the period during which period he has been a legal practitioner.

HEALTH & F.W. MINISTRY

6. One Asstt Dir (Bio-Chemistry), Non-Medical, Deptt of Health. Rs. 3000-4500 (T.E. Rs. 3870). 40 yrs. EQ: (i) M.Sc. Deg in Bio-Chemistry or eqv. (ii) 7 yrs teaching and/or res exp in Bio-Chemistry.
7. One Psychiatrist, Deptt of Health. (Resvd for SC). Rs. 3000-5000 - NPA (T.E. Rs. 4815). 50 yrs. EQ: (i) A recog medical qual. (ii) Post-Grad quals in Psychiatry. (iii) 3/5 yrs work in a respons position connected with the speciality of Psychiatry in the case of Post-Grad Deg/Dip holders respectively.
8. One Scientific Officer (Pharmacognosy),

Pharmacoposial Lab for Indian Medicine.

Ghaziabad, Deptt of Health. Rs. 2200-4000 (T.E. Rs. 2838). 35 yrs. EQ: (i) Master's Deg in Botany or Pharmacy (with Pharmacognosy as the main subject) or eqv. (ii) 3 yrs exp of drug analysis involving use of modern scientific instruments
9. One Sr Scientific Asstt, Food Res & Standardisation Lab, D.G.H.S. (Resvd for ST). Rs. 1640-2900 (T.E. Rs. 2116). 35 yrs. EQ: (i) Master's Deg in Chemistry/Bio-Chemistry or Deg in Food Technology or eqv. (ii) 2 yrs pract exp in examination, inspection and analysis of food & Agri products. ANY OTHER CONDITION: Private practice of any kind whatsoever is prohibited.

HUMAN RESOURCE DEV MINISTRY

10. One Editor, Anthropological Survey of India, Deptt of Culture. Rs. 3000-4500 (T.E. Rs. 3870). 40 yrs. EQ: (i) Master's Deg in English or eqv. (ii) At least 7 yrs exp in editing Journals or other publications. (iii) Adequate knowledge of printing & publications. (iv) Knowledge of sales, distributions, advertising & publicity.
11. Three Anthropologists (Cultural), Anthropological Survey of India, Deptt of Culture. (One post resvd for SC). Rs. 2200-4000 (T.E. Rs. 2838). 35 yrs. EQ: (i) Master's Deg in Anthropology or eqv with evidence of specialisation in Cultural Anthropology. (ii) About 2 yrs res exp.

12. One Asstt Keeper, Anthropological Survey of India, Deptt of Culture. Rs. 2000-3500 (T.E. Rs. 2580). 30 yrs. EQ: (i) Master's Deg in Anthropology or eqv. (ii) Dip in Museology with about 1 yr's pract exp in running a Museum. OR About 3 yrs practical exp in running a Museum.

LAW & JUSTICE MINISTRY

13. One Asstt Legal Adviser, Deptt of Legal Affairs. Rs. 3000-4500 (T.E. Rs. 3870). 40 yrs. EQ: (A) (i) Deg in Law or eqv. (ii) Must have been a Member of a State Judicial Service for a period of not less than seven yrs. OR A candidate who has held a superior post in the legal deptt of a State for a period of not less than seven yrs. OR A Central Govt Servant who has had exp in Legal Affairs for not less than seven yrs. OR (B) A candidate who possesses a Master's Deg in Law and has had teaching or res exp in Law for not less than 5 yrs. OR (C) A qualified legal practitioner of not less than 30 yrs. NOTE I: The term "qualified legal practitioner", means an Advocate or a Pleader who has practised as such for atleast seven yrs or an Attorney of the High Court of Bombay or Calcutta who has practised as such for atleast five yrs or has practised as such Attorney and an Advocate for a total period of atleast 5 yrs. NOTE II: For computing (a) the period during which a person has held any office in the State Judicial Service or in the Legal Deptt of a State or under the Central Govt there shall be included any period during which he has held any of the other aforesaid offices, or any period during which he has been a legal practitioner and (b) the period during which a person has been a qualified legal practitioner, there shall be included any period during which he has held any office in the State Judicial Service or has held a superior post in the legal deptt of a State or has been a Central Govt Servant having exp in legal affairs. NOTE III: Preference shall be given to a person (not being a member of a State Judicial Service or a legal practitioner) with exp in legal advice work.

SURFACE TRANSPORT MINISTRY

14. Three Engrs & Ship Surveyors, Dte General of Shipping, Bombay. (Two posts resvd for SC). Rs. 3700-5000 (T.E. Rs. 4715). 50 yrs as on 18.12.89. EQ: (i) First Class Engr's Certificate of Competency (Steam and/or Motor) recog by the Govt of India. (ii) Service for 5 yrs at sea of which one year must have been as Chief Engr or Second Engr. NOTE I: Candidates will also be required to pass the Ministry of Transport sight test examination which may, however, be taken while wearing glasses. NOTE II: Closing date for receipt

of applications for this item is 18.12.1989

STEEL & MINES MINISTRY

15. Three Geophysicists (Jr) (Instrumentation), Geological Survey of India, Deptt of Mines. (Two posts resvd for SC). Rs. 2200-4000 (T.E. Rs. 2838). 30 yrs. EQ: (i) Master's Deg in Physics or Radio Physics and Electronics or Geophysics or eqv. OR Deg in instrumental technology or deg in Electrical or Telecommunication or Electronics Engg or eqv quals. (ii) 2 yrs res and pract exp in Electronics or in construction and repair of scientific instruments or pract exp in a Geo-physical workshop.

TEXTILES MINISTRY

16. One Dy Dir (Chemical Processing), O/o Textile Commissioner. Rs. 3000-4500 (T.E. Rs. 3870). 40 yrs. EQ: (i) Deg in Textile Chemistry or Chemical Technology or eqv. (ii) 7 yrs exp in a supervisory capacity in a textile mill or textile processing factory as a dyer, bleacher or finisher or in a Govt or Semi-Govt Instn dealing with textile processing or with dyes and chemicals.

PLANNING COMMISSION

17. One Dy Advisor (Scientific Res), Island Dev Authority Secretariat. Rs. 3700-5000 (T.E. Rs. 4505). 45 yrs. EQ: (i) Master's Deg in Science or Deg in Engg or eqv. (ii) 10 yrs exp in res/ design/dev or in Planning/execution of res and dev programme projects in the field of Science and Technology. (iii) Knowledge of latest trends/ developments in the concerned areas.

18. One Sr Res Officer (Project Appraisal). (Resvd for SC) Rs. 3000-4500 (T.E. Rs. 3870). 45 yrs. EQ: (i) Master's Deg in Economics or Maths or Statistics or Operations Res or Sc or a Bachelor's Deg in Engg or eqv. (ii) 5 yrs exp in appraisal of investment proposals or Financial Analysis or Technical Analysis in Industrial or Res or Academic Estt.

19. One Sr Res Officer (Educational Planning). Rs. 3000-4500 (T.E. Rs. 3870). 40 yrs. EQ: (i) Master's Deg or eqv qual. (ii) 5 yrs exp in educational admn and res on problems connected with one or more of the following fields: (a) Teaching (b) Res (c) Educational Planning.

DELHI ADMN

20. One Head of Deptt (Computer Engg), Dte of Technical Education, Delhi. (Resvd for SC). Rs. 3000-4500 (T.E. Rs. 3890). 45 yrs. EQ: (i) Master's Deg in Computer Application or eqv OR Deg in Computer Engg/Technology or eqv. (ii) 5 yrs professional and/or teaching exp in Computer Engg.

21. Two Lady Lecturers (Computer Engg), Dte of Technical Education, Delhi. (One post resvd for ST). Rs. 2200-4000 (T.E. Rs. 2708). 35 yrs. EQ: (i) Master's Deg in Computer Application or eqv OR Deg in Computer Engg/Technology or eqv. (ii) One yr's professional and/or teaching exp in Computer Engg.

22. Two Lecturers (Computer Engg), Dte of Technical Education, Delhi. Rs. 2200-4000 (T.E. Rs. 2838). 35 yrs. EQ: (i) Master's Deg in Computer Application or eqv. OR Deg in Computer Engg/Technology or eqv. (ii) One yr's professional and/or teaching exp in Computer Engg.

23. One Lady Head of Deptt (Computer Engg), Dte of Technical Education, Delhi. Rs. 2200-4000 (T.E. Rs. 2838). 40 yrs. EQ: (i) Master's Deg in Computer Application or eqv. OR Deg in Computer Engg/Technology or eqv. (ii) 5 yrs professional and/or teaching exp in Computer Engg.

24. Eleven Prosecutors, Dte of Prosecution (4 posts each resvd for SC & ST respectively). Rs. 2000-3200 (T.E. Rs. 2580). 30 yrs. EQ: (i) Deg in Law or eqv. (ii) 3 yrs exp at the Bar or eqv exp in any legal deptt or Orgn of standing.

GOVT OF PONDICHERRY

25. Two Lecturers, Deptt of Education. Rs. 2200-4000 (T.E. Rs. 2838). 35 yrs. EQ: First or Second Class Master's Deg in Law or eqv.

- For application form, write to Secretary, UPSC, New Delhi-110011 with unstamped self addressed envelope (27 x 12 cms) indicating name of post, Advt No. & m No. or obtain it from UPSC Counter on working days/ University Employment Bureaux/State Public Service Commissions/ Union Territory Admn at Port Blair, Pondicherry & Asstt Employment Officer, Lakshadweep. Kavaratti/All India Radio Stations, Shimla, Leh, Port Blair, Kohima, Agartala, Imphal, Aizawl, Pasighat, Silchar, Tawang, Tezu, Jeyapore, Panaji, Guwahati & Calicut. Candidates from abroad may apply on plain paper, if forms are not available with the Embassy/Mission for the posts other than Examination.

- The qualifications are relaxable at Commission's discretion
- The prescribed EQs are minimum & mere possession of the same does not entitle candidates to be called for interview. Where the number of applications received in response to an Advt is large & it will not be convenient or possible for the Commission to interview all those candidates, the Commission may restrict the number of candidates for interview to a reasonable limit on the basis of qual & exp higher than the

minimum prescribed in the Advt or by holding a Screening Test.

- Candidates belonging to SC, ST, Ex-servicemen & Commissioned Officers including ECOs/SSCOs/Meritorious Sportsmen/Sportswomen may also ask for proforma of Certificate of Caste/Service rendered in Defence Forces, being Meritorious Sportsmen/Sportswomen as the case may be

- Age limits as on 18.12.1989. Relaxable for displaced persons, SC, ST, Ex-servicemen & Commissioned Officers including ECOs/SSCOs/Meritorious Sportsmen/Sportswomen and for residents of Assam. For Govt Servants relaxable upto five yrs unless stated otherwise.

- Fee in Crossed Indian Postal Order or Central Recd Fee Stamp for Rs. 8 shd accompany the application. No fee for SC & ST candidates. Physically handicapped candidates applying for Group 'B' (Non-Gazetted) posts are also exempted from payment of fee, subject to submission of prescribed medical certificate. Candidates abroad shd enclose the fee receipt issued by the Indian Embassy/Mission. The fee shd in no case be enclosed with the request for application form.

GEOLOGISTS' EXAMINATION, 1989

Candidates who have appeared at the Geologists' Examination, 1989 and have not submitted proof of passing the qualifying examination so far

should submit the same so as to reach this office on or before 31.8.1989. Proofs received after this date will not be entertained and the candidature of defaulters will be cancelled without any further reminder to them

For details see Employment News/Rozgar Samachar issue dated 19.8.89 published by the Publications Division, Ministry of I & B, Government of India. East Block, Level 7, R K Puram, New Delhi-110005

David 560(24)89

National Herald

19.8.1989

Attest

Rasmitra

Advocate

4.

सीमित विभागीय प्रतियोगी परीक्षा के लिखित प्रश्न-पत्रों के साथ-साथ टंक परीक्षा नहीं आयोजित की जाएगी। वर्तमान की शान्ति, महालेखाकारों आदि द्वारा यह तीन महीने में एक बार आयोजित की जाएगी। मैट्रिकुलेट समूह "घ" कर्मचारी परीक्षा से पहले या परीक्षा के बाद किसी समय टंक परीक्षा दे सकते हैं। इस परीक्षा के लिखित प्रश्न-पत्रों में उत्तीर्ण होने के बाद वे पदोन्नति के पात्र हो जाएंगे। तथापि जिस उम्मीदवार ने लिपिक के रूप में पदोन्नति की तारीख को टंक परीक्षा उत्तीर्ण नहीं की है, उसे पदोन्नति की तारीख से दो वर्षों के भीतर टंक परीक्षा उत्तीर्ण करनी होगी, ऐसा न करने पर वह समूह के पद पर प्रत्या-वर्तित कर दिया जाएगा।

5. परीक्षा उत्तीर्ण करने के लिए अवसरों की अधिकतम संख्या बार होगी और किसी भी दशा में और कोई अवसर नहीं दिया जाएगा। अनुसूचित वर्ग अवसरों की अधिकतम संख्या के लिए पहले लिए गए अवसरों को भी हिसाब में लिया जाएगा।

6. इस परीक्षा से संबंधित अन्य शर्तें और जारी किए गए आदेश अपरिवर्तित रहेंगे।

7. दृष्टया इस अनुदेशों को सभी संबंधित व्यक्तियों के दयाल में लाया जाए।

एच0डी0/—

सी0डी0अवकाशी

संयुक्त निदेश (परीक्षा)

लिपिकों के रूप में पदोन्नति हेतु मैट्रिकुलेट समूह "घ" के लिए सीमित विभागीय परीक्षा की योजना और पाठ्यक्रम।

परीक्षा की योजना

प्रश्न-पत्र	समय	अधिकतम अंक
I. अंग्रेजी/हिन्दी	I घण्टा	100
II. गणित और सारणीय	I घण्टा	100
III. सामान्य ज्ञान और	I घण्टा	100

कार्यालय प्रियाविधि

टिप्पणी:— I. प्रश्न पत्र I और II का स्तर लगभग वही होगा जो भारतीय विश्वविद्यालय की मैट्रिकुलेट परीक्षा का है।

II. सभी तीनों प्रश्न-पत्र अंग्रेजी और हिन्दी में तैयार किए जायेंगे। उम्मीदवारों को अंग्रेजी अथवा हिन्दी के लिए अपना विकल्प देना होगा। विकल्प सभी तीनों प्रश्न-पत्रों के लिए लागू होगा।

III. जो उम्मीदवार तीनों प्रश्न-पत्रों में से प्रत्येक में 40 अंकों प्राप्त करेगा उसे परीक्षा में उत्तीर्ण हुआ घोषित किया जाएगा।

....

Attest

Raswantan
Advocate

*Transferred to
21.10.89
J.M.*

(A22)

In the Central Administrative Tribunal, Additional
Bench at Allahabad.
=====

Civil Misc. Application No. 321 of 1989.

On behalf of

Accountant General (Audit-1),
U.P. Allahabad.

. Respondent.

In

Registration No. 373 of 1988.

Distt: Allahabad.
=====

Chandra Prakash Petitioner.

Versus

Union of India and others Respondents.

To,

The Vice Chairman and his other Companion
Members of the aforesaid Tribunal.

The humble application of the abovenamed
Respondent Most Respectfully Showeth
as Under :

1. That the aforesaid petition was filed
at Allahabad and counter affidavit was filed on
10.10.1989, thereafter the case was listed on
14.7.1989.

*Filed today
9/11/89
F.F. 20/11*

*Copy of the
application
for counter affidavit
is being attached
W.S.
9/11*

Dr

.2.

2. That ^{the petitioner} ~~they~~ could not receive any information prior and recently when the clerk of the Standing Counsel for Union of India Sri D.S. Chaubey visited the office of the Bench of the Lucknow Tribunal, he has been informed that the aforesaid petition has been transferred to Lucknow by Hon'ble Chairman and date 20.11.1989 fixed.

3. That in the aforesaid petition, application for transfer of this case has been moved by the petitioner, but neither the respondent nor his counsel has any information for the same. Moreover the petitioner filed the petition at Allahabad in the year 1988, when the circuit Bench of this Tribunal at Lucknow was functioning. Since the petitioner himself has chosen to file the petition at Allahabad and the respondents have instructed their Standing Counsel and got counter affidavit drafted through him after making payment of considerable amount as admissible to him at this stage.

4. That while transferring this case no opportunity of hearing was ever afforded any of the parties neither there is any convincing

b/

pleading/request for transferring this case to Lucknow.

5. That in fact no notification has been done in view of sub Section 7 of Section 5 of the Central Administrative Tribunal Act, 1985 for functioning the circuit Bench at Lucknow. In fact the functioning of the circuit Bench at Lucknow is quite illegal without any notification under Sub Section 7 of Section 5 of the Central Administrative ~~Act~~ Tribunal Act., 1985.

6. That sub Section 7 of Section 5 of the Central Administrative Tribunal Act, 1985, clearly shows states the Benches of the Central Administrative Tribunal shall sit in case there is no such provisions of such creating any circuit Bench in the Act.

7. That for transferring the case from one Bench to another Bench balance of the convenience of both the parties have to be seen.

62

17/25

4.

8- That once the counsel for the petitioner has already chosen to file a petition at Allahabad, after investigating the considerable amount as fees to counsel, the case can not be transferred to any other place. However, the respondents have also to be their appearance are effectively and file their counter affidavit so that they must also get an opportunity to have their say regarding the transfer of the case.

9. That in the provisions of the Central Administrative Act, 1985 it is only the Chairman of the Tribunal under Section 25 of the Central Administrative Tribunal Act, has got ~~uppon~~ power to transfer the case from one Bench to another Bench and the office of the any tribunal has got no power to transfer the case from one place to another place.

10. That in the interest of Justice that the order passed for transferring the case may kindly be recalled and the case may be directed to be listed at Allahabad of this Hon'ble Tribunal at any convenient date.

6/

A126

P R A Y E R
=====

It is, therefore most respectfully
prayed that the order passed for transferring
the case may kindly be recalled and the case
may be directed to be listed at Allahabad
of this Hon'ble Tribunal at any convenient
date.



(K.C.SINHA),
ADDL. STANDING COUNSEL,
CENTRAL GOVT,
TRIBUNAL, ALLAHABAD.

11/27
AND

In the Central Administrative Tribunal,

Additional Bench at

Allahabad.

=====

Affidavit

In

Civil Misc. Appln. No. 321-A of 1989. (4)

In

Registration No. 373 of 1988.

Distt; Allahabad.

=====

Chandra Prakash Petitioner.

Versus

Union of India and others.....Respondents.

Affidavit of B.D. Agrawal

Son of Sri Madhusudan Das

aged about 55, At present pos-

ted as Senior Deputy Accountant

General (Adm) in the office of

A.G.(Adm) F.I.U. Allahabad

(Deponent) (Signature)

I, the deponent ~~is~~ do hereby solemnly
affirm and state on oath as Under :

(Signature)

.2.

1. That the deponent is at present posted as
Senior Dy. Additional General - A.G. U.P. ^{And}
as such he is fully acquainted with the facts of the
case deposed to below.

2. That the aforesaid petition was filed
at Allahabad and counter affidavit was filed on
10.10.1989, thereafter the case was listed on
14.7.1989.

3. That they ^{respondent} could not receive any
information prior and recently when the clerk of
the Standing Counsel for Union of India Sri D.S.
Chaubey visited the office of the Bench of the
Lucknow Tribunal, he has been informed that the
aforesaid petition has been transferred to Lucknow
by Hon'ble Chairman and the date 20.11.1989 fixed.

4. That in the aforesaid petition
application for transfer of this case has been
moved by the petitioner, but neither the respondent
nor his counsel has any information for the same.
Moreover the petitioner filed the petition at
Allahabad in the year 1988, when the circuit Bench
of this Tribunal at Lucknow was functioning. Since
the petitioner himself has chosen to file the

[Signature]

AMDA

.3.

petition at Allahabad and the respondents have instructed their Standing Counsel and got counter affidavit drafted through him after making payment of considerable amount as admissible to him at this stage.

* 5. That while transferring this case no opportunity of hearing was ever afforded any of the parties neither there is any convencing pleading/request for transferring this case to Lucknow.

6. That in fact, no notification has been done in view of sub Section 7 of Section 5 of the Central Administrative Tribunal Act, 1985

for functioning the circuit Bench at Lucknow.

In fact the functioning of the circuit Bench at Lucknow is quite illegal without any notification under Sub Section 7 of Section 5 of the Central Administrative Tribunal Act, 1985.

7. That sub Section 7 of Section 5 of the Central Administrative Tribunal Act, 1985 clearly states the Benches of the Central

D. D. Patel

A120

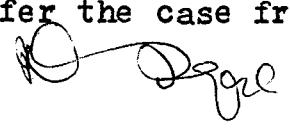
4.

Administrative Tribunal shall sit in case there is no such provisions of creating any circuit Bench in the Act.

8. That for transferring the case from one Bench to another Bench balance of the convenience of both the parties have to be seen.

9. That once the counsel for the petitioner has already chosen to file a petition at Allahabad, after investigating the considerable amount as fees to counsel, the case can not be transferred to any other place, However, the respondents have also to be their appearance are effectively and file their counter affidavit so that they must also get an opportunity to have their scale regarding the transfer of the case.

10. That in the provisions of the Central Administrative Act, 1985 it is only the Chairman of the Tribunal under Section 25 of the Central Administrative Tribunal Act, has got no power to transfer the case from one



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.5.

Bench to another Bench and the office of the any tribunal has got no power to transfer the case from one place to another place.

11. That in the interest of Justice that the order passed for transferring the case may kindly be recalled and the case may be directed to be listed at Allahabad of this Hon'ble Tribunal at any convenient date.

I, the deponent abovenamed do hereby swear and verify that the contents of the paragraphs Nos. 1, 8, 9, 11 of this affidavit are true to my personal knowledge and those of the paragraphs Nos. 2, 4 (partly) of this affidavit are based on record; and those of the paragraphs Nos. 6, 7, 10 of this affidavit are based on legal advice; which and those of the paragraphs Nos. 3, 4 (partly), 5 of this affidavit are based on information which all I believe to be true that no part of it is false and nothing material has been concealed.

So help me God.

Ull Singh

Deponent.
Deponent.

I, D.S. Chaubey, Clerk to Sri K.C. Sinha,

4132
D
0.6.

Addl. Standing Counsel, Central Govt, Tribunal,
Allahabad do hereby declare that the person is
making and alleging himself to be ~~Ex~~ deponent
is known to me from the perusal of papers in his
possession.

_____(Clerk),

Solemnly affirmed before me on this 8th
th day of ^{Nov} ~~Sept~~, 1989 at about _____ a.m./p.m. by
the deponent who has been identified by the aforesaid
person.

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

O A T H C O M M I S S I O N E R
=====