

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

## INDEX SHEET

CAUSE TITLE O.A.373 OF 88

NAME OF THE PARTIES.....chandra Prakash.....

.....Applicant

Versus

.....Union of India.....Respondent

Part A,B &amp; C

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## CERTIFICATE

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

Dated. 20/12/2011

Counter Signed.....

Section Officer In charge

  
 Signature of the  
Dealing Assistant

Central Administrative Tribunal

Lucknow Bench

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Name of the Parties Chandigarh Parks Authority ---Applicant

versus

Union of India --- Respondents.

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5/4/88

Departmental Examination

RT

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ADDITIONAL BENCH,**

23-A, Thornhill Road, Allahabad-211001

Registration No. 373 of 1988

APPLICANT (s) Chaudsa Prakash

RESPONDENT(s) Union of India and others

**Particulars to be examined**

**Endorsement as to result of Examination**

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

beA.M.  
Sh.

J.M.

8-8-88

No sitting. List the case before DILS on 17-10-88 for fixing date of hearing.

17.10.88 on

Applicant is present  
in before court for hearing  
on 16.12.88

on

16.12.88 No sitting, adj. to 20/2/89 B

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

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 to day. B

A.M.

OP no 373/88

18/4/90

Hon Mr. D.K. Somas, J.M.  
Hon Mr. P.S. Habib Mohammad, A.M.

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,

A.M.

Do.

J.M.

30-7-90

No setting. Adj. to 25/10/90

25.10.90

No setting Adj. to 30.11.90

30.11.90

No setting Adj. to 25.1.91.

25.1.91

No setting Adj. to 3.4.91.

3/4/91

Hon Mr. A.B. Goel, A.M.

Hon Mr. S.N. Prasad, A.M.

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

J.M.

A.M.

31.1.92

Hon. Justice U.C. Shrivastava - 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

C.A. 104-A have been  
 exchanged  
 Submitted for  
 hearing.

SPH  
 28.2.92

1  
 B.M.

l  
 U.C.

4.3.92

Due to Shrivastava Advocate  
 case is adjourned 19.5.92

B.M.

19.5.92

Frankl. Mr. Justice U.C. Shrivastava - U.C  
 Frankl. Mr. K. Obayya - B.M

0

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

22.5.92

2

l

U.C.

VR

A6

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. 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

A10

Central Administrative Tribunal

Aligarh

..... 26.2.88

File No. 5488

Decr  
26/2/88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH, ALIABAD

...

I N D E X

IN

CLAIM APPLICATION NO. OF 1987

DISTRICT: HUCKNOW

Chandra Prakash . . . . . Applicant.

//versus //

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

..... Respondents.

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Noted for  
54/88

S. S. S. S.  
26/2/88

26/2/88

S. S. S. S.

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W.S.2021

S. Sare

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH, ALLAHABAD

• 100 •

## 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

AND

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

Contd.. P/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.

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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 Bhawan 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.

*MS/21*  
*S. Saray*

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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.e.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.e.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 Exam. Sec. Circular No. 25 of 1984 issued on 23.7.1984 read with Accountant General (Audit), I, U.P. Allahabad

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letter No. Exan./D-1/54, dated 2.8.84. The applicant's application was forwarded by the Audit Officer Letter 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.

(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

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(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 takenover 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/2

(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, than 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 10.11.1985. 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

*S. G. S.*

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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. २१.५/८१.५/४८८/१२-११/२१९९ dated 9.1.86 wrote to the ~~xxxx~~ 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 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



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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 theroin 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 to the application.

ANNEXURE-12

(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 illogally.

Contd... P/10.

ANNEXURE-13

*Karan*

-10-

(19) That Sri Satish Loonba, Deputy Accountant General vide his D.O. Letter No. CAW/Admn/Exam.-Ars/cls/230, dated 21.4.1987 wrote to Sri P.K. Mukhopadhyay, Sr. Dy. Accountant General/Admn. Offices 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 Controller 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.

(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 26.10.87 is cancelled ab initio as per directives of the Headquarters. The true copy of the letter aforesaid is being filed herewith as ANNEXURE-17 to the application.

Contd.. P/12

*Subodh*  
*Sharma*

(23) That the applicant on 21.1.08 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 ~~xx~~ 21.1.88 is being filed herewith as Annexure-18 to the application.

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

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

(25) That four persons junier 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.

(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 pronoting respondent No. 4 to 6 in clerk grade while they are junior to the applicant and they were declared successful alongwith 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

*MSD*  
*Shan*

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the provisions of law andas 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

cancellation of result ab initio 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 13.1.1983 cancelling the result of the applicant ab initio 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 157833 ₹ 40/-  
② 751630 ₹ 10/-

2. Name of Issuing Post Office:

High Court Post Office  
Allahabad

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

- (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. Allahabad.

इन दी सेन्ट्रल रडियोनिटिव ट्रायूनल रडिशनल बैच  
ऐनेक्यर नं० ।

इन

इन क्लैम पेटीशन नं० ..... आफ 1988

जिला- लखनऊ

चन्द्र प्रकाश ..... पेटीशन र  
बनाम

दी यूनियन आफ इण्डिया रण्ड अदर्श ..... रेस्पा०

कार्यालय महालेखाकार (लेखा परीक्षा) -१, उत्तर प्रदेश  
बलाहावाद ।

सं०व०उ०स०ल०(प्र०) / सी-४-१०५/६९। दिनांक 6-11-1984

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

क्रम संख्या	व्यक्तिगत संख्या	नाम
१-	०६/७१२७	श्री जनार्दन साहू
२-	०६/७१४१	''राम बहादुर यादव
३-	०६/७१३३	''यश नारायण
४-	०६/७१३०	''विजय बहादुर यादव
५-	०६/७०१७	''चन्द्र प्रकाश

ह०

( राजीव शर्मा )  
वरिष्ठ उप महालेखाकार ( प्रशासन )

सं०व०उ०म० ल०(प्र०) /सी- 105/६९२ दि० 6-11-1984

प्रतिलिपि निम्नलिखित को सूचनार्थ प्रेषितः -

*Rajeev Sharma*

(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 ab initio 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:

*MS/202*  
*H. Sar*

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.

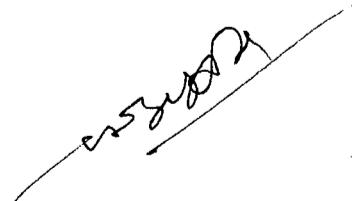
- 1- महालेखाकार ( आईट ) द्वितीय, उ० प्र०, 14 विधान सभा मार्ग,  
सहकारिता भवन, लखनऊ ।
- 2- सर्वी ग्रुप अधिकारी ।
- 3- लेखापरीक्षा अधिकारी ( प्रशासन ) म० ल० (आईट) प्रथम सर्व दिवतीय
- 4- लेखा परीक्षा अधिकारी ( सामाज्य विभाग ) ।
- 5- महामंत्री, वर्ग ''घ'' कर्मचारी
- 6- सभी सम्बन्धित समूह ''घ'' कर्मचारी ।
- (८) नोटिस बोर्ड ।

स०लेखा परीक्षा अधिकारी (परीक्षा)

सत्य प्रतिलिपि  
=====

True Copy attested

  
Ram  
Adhikari



इन दी सेन्ट्रल रडिमिनिटेट ब दिव्यनल रडिशनल बैंच

रनेक्चर नं० २

इन

इन क्लैम पेटीशन नं० ..... अफ्र। १९८८

जिला- लखनऊ

चन्द्र प्रकाश ..... पेटीशन र

बनाम

दी यूनियन अफ इण्डिया रण अदर्श ..... रेस्मा०

=====

सेवामें,

श्रीमान् महालेखाकार ( आडिट ) प्रधाम

उ०प्र० इताहा बाड ।

विषः लिपिक वर्ग मे पदोन्नति के सम्बन्ध मे ।

महोदय,

विवेदन है कि ( चतुर्थक्षि श्रेणी के वेतनमान १९६३-२३२ मे दिनांक २५-११-७२ को चपरासी के पद पर नियुक्त किया गयाथा । मैने इस कार्यालय मे इस पद पर रहते हुए वर्ष १९८२ मे हाई स्कूल परीक्षा दिवतीय श्रेणी मे उत्तीर्ण की है ।

इसके उपरान्त मैने ग्रुप डी के हाई स्कूल उत्तीर्ण विभागीय परीक्षा के तिस अवैदन कियाथा तथा मे उप परीक्षा मे उत्तीर्ण भी क्लो गया हूँ ।

इसी मध्य मेरी पदोन्नति अस्थायी स्थ से रिकार्ड कीपर के पद पर छोड़ हो गयी है । और आपने कार्यालय आदेश द्वारा मेरा विभागीय परीक्षा के द्वारा पदोन्नति का मार्ग बद कर दिया है ।

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

अपने इस पद पर रहते हुए मे केवल लिपिक मे पदोन्नति

NS/EP/27  
Jas

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

ऐसी परीक्षात मेरे लिपिक वर्ग में मुझे मैका (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 सहानुभूमि पूर्व विचार किया जायेगा।

सम्मान सहित,

प्रार्थी

(चन्द्र प्रकाश)

दि 0 20-2-1985

व्यक्तिगत नं 0 06/7017

सी 0 रु 0 डब्लू 0 लखनऊ

सत्य प्रतिलिपि

=====

True Copy Attested

S. Saro<sup>W</sup>  
Advocate

MS/SP/2  
Sar

इन दी सेंट्रल रडिमिनिट्रोट ब ट्रिबूल रडीशनल बैंच

स्नैक्वर नं 03

इन

इन क्लोम पेटीशन नं 0 ..... अफ 1988

जिला लखनऊ

चन्द्र प्रकाश ..... पेटीशन र  
बनाम

दी यूनियन अफ इण्डिया स्टड अर्द्दा ..... रेस्पा 0

=====

सेवा में,

श्रीमन् महालेखाकार (आडिट प्रथम)

उ ० प्र ० इलाहाबाद ।

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

महोदय,

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

इस कारण आपसे निवेदन है कि मै चतुर्थ श्रेणी के वेतनमान 1963 '232 दिनांक 25-11-72 को चपरासी के पद पर नियुक्ति किया गया था मैने इस कार्यालय मे रहते हुए । इसी पद पर । वर्ष 1982 मे हाई स्कूल परीक्षा दिवतीय श्रेणी मे उत्तीर्ण की है ।

इसके उपरान्त मैने ग्रुप ''डी'' के हाई स्कूल उत्तीर्ण विभागीय परीक्षा के लिय आवेदन किया था तथा मै उस परीक्षा मे उत्तीर्ण भी हो गया हूँ ।

इसी बीच मेरी पदोन्नति अस्थायी स्थ से रिकर्ड कीयर के पद पर हो गयी है । और आपने कार्यालय आदेश द्वारा मेरा विभागीय

परीक्षा के द्वारा पदोन्नति का मार्ग बद कर दिया है।

इस संदर्भ में मुझे यह कहना है कि रिकार्ड कीपर के पद पर मेरी नियुक्त 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 ८४ में इटर मीडियट की परीक्षा भी उत्तीर्ण कर ली है और अब स्नातक की तैयारी कर रहा हूँ।

ऐसी परीस्थिति 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 सहानुभूमि पूर्वक विस्तार किया जायेगा।

सम्मान सहित,

प्रार्थी

(चन्द्र प्रकाश)

रिकार्ड कीपर  
व्यक्तिगत नं ००६/७०१७

सी० रु० ३३० लखनऊ

दिनांक १७-४-१९८५

सत्य प्रतिलिपि

True Copy attested

S. S. S. S. S.  
Advocate

U. S. S. S. S.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH, ALIAHABAD

...  
ANNEXURE '4'

In  
CLAIM APPLICATION NO. OF 1988  
DISTRICT: LUCKNOW

CHANDRA PRAKASH . . . . . APPLICANT

//VERSUS //

UNION OF INDIA THROUGH ACCOUNTANT GENERAL  
(AUDIT)II, U.P. ALIAHABAD 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, 1985  
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).

*28/04/85*  
*Sez*  
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./Exam./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 has made on this subject by your office, when Shri 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.

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

Encl:-As above.

True Copy Abidi True copy //

S. Farooq  
Advocate

इन दी सेन्टल रडीमिनिस्ट्रीटि ब दिव्यूनल रडशनल बैंच  
रनेक्चर नं००५

इन

इन क्लेम पेटीशन नं० ..... ..... ..... ..... अफू। १९८८  
जिला- लखनऊ

चन्द्र प्रकाश ..... ..... ..... ..... ..... ..... पेटीशन र  
बनाम

दी यूनियन लाफ इण्डिया रण्ड अर्द्ध ..... ..... रेसा०

=====

सेवामें,

श्रीमान् महालेखाकार ( अॅडिट ) प्रधम

उ० प्र० अलाहाबाद

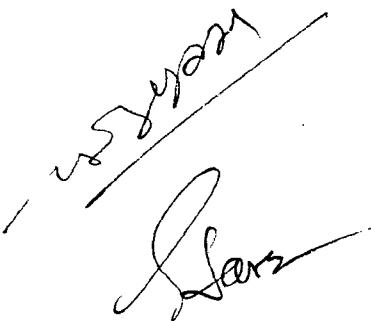
विषय: - लिपिक वर्ग मे पदोन्नति के सम्बन्ध मे, दिनांक २०-२-८५  
स्वं १७-४-८५ के पत्र का अनुस्मारक।

महोदय,

निवेदन है कि प्रार्थी दिनांक २०-२-८५ स्वं १७-४-८५ को अपने  
लिपिक वर्ग मे पदोन्नति हेतु एक पत्र दिया था परन्तु अभी तक उसका  
कोई उत्तर नहीं आया ।

इस का रण आपसे निवेदन है कि मै चतुर्थ श्रेणीके वेतन मान  
१९६३-२३२ दिनांक २५-११-७२ को चपरासी के पद पर नियुक्ति किया  
गया था मैने इस कार्यालय मे रहते हुस इसी पद पर वर्ष १९८२ को हाई  
स्कूल परीक्षा दिव्यतीय श्रेणी मे उत्तीर्ण की है ।

इसके उपरान्त मैने मूष ('डी') के हाई स्कूल उत्तीर्ण विभागीय  
परीक्षा के लिए आवेदन किया था तथा मै उस परीक्षा मे उत्तीर्ण भी हो  
गया हूँ ।

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

परीक्षा के द्वारा पदोन्नति का मार्ग बद 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 भै केवल लिपिक में पदोन्नति चाहता हूँ जिससे इस विभाग में और आगे पदोन्नति के मार्ग खुले रहे भैने वर्ष 84 में इष्ट रमीड़ि की परीक्षा भी उत्तीर्ण कर ली है। और अब स्नातक की तैयारी कर रहा है।

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

अशा है कि मेरी प्रार्थना पर सहानुभूमि पूर्व विभार किया जायेगा।  
सम्मान सहित,

प्राची

## (चन्द्र प्रकाश )

रिकार्ड कीपर

स्ट्रेसफ्रेस व्यक्तिगत नं 0 06/7011

ਸੀ0 ਰੀ0 ਡਬਲੂ0 ਲਾਭਨਾਲ

दिनांक 21-8-85

सत्य पत्रिलिपि

=====  
True Copy Attested

Sara  
Delvalé

इन दी सेन्टल रडिमिनिटिव ब टिक्यूनल रडीशनल बैच

ऐनक्वर नं० ६

इन

इन क्लैम पेटीशन नं० ..... आष्ट । १९८८

जिला- लखनऊ

चौड़ प्रकाश ..... पेटीशन र

बनाम

दी यूनियन आफ इण्डियां रण्ड अर्द्ध ..... रेस्या०

सेवामें,

श्रीमान् महालेखाकार ( आडिट ) प्रथम

उ०प्र० इलाहाबाद ।

विषय: लिपिक वर्ग मे पदोन्नति के सम्बन्ध मे, दिनांक २०-२-८५ और  
१२४-४-८५ क्र० १७४-८५ रवं २१-८-८५ के पत्र का अनुस्मारक

महोदय,

निवेदन है कि प्रार्थी दिनांक २०-२-८५ और २१-८-८५ को अपने  
लिपिक वर्ग मे पदोन्नति हेतु पत्र दिया था परन्तु अभी तक उसका कोई  
उत्तर नही आया ।

इस कारण आपसे निवेदन है कि मै चतुर्थ श्रेणीके बेतनमान  
१९६-३-२३२ दिनांक २५-१-१९७२ को चपरासी के पद पर नियुक्ति  
किया गया था मैने इस कार्यालय मे रहते हुए इसी पह पर वर्ष १९८२  
को हाई स्कूल परीक्षा मे उत्तीर्ण भी हो गया था । द्वितीय श्रेणी मे ।

इसके उपरान्त मैने ग्रुप ''डी६'' के हाई स्कूल उत्तीर्ण  
विभागीय परीक्षा के लिए आवेदन किया था तथा मे डसपरीक्षा मे उत्तीर्ण  
भी हो गया हूँ ।

इस बीच मेरी पदोन्नति अस्थायी स्म से रिकार्ड कीपर के

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

इस संदर्भ में मुझे सह कहना हैरिक रिकार्ड कीपर के पद पर मेरी नियुक्ति अस्थायी है और मैबमी भी मुप ' 'डी ' ' में स्थायी पद पर हूँ । तथा मैने रिकार्ड कीपर के पद परं पदोन्नति के लिए अपनी सहमति नहीं दी दी ।

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

रेसीपरिस्थिति में तिपिक वर्ग में मुझे मौका न मिलना रक्षा भैंडावी कर्मचारी के हित में न होगा । यदि तकीनीकी आधार पर तिपिक वर्ग में पद्धोन्नति के लिए मुझे रिकार्ड कीपर का पद छोड़ना पड़े तो मैं इसके लिए तैयार हूँ । इसी प्रार्थना पत्र को हमारी प्रार्थना माना जाए ।

अशा है कि ऐरी प्रार्थना पर सहानुभूमि पूर्वक विचार किया जाये गा।  
सम्मान सहित,

प्राची (

( चन्द्र प्रकाश )

## रिकार्ड कीपर

व्यक्तिगत नं० ०६/७०१७

सी० र० ड० ल० लखनऊ

DI 0 24-10-85

## सत्यमांक्रितलिपि

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*S. L. Warren  
Attala County  
Mississippi*

इन दी सेन्ट एडमिनिस्ट्रेटिव ट्रिब्यूनल संशानत बैंच  
रनेक्चर नं०७

इन

इन क्लेम पेटीशन नं० ..... आफ। १९८८

जिला- लखनऊ

चन्द्र प्रकाश ..... पेटीशनर  
बनाम

दी यूनियन आफ इण्डियां रण अदर्श ..... रेपा०

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सेवामें,

श्रीमान् प्रिसिपल स्काउटें जरनल साहब

प्रधम उ०प्र० इलाहाबाद ।

द्वारा शिकायत पेटिका

विषय:- प्रार्थी के विभागीय परीक्षा प्राप्त करने के फलस्वरूप लिपिक वर्ग  
में प्रोन्नति के सम्बन्ध में ।

आदरणीय महोदय,

सविनय न्द्रिय है कि प्रार्थी दिनांक २५-११-७२ से  
श्रीमान् जी के अधीनस्थ कार्यालय में चतुर्थ श्रेणी कर्मचारी के पद पर  
क्रमस्वरूप नियन्त्रक कार्यरत है । प्रार्थी का कार्य सदैव उत्तम रहा है । तथा  
कार्य की प्रशंसा नियन्त्रक सभी अधिकारियों ने की है ।

सन् १९८२ में प्रार्थी ने हाई स्कूल तथा १९८४ में  
इण्डिस्ट परीक्षा कार्यालय से बकायदा अनुमति लेने के पश्चात सम्मिलित  
होकर पास कर ली है । जिसकी सूचना कार्यालय को भी विधिवत सम्या  
नुकूल की थी ।

मे १९८४ की विभागीय परीक्षा लिपिक वर्ग में प्रोन्नति के लिए

*Shrivastava*

कार्यालय द्वारा आयोजित विधिवत अनुमति प्राप्त करने के पश्चात समिलत हुआ था और उसमें कार्यालय विवृति अक्टूबर 1984 के द्वारा प्रार्थी उत्तीर्ण घोषित हो क्या गया। प्रार्थी का नं 05 पर उपरोक्त विवृति में नाम अकित कर्णाय गया है। यह बताना आवश्यक है कि प्रार्थी के साथ जिन अन्य मुप 6 'डी' कर्मचारी जो विभागीय परीक्षा प्रार्थी के साथ पास की है, और प्रार्थी के सभी जीनियर हैं। उनकी पदोन्नति लिपिक पद पर कर दी गयी है। परन्तु प्रार्थी की प्रोफेन्टि अभी तक अकारण लिमिट चली आ रही है।

इसी बीच में यह बताया भी उचित होगा कि प्रार्थी (मार्च 84) से अडिट स्क्रिंग से वाईफरवेशन के उपरान्त सी 0 80 2500 लखनऊ में ही नियुक्त किया गया है। इसी बीच प्रार्थी को रिकार्ड कीपर के पद पर 14 अगस्त 1984 को नियुक्त आदेशानुसार प्रोफेन्टि किया गया।

प्रार्थी अपनी सेवा योगदान बराबर करता रहा और नवम्बर 1984 से रिकार्ड कीपर पद की वेतन देनी क्षम्भि= 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 वर्षी अपनी स्नातक परीक्षा में कानपुर विश्वविद्यालय से समिलत हुआ है।

प्रार्थी निस्तर 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 वीरष्ट छपमाहालेखाकार 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 भयभिन्न है कि उसका भविष्य परिव्रम करने और योग्यतार्थ ग्रहण करने के उपरान्त भी अन्धकार की ओर जा रहा है। और विवस 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 अदेश जारी किये जाने की महान् अनुकम्भा करें। प्रार्थी तथा उसके परिवार के सभी सदस्यगण आपकी इस महान् कृपा के लिये जीवन पर आमारी होंगे।

आशा ब्राह्मण आप का सेवक

( चन्द्र प्रकाश )

स्थायी वर्ग "ध"

व्यक्तिगत नं 006/7017

कार्यालय महालेखाकार उ०प्र० (आडिट)

सी० रु० ५५० १४ विधान सभा मार्ग

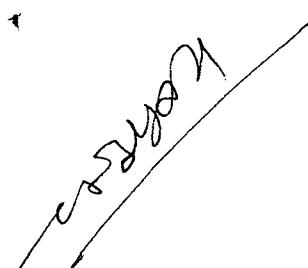
सहकारित भवन दिवतीय लखनऊ

सत्य प्रतिलिपि

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Paray  
Advocate

  
Paray  
Advocate

इन दी सेन्टूल रडीमिनिस्ट्रिटिब दिव्यनल रडीशनल बैच  
रनैक्य र न०८

इन

इन क्लेम पेटीशन नं० ..... अफ 1988

लिला - लखनऊ

चन्द्र प्रकाश ..... पेटीशन र  
बनाम

दी यूनियन अफ बैंडियां एण्ड अर्द्धा ..... रेस्या०

सेवा में,

श्रीमान् महानेष्ठाकार ( अडिट ) प्रथम

उत्तर प्रदेश इलाहाबाद।

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

महोदय,

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

इस कारण आपसे निवेदन है कि मै चतुर्थ श्रेणी के वेतनमान  
196-3-232 मिमांक 25-11-72 को चपरासी के पद पर नियुक्त किया  
गया था मैने इस कार्यालय मे इसी पद पर रहते हुये वर्ष 82 मे हाई  
स्कूल परीक्षा क्रितीय श्रेणी मे उत्तीर्ण किया हूँ।

इसके उपरान्त मैने मूप "डी" के हाई स्कूल उत्तीर्ण  
विभागीय परीक्षा के लिए आवेदन किया था तथा मै उस परीक्षा मे उत्तीर्ण  
भी हो गया हूँ।

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

MS/200  
Sany

परीक्षा के द्वारा पदोन्नति का लार्ग क्षण कर दिया है।

इस संदर्भ में मुझे यह कहना है कि रिकार्ड कीपर के पद पर मेरी नियुक्ति आस्थामी है और मेरी 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। जिससे इस विभाग में और आगे पदोन्नति के लार्ग 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 केलर तैयार हूँ। इसी प्रार्थना पत्र को हमारी सहमति मानी जाएगी जरूर।

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

प्रार्थी

(चन्द्र प्रकाश)

रिकार्ड कीपर

प्रतिलिपि अग्रसारित:-

महालेखाकार (आडिट) उ०प्र०० लखनऊ।

प्रार्थी

(चन्द्र प्रकाश)

रिकार्ड कीपर

व्यक्तिगत न००६/७०१७

दि ० १८-११-१९८५

सत्य प्रतिलिपि

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S. L. Arora Advocate

इन दी सेन्टल रडीमिनिट्रोटि ब दिव्यूनल रडीशनल बेंच  
स्नैक्वर नं० ९

ੴ ਸਤਿਗੁਰ

हमी व्हेम पेटीशन नं० ..... जाफ । १९८८

## जिला- लखनऊ

बनाम

दी यूनियन आफ इण्डियां रण्ड अदर्दी ..... रेस्या०

सेवामें

श्रीमान् महालेखाकार ( अडिट ) प्रथम

## उत्तर प्रदेश इलाहाबाद

द्वारा :- उचित माध्यम

विषय:- लिपिक वर्ग मे पदोन्नति के सम्बन्ध मे , 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 तातो में अपनी लिपिक वर्ग में पदोन्नति के लिये पत्र दिया था, परन्तु अभी तक उसका कोई उत्तर नहीं आया है।

इस कारण अपसे निवेदन है कि मुझे चतुर्थ श्रेणी के वेतनमान में दिनांक 25-11-72 को चप रासी के पद पर नियुक्ति किया गया था भेने इस कार्यालय में रहते हुए वर्ष 1982 में हाई स्कूल परीक्षा दिवतीय श्रेणी में उत्तीर्णकिया हूँ।

इसके उपरान्त मैंने हाई स्कूल उत्तीर्ण विभागीय परीक्षा के लिए अवैदन किया था । मैं उस परीक्षा में उत्तीर्ण भी हो गया हूँ । इस बीच मेरी पदोन्नति अस्थायी स्थ से रिक्वर्ड कीपर के पद पर हो गयी है । और आपने कार्यालय अवैश द्वारा मेरा विभागीय परीक्षा के द्वारा पदोन्नति का मार्ग क्षण 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 स्थान पर अपनी सहमति नहीं दी दी।

बहने इस पद पर रहते हुए मैं केवल लिपिक वर्ग में ही अपनी पदोन्नति चाहता हूँ। जिससे इस विभाग में और आगे पदोन्नति का मार्ग छुला 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 लिये तैयार हूँ। इसी प्रार्थनापत्र को हमारा सहमति का पत्र माना जाये।

आशा है कि मेरी प्रार्थना पर सहानुभूमिपूर्व विचार किया जायेगा।  
प्रार्थी

## (चन्द्र प्रकाश)

## रिकार्ड कीपर

प्रतिलिप अगस्तीरः - महालेखाकार ( अर्डि ) ॥ ३० प्र० लखनऊ

प्रथा

(सन्दू प्रकाश)

दिनांक 20-12-85

व्यक्तिगत नं० ०६/७०।७

True Copy Attested  
S. Lawyer School

सत्य प्रतिलिपि

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इन दीसेन्ट रडी मनिस्ट्रैटिव दिव्यूनल रडीशनल बैंच  
रनेक्चर नं 010

इन

इन क्लैम पेटीशन नं 0 ..... अफ 1988

जिला- लखनऊ

चन्द्र प्रकाश ..... पेटीशन र  
बनाम

स्ट्रीलेस्टर्स दी यूनियन अफ इण्डियाव्हार्ड अदर्श ..... रेस्ट०

कार्यालय महालेखाकार (आडिट)। उत्तर प्रदेश इलाहाबाद

सं ० म० ल० ० / ल० ० प० / प्रथम / १२-११/२१९९

दि ० ९-१-८६

श्री चन्द्र प्रकाश

(रिकार्ड कीपर)

द्वारा कार्यालय महालेखाकार (लेखापरीक्षा) (१)

सी० र० ३३०

१४: विधान सभा मार्ग, सहकारता भवन

लखनऊ।

विषय :- विभागीय परीक्षा प्राप्त 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 स्तर में कार्यस्त हो। आपने, जैसा कि पूर्व में अपनी इच्छा भी  
व्यक्त की थी, एक प्रार्थना पत्र प्रशासन को प्रेषित करें जिसमें यह इगत  
हो कि आप अपनी स्कैचा से रिकार्ड कीपर के पद से चतुर्थ श्रेणी कर्मचारी  
के पद पर अवनति (रिवर्सन) के हेतु इच्छुक हैं।

सहायक लेखापरीक्षा अधिकारी

इन दी सेल्स रडिमिनिस्ट्रिट ब ट्रिब्यूनल रडिशिल बैंच  
रनेस्टर नं० ।।

इन

इन क्लैम पेटीशन नं० ..... आफा १९८८

जिला- लखनऊ

चन्द्र प्रकाश ..... पेटीशन र  
बनाम

दी यूनियन आफ इण्डिया स्टड अर्द्ध ..... रेस्पा०

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सेवामें,

श्रीमान् महालेखाकार उ०प्र० ( अ०डिट ) प्रधाम

इलाहाबाद

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

आदरणीय महोदय,

आपके अधीनस्थ सहायक लेखा परीक्षा अधिकारी प्रशासन  
के उपरोक्त विषयक पर जारी पत्र संख्या नं० म०ल० / ल०प०/प्रधाम  
१२-११-२१९९ दिनांक ९-१-८६ के सम्बन्ध में तारतम्य में मुझे यह  
भादेश दिया गया है कि मैं एक प्रार्थना पत्र प्रशासन को यह इगत  
करते हुए की मैं अपनी स्वेच्छा से जैसाकि मैंने पूर्व में भी अपनी इच्छा  
प्रशासन को कीमत्यक्त कर चुका हूँ । रिकार्ड कीपर के पद से चतुर्थ  
श्रेणी कर्मचारी के पद पर सम्झा जाये । जिसकाकि मैं इसलिए इच्छुक  
हूँ मेरे विभागीय परीक्षा उत्तीर्ण 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 होऊ । यह मेरा उपरोक्त आधार पर स्वेच्छा पत्र माना जावे ।

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

Shenz

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH, ALLAHABAD

## ANNEXURE-12

In

CLAIM APPLICATION NO. OF 1988

DISTRICT: LUCKNOW

## //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. C.A.W./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.

2. He was permitted to appear in High School and thereafter in Intermediate examination by Audit Officer(Admn.), Office of the A.G.II, 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  
xxxxxxxxxxxx  
Audit Officer/Admn.

*True Copy Verified*  
True Copy // True copy//  
*S. Srivastava  
Advocate*

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इन दी सेन्टल रडिमिनिस्ट्रिट ब ट्रिब्यूनल रडीज़ानल बेंच  
स्नेक्यर नं० १३

इन

इन क्लैम पेटीशन नं० ..... आफ १९८८  
जिला- लखनऊ

चन्द्र प्रकाश ..... पेटीशन र  
बनाम

दी यूनियन आफ इण्डिया स्कूल अदर्श ..... रेसा०

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सेवामें,

श्रीमान् महालेखाकार ( उ०प्र० )

आडिट प्रथम

इलाहाबाद

विषय :- हाई स्कूल पास वर्ग ''घ'' कर्मचारी का लिपिक वर्ग परीक्षा १९८४ मे उत्तीर्ण करने के बाद लिपिक वर्ग मे पदोन्नति हेतु दिनांक २८-११-८६ का अनुस्मारक पत्र ।

महोदय,

निवेदन है कि प्रार्थी ने वर्ष १९८४ मे हाई स्कूल परीक्षा उत्तीर्ण वर्ग ''घ'' कर्मचारी से लिपिक वर्ग मे पदोन्नति के लिए प्रार्थनापत्र किया था, और विधिवत अनुमति के बाद परीक्षा मे कैठा है, और परीक्षाफल अने पर उत्तीर्ण भी हुआ है। परन्तु अभी तक प्रार्थी की पदोन्नति लिपिक वर्ग मे नहीं हुई है। इसे संक्षय मे कई प्रार्थनापत्र पहिले भी दे चुका हूँ। जिसका मुझे कोई उत्तरनहीं मिला है।

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

नोट :- प्रार्थी का कर्म १९८४ मे घोषित परीक्षा फल मे क्रमांक ५ पर नाम

15/10/87  
Sarz

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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.

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Satish Loomba Office of The  
Dy. Accountant General Accountant General (Audit) II, UI  
Sahkarita Bhawan  
14-Ksahan 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

-2-

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 Attested

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Advocate

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इन दी सेंटल रडीमिनिस्ट्रिट ब दिव्यूनल रडीशनल बैच  
रनेक्वर नं० 15

इन

इन क्लैम पेटीशन नं० ..... आफ 1988  
जिला- लखनऊ

चन्द्र प्रकाश ..... पेटीशन र  
बनाम

दी यूनियन आफ इण्डियाँ रण्ड अर्द्ध ..... ०० रेस्या०

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सेवामें,

श्रीमान् भारत के नियंक महालेखा परीक्षक,

10- बहोदर शाह जफर मार्गः

नई दिल्ली।

उचित माध्यम द्वारा खं एक अग्निम प्रतिलिपिस्वर्य  
विषयः - प्रार्थी द्वारा वर्ष 1984 मे विभागीय प्रतियोगी परीक्षापास  
करते के बाद भी अभी तक लिपिक वर्ग मे पदोन्नति न करने के  
सम्बन्ध मे ।

महोदय,

निवेदन है कि प्रार्थी महालेखाकार, उत्तर प्रदेश आर्डिट -2 14  
विधान सभा मार्ग, लखनऊ कार्यालय मे चपरासी के पद पर २५ नवम्बर  
1972 से कार्यरत है। कार्यालय मे चपरासी के पद पर कार्य करते  
हुए मैंने हाई स्कूल, 1982 खं इट रमीडिस्ट की परीक्षा, 1984  
मे पास की। तत्पश्चात विभाग द्वारा जायीजित लिपिक वर्ग मे पदोन्नति  
हेतु प्रतियोगी परीक्षा वर्ष 1984 मे कार्यालय द्वारा विधिवत अनुमति के  
बाद उत्तीर्ण हुआ। परीक्षाफल मे हेत्केर करके प्रार्थी से सभी  
जूनियर लोगो को अब उत्तीर्ण करके परीक्षाफल घोषित किया गया। प्रार्थी जब  
इस सम्बन्ध मे 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 परीक्षितो को लाभ पहुचाने के उद्देश्य

1980/01/01  
Signature

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 निन दिनांक 20-2-85, 14-4-85, 21-8-85 18-11-85, 20-12-85, 9-1-86, 28-11-86 और 20-3-87 को पत्र दिया तथा ₹0जी0 आडिट -2 से वरिष्ठ उप महालेखाकार महोदय ने भी दो अर्धशासकीय 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 सीदग्ध प्रतीत होती है।

प्रार्थी इस कार्यालय में 15 वर्ष से पूर्ण निष्ठा से कार्यरत है और वर्ष 1984 में क्रियाग्रीय परीक्षा भी पास कर चुका है। अ चैरने पंजी में भी कोई प्रतिकूल प्रतिवेदित नहीं है जो पदोन्नति में बाधक हो सके। अतः अपना भविष्य अन्धकार में जानकार और कार्यालय के उपेक्षापूर्ण व्यवहार से तंग लाकर परीक्षाफल की रुक्क फोटो स्टेटकापी संतुलन करके अपकी सेवा में प्रार्थना पत्र प्रस्तुत कर रहा हूँ। अशा करता हूँ कि आप श्रेष्ठ न्याय करके प्रार्थी की पदोन्नति लिपिक वर्ग में करने की कृपा करेंगे। साथ में प्रार्थी की वरिष्ठता क्रम का ज्ञान रखते हुए न्याय करने की महान् कृपा करें। इसके लिए मैं और मेरे बच्चे आपके आजीवन आमारी रहेंगे।

प्रार्थी

( चन्द्र प्रकाश )

वर्ग ' 'ध' '

ब्यक्तिगत नं 0 06/7017  
प्रतिलिपि महालेखाकार, उत्तर प्रदेश प्रथम आडिट, इलाहाबाद प्रतिलिपि प्रमाणालेखाकार, उत्तर प्रदेश आडिट -2 लखनऊ  
दिनांक 9-7-87 चन्द्र प्रकाश

True Copy *MS*  
*James Radhakrishna*

प्रशासन / हिन्दी / 36, 37, 38 दिनांक 9-7-87 सी० र० सी०

सत्य प्रतिलिपि

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH, ALLAHABAD

....

ANNEXURE '16'

In  
Claim Application No. of 1983  
Mr. ...  
District: Lucknow.

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.

*✓ 20.3.87*

*Chandra Prakash*

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

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. 0/0 the AG(Audit), II, 14, Vidhan Sabha Marg, Sahakarita Bhawan, Lucknow.
2. The AO/Admn., 0/0 the AG(Audit) I & II, Allahabad.
3. The AAO/Exam. Section.
4. Shri Chandra Prakash, Gr. 'D', 060 the A.G. (Audit), II, 14, Vidhan Sabha Marg, Sahakarita Bhawan, Lucknow.

Sa/-S.K.Matra

( S.K.Maitra )

Audit Officer/Exam.

True. (copy Attested) //True copy //

Carry photo album

A/60  
51

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH, ALLAHABAD

ANNEXURE 17

In  
CLAIM APPLICATION NO. OF 1983  
DISTRICT: LUCKNOW

Chandra Prakash . . . . . Applicant

//Versus//

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

..... respondents.

....

OFFICE OF THE ACCOUNTANT GENERAL(AUDIT), I, 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 ab initio 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.) along with 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) III, Vidhan Sabha Marg, Lucknow.

5. Personal File of Sri Chandra Prakash, Group 'D'.

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

// True copy //

True Copy Attested

S. Narayana Reddy

ਇਨ ਦੀ ਸੰਕੁਲ ਰਾਮਿਨਿਦ੍ਰਾਈ ਵ ਦਿਵ੍ਯੂਨਲ ਰਵਾਨਲ ਕੇਂਦਰ  
ਸਨੈਕਚਰ ਨੰ ੧੮

੩੮

## ਜਿਲਾ- ਲੁਧਿਆਣਾ

चन्द्र प्रकाश ..... पैटीशन ८

बनाम

दी यूनियन आफ इण्डिया रण्ड अदर्श . . . . . रेस्टां

सेवायें.

श्रीमान् महाश्वेताकार् ।

लेखा परीक्षा प्रथम, ३०प०

इलाहाबाद

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

द्वारा उचित माध्यम

महोदय

प्रार्थी की नियुक्ति वर्ग ''ध'' के पद पर दिनांक 25-11-82 को इस कार्यालय के इताहा बाद अफिस में हुई थी तब से आज तक विना किसी अवरोध के निष्ठापूर्वक सेवा करता आ रहा है। प्रार्थी को विभागीय प्ररक्षा पास करने के उपरांत लिपिक के पद पर प्रैन्सिपल के लिए उस परक्षा फल को अब साढे तीन वर्ष बाद निरस्त करने का जो आदेश अब प्राप्त हुआ है वह सही नहीं है, जैसाकि निम्न तथ्यों से स्पष्ट है :-

(1) प्राई ने हाई स्कूल परीक्षा मर्च 82 और इष्ट रमीडिस्ट परीक्षा मर्च 84, कार्यालय की अनुमति लेकर उत्तीर्ण की है और उसकी सूचना कार्यालय को दिनांक 7-12-82 को दी जा चुकी है ( पी0सी0अनुभाग) डायरी नं 2308 दिनांक 7-12-82 इष्ट रमीडिस्ट की परीक्षा में

सम्मिलित होने के लिए अनुमति दिनांक ९-३-८४ ( सी०४०३०८०० / रडमिन परमिशन ६७८ दिनांक ९-३-८४ ) की जब मिली तो यह स्वतः सिद्ध हो जाता है कि प्रार्थी हाई स्कूल इसके पूर्व उत्तीर्ण हो चुका है इसके पश्चात इस्टर पास होने की भी सूचना अगस्त १९८४ में दी जा चुकी है ।

२- विभागीय परीक्षा में बैठने का प्रार्थना पत्र कार्यालय द्वारा दिनांक १०-८-८४ को इलाहाबाद आफिस को भेजा गया था ।

३- विभागीय परीक्षा जो प्रार्थी १९-९-८४ की उत्तीर्ण की है उस समय तक प्रार्थी न कि हाई स्कूल बल्कि इस्टर भी उत्तीर्ण हो चुका था ।

४- इसी अवधि में प्रार्थी को दिनांक १४-८-८४ से रिकार्ड सार्टर के पद पर विना किसी प्रार्थना रखने सहमति के प्रोन्नति कर दिया गया था जबकि कार्य वस्तुतः वर्ग ''ध'' का ही लिया जाता है तो हाहा है माह सितम्बर ८४ तक का बेतन वर्ग ''ध'' का ही दिया गया है ।

५- जबकि उसी परीक्षा में उत्तीर्ण अन्य वर्ग ''ध'' 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 कदोन्नति होनी चाहिए तो कार्यालय के अदिश सं० स०८०८००/८०४००/प्रथम / १२११/२१९९ बिंक ९-१-८६ के द्वारा यहकहा गया कि लिपिक वर्ग के पदोन्नति के लिए रिकार्ड सार्टर के पद से अवनति ( रिवर्सन ) लेनी पड़ेगी जिसके अनुपालन में मैने पदभवनति ले ली किन्तु फिर भी लिपिक वर्ग में प्रोन्नति न करने की प्रशासन की हठबादित को देखते हुए प्रार्थी ने पुनः ९-७-८७ को सक अनुसारक दिया । लिपिक वर्ग में प्रोन्नति देने के बजाय नवम्बर १९८४ के घोषित परीक्षाफल को दोबारा दिनांक २९-१०-८७ को घोषित किया गया जो कि महालेखाकार द्वारा बहुत सोच समझकर जारी किया गया है । अब दिनांक १३-१-८८ के अदिश सं० वीरच उप महालेखाकार ( प्रशासन ) सी०४-१०५/७३६ दिनांक १३-१-८८ के अनुसार यह परीक्षाफल निरस्त कर दिया गया और पदोन्नति हेतु पुनः आगामी परीक्षाओं में

मेरे बैठने के लिए कहा जा रहा है जो कि सर्वधा अनुचित रवं अमानवीय है।

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

7- चूंकि प्रार्थी एक हाई स्कूल पास वर्ग "घ" कर्मचारी था जिसकी की प्रोन्नति रिकार्डसार्टर के पद पर विना किसी प्रार्थना पत्र के कर दी गई जिसे प्रार्थी ने सशर्त स्वीकार किया था पुनः इच्छा कार्यालय के संकेत पर प्रार्थी ने पदोन्नति स्वीकार इस अशाय से की थी थी कि उसे लिपिक वर्ग में प्रोन्नति कर दिया जायेगा जिसका कि अश्वासन बार बार दिया जाता रहा है।

कार्यालय को जो अदेश दिनांक 13-1-88 की परीक्षाफल निरस्त करने के लादेश हुए है वह हठवादिता पूर्ण है। प्रार्थी के जूनियर्स को पदोन्नति दे दी गई है जबकि नियमानुसार सबसे प्रथम प्रार्थी की पदोन्नति होनी चाहिए थी उपर्युक्त तथ्यों को देखते हुए प्रार्थी के अधिकारों का हनन किया गया है और विभिन्न प्रकार से मानसिक अर्थीक रवं सामाजिक प्रतिष्ठा की हाँन पहुंचाई गई है। समय समय पर विभिन्न अदेश पारंत करके प्रशासन ने प्रार्थी को गुमराह किया है। सीविधान 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 सैवेधानिक अधिकारों को प्राप्त करने रवं क्षतिष्ठूर्त हेतु न्यायालय की शरण लेने को बाध्य होगा जिसका कि समस्त उत्तरदायित्व प्रशासन का होगा।

प्रार्थी

(चन्द्र प्रकाश)

वर्ग "घ"

बक्तिगत नं 006/7017

कार्यालय महालेखाकार उम्प्र०  
विधान सभा मार्ग लखनऊ

True Copy Attest  
दिनांक 21-1-88

— Suresh Daredkar



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### वकालतनामा

## हाईकोर्ट ऑफ जूडिकेचर एट इलाहाबाद

इलाहाबाद

रिट्रिवील *Claim Petition No* of 1988  
नम्बर सन् १६ जिला

निगरानी

*Chander Prakash*

वादी प्रतिवादी

अपीलान्ट

बनाम

*Union of India through Accountant वादी प्रतिवादी*

*General (Andhr) I P. & others रेस्पान्डेन्ट*

मैं *Chander Prakash &/o Raja Kamal*

कि *Office of the Accountant General (Andhr) II, SP*

14- मैं *Vithan Sabha Marg Sahakaria Bhawan* *Second Floor, Lucknow*

उपरोक्त प्रकरण — अपनी ओर के पक्ष समर्थन के हेतु

हम

श्री *GOVIND SARAH*, एडवोकेट

*301, Baghbanpur Aza Yojna, Aligarh, Alld*

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 वह अधिकार देता हूँ/देते हैं कि इस मुकदमे में वह मेरी ओर से पैरवी आवश्यक सवाल पूछें जबाब 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 रूपया व खर्च व हरजाने का रूपया व किसी तरह का रूपया जो अदालत से मुझे/हमें मिलने वाला हो तो वसूल करें। मेरी/हमारी ओर से अदालत में दाखिल करें। कोर्ट फीस व स्टाम्प देवें या वापिल लेवें रसीद लेवें व प्रमाणित करें। नकल प्राप्त करें अदालत की अनुमति से मिलिल का मुआइना करें आवश्यकता होने पर मुकदमा स्थापित करावें व मुकदमे के सम्बन्ध में दूसरे काम काज जो जरूरी समझे 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।

तारीख

माह

सन् १६

स्वीकार है।

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH

AT ALLAHABAD.

\*\*\*\*\*

CIVIL MISC. APPLICATION NO. \_\_\_\_\_ OF 1988;

On behalf of the respondents.

..... 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.

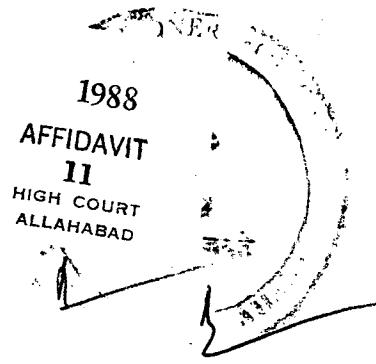
PRAYER

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

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



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 P. K. 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

Emore, 2nd, Allahabad

Mukhopadhyay

(2)

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

*Subhagopal*

(3)

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.

Lokeshwar,

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

*Unnophary*

(5)

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

*Amritkumar*

(6)

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-

Amalchandra, a/c

AFY

(7)

-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 Matricula-  
tion 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 Administra-  
tive 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

Subhadeep Agarwal

AP/5

(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 his name 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

Anil Kapoor

(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 ~~XXXXXXXXXX~~ 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

Mulholland, Jr.

10

A77

(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

*Malhotra*

A78

(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 ~~xxxxxxxxxx~~ 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)

*ankhupai*

A2A

(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 ~~xxx~~ 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,

*Abdul Karim*

48

(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 notto suffer lossof 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.

Bhupinder Singh

401

(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.

Anil Chaturvedi

A82

(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.

Anil Chander

(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

(17)

are true to my personal knowledge; those of  
para nos. ✓ 4028, 22 to 33

of this affidavit are based on perusal of record;  
those of paras nos. 1 2 3 4

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.

(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 PK Mukhopadhyay is known to me personally.

(CLERK)

(18)

*Aug 16* 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:

*Khushwant Singh*

*(Signature)*

*11/671*

*4/8/88*

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Annexure III & C.A

स्टेट एक्सीट्रेट विभाग-1, साम सेवा  
कार्यालय ।

दोस्रो नंबर 103-IV-105/691 तिथि : 6-11-84

प्राप्तिकर्त्ता की एक विवर दिलाते हुए "ET" लिखा है।  
विवर लिखा हुआ गया है तो कि दिन 19, 20 अगस्त  
22 अगस्त 1984 को द्वारा द्वारा दिलाया गया है : -

क्र. संख्या	विवर	मात्रा	मात्रा
1.	06/7117	" अमित शर्मा "	I
2.	06/7131	" रमेश शर्मा " II	IV
3.	06/7133	" यश शर्मा " III	IV
4.	06/7130	" विजय शर्मा " IV	III
5.	06/7017	" विजय शर्मा " V	IV

50/-

राजीव शर्मा ।

स्टेट एक्सीट्रेट विभाग

दोस्रो नंबर 103-IV-105/692 तिथि : 6-11-84

प्राप्तिकर्त्ता विवरों को द्वारा दिलाया गया : -

स्टेट एक्सीट्रेट विभाग, दो ग्रो, 14 विंग विभाग विभाग,  
स्टेट एक्सीट्रेट विभाग, दो ग्रो, 14 विंग विभाग विभाग ।

131 विवरों को द्वारा दिलाया गया ।

132 विवरों को द्वारा दिलाया गया ।

133 विवरों को द्वारा दिलाया गया ।

141 विवरों को द्वारा दिलाया गया ।

151 विवरों को द्वारा दिलाया गया ।

161 विवरों को द्वारा दिलाया गया ।

171 विवरों को दिलाया गया ।

6-11-84

सरो द्वारा दिलाया गया विवरों की विवरी।

OATH COMMISSIONER

11/67

निलक्षण शर्मा

Annexure 16 & C's  
Examination (54) dt 2-8-81

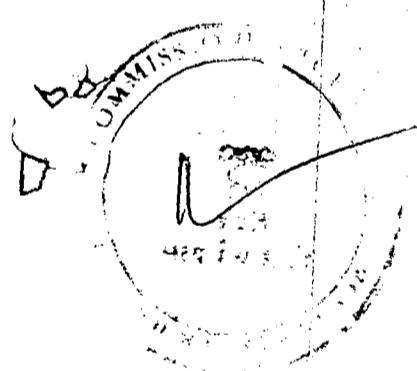
(25)

To Sri K K Agarwal  
The Audit Officer (A)  
Government of India (Audit) II  
Sect. W  
14 William Candra Marg  
Lucknow

10-2-81

Subject: Recruitment of  
Examiner for examination  
of Group 'B'

The above mentioned examinations  
will be held on 10, 11, 12, 13 and 14  
Sept 1981, for which O.O. and  
forms have already been sent  
to all concerned. Please  
inform Office about the number  
of candidates by 10.8.81. I  
request you to ~~forward~~ forward  
forward the forms immediately.  
Also, please circulate the number  
of candidates to concerned to  
appear in the above examination  
in Hindi/English by the revision of the  
~~the candidates may be~~ while  
while forwarding their  
applications if may be ensured  
that the candidates have written  
Hindi/English for Hindi/English  
proportionately in each case.



11/6/81

Yours  
M. S. J. B.  
10-8-81  
M. S. J. B.

## Annexure V & C.A.

का अर्यालय ग्रह लेखाक तर आडिट ॥ प्रथम, उत्तर प्रदेश इलाहाबाद  
का ओआ०संख्या परीक्षा/ठ-१५० दिनांक:- २५ अगस्त, १९८४  
विषय:- भैदोवुलेट समूह "ए" कर्मचारियों वे लिये सोमित्र विभागीय प्रतियोगी परीक्षा

कार्यालय के आदेश संहिता परोक्षार्थी- 1/9 दिनांक 24 मई 1984 के सन्दर्भ  
में सभी सम्बन्धित कर्मचारियों द्वारा संहिता किया गया है कि उपरोक्षा परोक्षा सिस्टम्बार  
1984 में किसी समय होगा। इस परोक्षा में ऐसे समूह "घ" कर्मचारी जो बैट्टी कूलेट हैं जो र  
जिन्होंने सिस्टम्बार माह की पहली तिथि को पूर्ण वर्ष की नियन्त्रण लेवा पूरी कर ली  
बैठ सकते हैं।

→ निम्नलिखित लिखायें में सम्बन्धित तीन लिखित प्रश्नपत्र हों।

- 1- अग्रीजी/हिन्दी
- 2-गणित और सारणीयन

३ सामान्य ज्ञान और कार्यालय क्रिया विधि

838 इस परीक्षा के लिखित प्रश्न पत्रों के साथ साथ टक्कण परीक्षा नहीं आयीं जित की जायेगी। ग्रन्थालेट जूहे "घ" की सारी वर्तमान रोपाहसे या पराहसा की बाब्त किसी समय टक्कण परीक्षा दे सकते हैं। इस परीक्षा के लिखित प्रश्न पत्रों में उत्तीर्ण होने की बाब्त के पदोन्नति के पावृत्तों जारी, लधापि जिस उत्तराद्वारा ने लिपिक के रूप में अपने पदोन्नति को तारोख को टक्कण परीक्षा उत्तीर्ण नहीं की है, उसे पदोन्नति को रारोछ में दो लघों के भावाद टक्कण परीक्षा उत्तीर्ण करना होगा। ऐसा न करने पर वह सूह "घ" के पाव पर प्रस्थापित धर दिया जायगा।

४४ पराक्रांतीर्ण करने के लिये अवसरों को अधिकतम लेंया चार होगा और किसी भी दशा में और कोई अवसर नहीं दिया जाया । अनुकूल चार ~~प्र~~ अवसरों को आधार के लिये पहले लिये गये अवसरों को भी हिसाब में लिया जाया ।

४४ इस ५८१०। अक्षय विहित सौलग्न प्रमद्वा को भर घर । ०८-१९८८  
लंक अपना अवेदन पत्र परिक्षा विभाग में भेजा। ऐसे प्राप्त दृष्टि आवेदन पत्र पर किंवा  
किंवार नहीं किया जाया।



उमीदों के लिए लिखा जैसा अपना अपना अपना अपना अपना

Annexure VI & C.A  
मानविकास विभाग (विकास विभाग) I 3040 95  
संग्रहालय विभाग (विकास विभाग) 11-84  
सं. व. 30 अ. (प्र.) | C-IV-105 | 691 दिनांक 6 - 11-84

मिशनालीला को "व" कामचारी भट्टीचुले  
मुख्य "व" अधिकारी विभाग विकास विभाग  
परिवर्ती विभाग विभाग 11, मानविकास विभाग  
1984 को दुर्लभ आ, साफल घोषित हुये हैं।

मानविकास विभाग विभाग	नाम
06/7121	श्री अर्जुन शर्मा
06/7141	“ रम बहादुर यादव
06/7133	“ अश्व नारायण
06/7130	“ विजय बहादुर यादव
06/7017	“ विजय यादव

मिशनालीला विभाग विभाग (विकास विभाग)  
परिवर्ती विभाग विभाग 11, मानविकास विभाग (विकास विभाग)  
सं. व. 30 अ. (प्र.) | C-IV-105 | दिनांक - 11-84

मिशनालीला विभाग विभाग को घोषित होते हैं।

- (1) महालोकार्य (आईटी) व, 30 अ. 14 विवाहित संग्रहालय विभाग
- (2) सभी ग्रन्थ आवधिकारी।
- (3) लोगोपत्रिका उपस्थिति कार्यालय (प्रशासन), 30 अ. (आईटी) विभाग।
- (4) लोगोपत्रिका उपस्थिति कार्यालय (सामाजिक विभाग)
- (5) ग्राम पंचायती, को "व" कामचारी।
- (6) सभी घोषित समूद्र "व" कामचारी।
- (7) ~~सभी घोषित समूद्र "व" कामचारी।~~
- (8) ~~सभी घोषित समूद्र "व" कामचारी।~~

11/671

लक्ष्मपालग्राम

31/12/96 6/1  
वा. 350 (पर्सी)  
मुख्यमन्त्री (विभाग)

Ranu

Annexure VII test

85

એટાની અનુભૂતિ નેત્તી એવી હોય કે એટા ગેરે  
અનુભૂતિ નાથી

ફોર્મ પ્રાપ્તિ પ્રોફેશનલ પ્રોફેશનલ - 100/1000 પ્રોફેશનલ 100-2=1000

એ પ્રાપ્તિ ને અને પ્રાપ્તિ પ્રોફેશનલ - 100/1000  
એ પ્રોફેશનલ 6-11-85 નાથી એ નાની એવી હોય કે એ  
એવી પ્રાપ્તિ એવી કે એ એની એવી એવી એવી એવી  
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R. B. Yodhan  
29-2-85

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Annexure VIII & C.A.

OFFICE OF THE COMPTROLLER & AUDITOR GENERAL OF INDIA :  
10- BALADUR CHAI ZAFAR NIA BG,  
NEW DELHI-110 002.

No: 3945-N.2/74-83

GENERIC NO: DCE/66/1003

Dated: 16.12.1983

32  
R.D.P.

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

(S English)

Subject:- Cadre Review of Group 'D' -> Promotional avenues of Group 'D' staff -> Cadre of Rec. sorters.

SIR,

I am directed to advise that the question of improving the promotional avenues of Group 'D' staff in T.A.S.A.D. has been under consideration for sometime 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-promoted) will be created from 1.3.1984 as per details given below:-

- (i) 10% 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.O.M. Division will identify further posts in UDC/Clerks' cadre for being upgraded by record sorters.
- (ii) Any Group 'D' employee with the minimum educational qualification of matric pass and 7 years of service as regular Group 'D' employee will be eligible for appointment as record sorters. 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 list will be constituted by a DPC to be constituted by the Head of Department with the Sr.DAG/DAG(Admin)/Joint Director/Deputy Comptroller and another Group 'A' officer and a senior Accountant Officer/Audit Officer. At least one member of the DPC should belong to SC/ST.
- (iv) For the limited purpose of promotion as record sorters a combined seniority list based on the length of service of the eligible Group 'D' employees will be kept.

contd.....2/2

*No action is to be taken by AGI, the cadre exists by virtue of No action. May be dilat and one copy may be given to AGI to record.*



16.12.1983

ankharparyan

Ref. Action/112468

Page 3

S. O. (R. L. L.)

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 calculate cases where employees fail to exercise option?

Whether the options are to be obtained immediately i.e. before 30th June 1984 or

iv) Whether the option referred to is available also to in-service Group 'D' staff who have passed the 'B' level examination for promotion as Clerks and are waiting for promotion and as to when they have passed this examination and promoted but yet to pass the 'A' level examination.

The option referred to in para 2 of the circular dated 16th December, 1983 will 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 keeper. The matter can be suitably incorporated in the circular for the Group 'D' employees concerned by the Head of Department. The intention is that before promotion of any Group 'D' employee as record keeper as decided, all options should be obtained and the seniority list prepared so that there is no conflict between record keeper of any individual. Refusal and the same should be obtained as to be prescribed by the Accountant General/Director.

Yes.

This version will soon be circulated.

Yours faithfully,

( N. VISWANATH )  
ADMINISTRATIVE OFFICER (N)

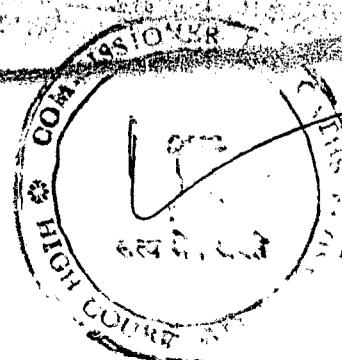
Date: 16/12/83

HO. 112-N.2/74-83.

Copy to: UD(P), UD(C), UD(Rlys), UD(Bt), NCE.I, III & IV, Complainant (2 copies), DRA (2 copies), Inspection (2 copies), Examination, O&M and O&S/DMN.

cc: 2. 21, India Non-Gazetted Audit & Accounts Association, 4wB/6 Ganga Ram Hospital Marg, New Delhi-110060.

( N. VISWANATH )  
ADMINISTRATIVE OFFICER (N)



Mukhopadhyay

Annexure IX

(32)

OFFICE OF THE ACCOUNTANT GENERAL (AUDIT)-II,  
UPPARK PRADISEE, LUCKNOW.

No. C.W./A.dmn/Exam/ 649

Dated: 10.8.1984.

To

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

Sir,

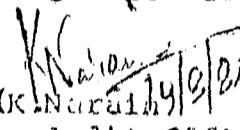
I forward herewith ~~the~~ applications of  
following Group 'D' candidates who have to  
appear in the Matriculate Group 'D' Departmental  
Examination from Lucknow Office,

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

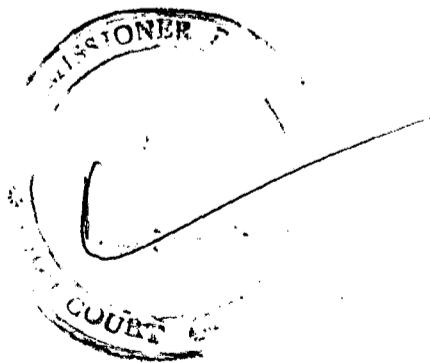
Regarding training of the Revenue Audit

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

Yours faithfully,

  
(K. Narain)  
Asstt. Audit Officer/Commr.

Enclosed 2



Abd  
4/8/88  
11/6/88

Mathopadhyay

काव्यलिय नहालियाकारुआ॒उट॑।, उत्तर प्रदेश, खलाहलाद।

र.म.ले.ले.प.प्रथम/12-11/2199

दिनांक 9.10.86

श्री न.दु.प.प्रथम

प्रथम नियम

द्वारा नियम नहालियाकारुलेखापराक्षम।।

ना. ए.उ.बू.

14, विधान नगर मार्ग, लखनऊ शहर

लखनऊ।

विषय:- नियमान्वय प्रारम्भ पारा करने के प्रस्तुत्युष्म नियमिक वर्ग में पदोन्नति। देतु।

आपको सूचित किया जाता है कि आपके प्रार्थनानुसार आपकी नियमिक वर्ग में पदोन्नति है यह आवश्यक है कि आप चतुर्थ श्रेणी के कर्मचारी के रूप में कारीगर हो। जापने, जैसा कि पूर्व में आपनी स्वेच्छा भी घ्यक्त की थी, एक प्रार्थना प्रश्न प्रश्नालन को प्रीचत करें जिसमें यह प्रश्न हो कि आप आपनी स्वेच्छा से रिकार्ड कोपर के पद से चतुर्थ श्रेणी कर्मचारी के पद पर अधनति प्रिवेन्य के देतु इच्छुक हैं।

स्व. द्वा. (3)

प्रस्तुत्युष्म नियमिक वर्ग में पदोन्नति।

MISSING  
18/8/86  
MS

11/6/1

मुख्यमंत्री

## Annexure XI & CA

१८५ श्रीमद्भागवत यजुर्वेद वात्सल्य

ମିଶନ୍ - ମିଶନ୍ରୀପ ବରୀଙ୍ଗ ପାଇଁ ଏକ ଆକାଶପାତ୍ର ମହିଳା ଏବଂ ମିଶନ୍ରୀପ ପାଇଁ ଏକ ମହିଳା  
ହାତରାଖାରୀ ଏବଂ ମହିଳାରୀଙ୍କ ମହିଳାରୀଙ୍କରେ ମହିଳାରୀଙ୍କରେ ମହିଳାରୀଙ୍କରେ

ਅਖੀਂ ਪੇਤ ਹਵਾਇਆ ਹੈ ਜੋ ਹੋਰਾਪਾ ਪਹਾ ਹੈ ਜੋ ਕੇਵਿ ਪਿਹਿਓ ਹੈ  
ਅਤੇ ਹੋਰਾਪਾ ਹੈ ਜੋ ਹਵਾਇਆ ਹੈ ਜੋ ਹੋਰਾਪਾ ਹੈ ਜੋ ਹੋਰਾਪਾ ਹੈ ਜੋ ਹੋਰਾਪਾ ਹੈ।

ਮੁਹੂ ਹਾਂ ਹੁੰਦੀ ਹੈ ਪਾ ਜੀ ਬੇਟਾ ਹੈ ਜੇ ਮਾਡੀ ਓ ਤੇ ਪਿਛੋਂ 10-  
ਅ 1984 ਅਤੇ ਅਧੀਨ ਸਿਫ਼ਰੀ ਹੁੰਦਾ ਹੈ ਜੋ ਸੁਧਾਰ/ ਮਾਡੀ । 105/69।  
ਵਿਦੇਂਦ੍ਰ 6-11-84 ਜਿਥੇ ਕਾਰਾ ਮਾਡੀ ਅਥਵਾ ਲਿਖਿਆ ਕਈ ਅ-ਨੈਂ ਸਿਹਿਕ ਹੈ ਕੇਂ  
ਕਾਨੀ ਹੀ ਲਿਖਿਆ ਹਿਰਾ ਪਾਂਹ ਹੁੰਦੇ ਹਨ ਜਿਥੋਂ ਉਥੋਂ ਪ੍ਰਾਂ ਹੈਂਦੀਂ ਕੇ ਕਾਨੀ ਹੈ ਸਿਹਿਕ  
ਓ ਨੈਂ ਮਾਡੀ ਓ ਸ਼ਹੀ ਲਿਖਿਆ ਕਿਥੋਂ ਕੇ ਕਾਨੀ ਹੈ ਜਿਥੋਂ ਕੇ ਕਾਨੀ ਹੈ ਜਿਥੋਂ

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1 АДД. ЧОТЫ 114286

માનિયિનું હુદારું એ જાતનું ઓખીતાં કે રુંગો લીધે  
બાંદું વાફાને જેતું ઓચાન જાતનું હુદારું હુદારું હુદારું । । । । હુદારું  
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**OATH COMMISSION**  
**High Court of Madras.**

S. No. 1167  
Date

anthropology

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Rao

Annexure XII to CA -

(106)

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 officer holding Record Keeper to the post of Group-D with immediate effect :-

1. Sri Chandra Prakash 06/7017

Line file A  
( R.K. MEHRA )  
Audit Officer (Admn.)

No. A.G.(Audit)-I/Admn./4-9(2)/2967 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 F.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. Admin. Cell, Office of the A.G.(Audit)-I, U.P., Allahabad.
- (8) Administration Section (posting, transfer and Graduation List Group) Office of the Accountant General (Audit)-I, U.P., Allahabad.
- (9) Admn. Section, O/C 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 person concerned.

Line file A  
( R.K. Mehra )  
AUDIT OFFICER (ADMM.)

COMMISSIONER

4-8-88

S. No.	1167
Date	
S. No.	
Date	

S. No. 1167  
Date 4-8-88

T. Chandra Prakash

Ammerwe XIII to CA- (PAW)

1

କାନ୍ତିଲିଲ ଗନ୍ଧାଲେଖାକ୍ଷାର । ଲେଖାପାରୀ କାନ୍ତିଲିଲ ପ୍ରଥମ, ଉତ୍ତର ପ୍ରଦେଶ,  
ଇଲାହାବାଦ ।

ફ.ટ.આ./મ.લે.॥લે.પ.॥પ્રદીપ/પ્રણાસબ-1/4-9/21/385

फैसला: - 17.7.84

ब्र. वर्ग. "धा" कर्मचारियों फी अद्वतन शैक्षिक योग्यता फो उन्हीं सेवा-पुरितको में अंकित  
फरबे के दृष्टिकोण से महालेखाकार लेखापरी छा। प्रथम तथा द्वितीय के फार्यालिय में फार्यरत सभी  
तीन "धा" कर्मचारियों फो एकीकृत फिल्म बनाता है कि तो ग्रामी बनी बनाम शैक्षिक योग्यता के  
प्रमाण पत्र प्रशासन, फार्यालिय महालेखाकार, प्रथम के समक्ष दिक्कांक 23.7.84 तक उपरिथत हों लेक  
ताकि उस आद्वार पर उन्हीं शैक्षिक योग्यता फो अंकन उन्हीं सेवा-पुरितको में दिया जा सके।  
उक्त दिक्कांक तक उन्हीं शैक्षिक योग्यता का प्रमाण पत्र लेखा-परी वार्षिकारी प्रशासन,  
फार्यालिय महालेखाकार प्रथम के समक्ष प्रस्तुत कर देके फी स्थिति में वर्ग "धा" कर्मचारियों फी  
सेवा-पुरितको में फुल्ल अंकित शैक्षिक योग्यता ही प्रामाणिक मानी जायगी।

३१८. वा०. महारा० १७७/४५  
आर. के. महारा० ।  
लेखापरीक्षा अधिकारी । ।

ପ୍ରଦୀପ୍ ପାତ୍ର ପାତ୍ରରେ ଏହାର ପାତ୍ରରେ ଏହାର ପାତ୍ରରେ ଏହାର ପାତ୍ରରେ

1. वरिष्ठ उप महालेखाफार॥ प्रश्नासन॥
2. सचिव महालेखाफार॥ ले.प.॥ प्रथम
3. रुक्षासन अबुभाग फायरिय महालेखाफार॥ ले.प.॥ द्वितीय
4. सर्व वर्ग घ फर्मचारी
5. गरुण युग्मी कर्मतारी रांग
6. मुच्चबा पट्ट

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11/67/1888

Indraprastha

1.1.87. AD

DAG

Annexure XIV

(148)

87

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

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

Dated 29.10.1987.

Shri Chandra Prakash Gr. 'D' (O6/7017) 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.

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

( S. K. M. )  
Audit Officer/Exco.

✓  
J. K. J. 4/8/88  
11/671

Nikhil Dugar

(A/01)

Annexure XV for

225

Sr DAG (Audit) Cell  
• CG/AG/1/168, Dy. No 564  
130/12/87  
cc. no 1424-N.2/46-87  
No

भारत के नियन्त्रक मालिकाना का विभाग,

भारत-110002

OFFICE OF THE COMPTROLLER

AND AUDITOR GENERAL OF INDIA,

(Bharat Ke Niyantak-Mabalekha

Parikshak Ka Karyalaya),

NEW DELHI - 110002

दिनांक

Dated.....

22 DLG 1987

सभा के अधीक्षक विभाग के  
प्रबन्धकालीन विभाग  
सभा के पाता : अर्जेल  
All communications should be  
addressed to the Comptroller  
and Auditor General of India.  
पाता का पाता : अर्जेल  
Telegraphic Address: ARGEL



प्राप्ति  
Received

ग्राम प. लिपाप-प्रालक्षण्यमन्तर्गत  
नई दिल्ली-110002

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

दिनांक  
Date

The Accountant General (Audit)-1,  
Officer President,  
ALLAHABAD-211001.

प्रभाग  
Subject

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

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:-

(i) The incumbent was allowed to appear in the Competitive  
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 <sup>an</sup> 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  
against if he wants promotion through examination quota to the  
cadre of Clerks. There is, however, no bar in his promotion  
against as Record Keeper in his turn if he is otherwise eligible.

Yours faithfully,  
ADM. OFFICER (N)  
(N. V. NATHAN)



Ch. Jai  
4/8/88

11/67

Subhagadhar

Annexure XVI

A/102

- 229 -

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

No. B.R.DA (A)/C-IV-103/730

Dated : 13.1.1980

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. B.R.DA (A)/C-IV-103/536 dt. 20.10.87 as cancelled ab initio 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 route.

W. 13/1/88

( P.K. Mukhopadhyay )

Or S.R. Deputy Accountant General (Admn)  
13.1.88

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 Headquarters office letter no. 1424-N.2/46-87 dated 22.12.87. The list of Departmental Examination passed matriculate Group 'D' s should stand corrected accordingly.
3. The Audit Officer/Admn., Office of the A.G. (Audit) II, 14 Vidhan Sabha Marg, Bahadurza 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'.

W. 13/1/88

S.R. Deputy Accountant General (Admn)

W. 13/1/88

4-8-88

AKS 4-8-88

116) / Mukhopadhyay



RECEIVED

(A105)

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:-

F.P. 20/11  
h  
2/1/2011

1. That paragraphs 1 to 4 of the counter affidavit  
need 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 Matricula-  
tion 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 diaryed as Diary No. 2300 in  
P.C. Anubhag Diary on 7.12.1982. Subsequently the  
applicant was permitted to appear for the Intermediate

Chandra Prakash

AIOL

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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 Karmchari 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 Matriculation 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 only relevant for the eligibility of a candidate for a particular 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

Ans

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 debar 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

A16C

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

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

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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/B36, 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 Scheme '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 direction as the applicant even on the date of Examination (19 -22 September, 1984) was holding

C.S. 2001

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 Administration 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 Respondent No.1 consequent on receiving the directions <sup>From C.A.G.</sup> to the effect that the applicant had appear-

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A109

ed in Examination as Record Keeper ~~was~~ 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 ~~may~~ bogus. 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.

MS:jej/1

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

2/5/2001

(D.M.)

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.

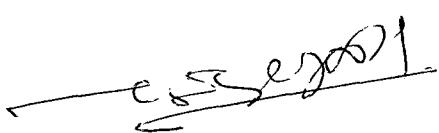
14. That the contents of paragraph 20 need no comments.

15. That the contents of paragraph 21 are emphatically denied. The applicant had neither ~~intentionally~~ 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 <sup>camou</sup> ~~conceal~~ the lapse on the part of Respondent No.1 to connect the relevant records.

23/2/88

(A1/2)

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/Parichha/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 29.10.1987 and all the four candidates who were also declared successful alongwith applicant were promoted on 28.12.1985 is wrong.

A handwritten signature in black ink, appearing to read "E. S. S. 20/6/1".

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 to be 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

Case No. 1

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, Pangj 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.

**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 equiv. (ii) One yr's exp in Farm Management & labour.

**COMMERCE MINISTRY**

2. Two Asstt Ofs (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 equiv. (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, electrochemical 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/VIPs 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 Admin Officer. (Four posts resvd for SC & 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 equiv.

**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 equiv. (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 equiv 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 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 equiv (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 qual 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).

For application form, write to Secretary, UPSC, New Delhi-110011 with unsealed self addressed envelope (27 x 12 cms) indicating name of post. Advt No. 6 in 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, Kevaratti/All India Radio Stations, Shimla, Leh, Port Blair, Kohima, Agartala, Imphal, Aizawl, Pasighat, Silchar, Tawang, Tezu, Jeypore, 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 for 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

**GEOLOGISTS' EXAMINATION, 1989**

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

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 equiv. (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. 2115). 35 yrs. EQ: (i) Master's Deg in Chemistry/Bio-Chemistry or Deg in Food Technology or equiv. (ii) 2 yrs pract exp in examination, inspection and analysis of food & agril 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 equiv. (ii) Atleast 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 equiv 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 equiv. (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 equiv. (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 13.12.89. 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 equiv OR Deg in instrumental technology or deg in Electrical or Telecommunication or Electronics Engg or equiv qual. (ii) 2 yrs res and pract exp in Electronics or in construction and repair of scientific instruments or pract exp in a Geophysical 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 equiv (ii) 1 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 equiv. (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 equiv. (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 equiv qual. (ii) 5 yrs exp in educational adminn 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 equiv OR Deg in Computer Engg/Technology or equiv. (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. 2706). 35 yrs. EQ: (i) Master's Deg in Computer Application or equiv OR Deg in Computer Engg/Technology or equiv. (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 equiv OR Deg in Computer Engg/Technology or equiv. (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 equiv OR Deg in Computer Engg/Technology or equiv. (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 equiv. (ii) 3 yrs exp at the Bar or equiv 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 equiv.

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 18-9-1989. 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'l 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.

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 Zone - V, Level 7, R K Puram, New Delhi - 110048

davp 560(24)89

National Herald 19.8.1989

Altakher

R Srinivasan  
Advocate

4.

सी मित विश्वामीय प्रतियोगी परीक्षा के लिखित प्रश्न-पत्रों के साथ-साथ टंक्प परीक्षा बहीं आयोजित ही जाएगी । यत्तमात्र भी भ्रान्ति, महालेखाण्डारी आदि द्वारा यह तीन महीने में एक बार आयोजित ही जाएगी । मैट्रीकुलेट खूब "प" छम्बारी परीक्षा हे पहले या परीक्षा के बाद निसी समय टंक्प परीक्षा के सत्र हैं । इस परीक्षा के लिखित प्रश्न-पत्रों में उत्तीर्ण होने के बाद वे पदोन्बन्धि के पात्र हो जाएं । तथापि जिस उम्मीदवार के लिये रूप में पदोन्बन्धि ही तारीख ठोक्कप परीक्षा उत्तीर्ण बहीं ही है, उसे पदोन्बन्धि ही तारीख से दो वर्षों के भीतर टंक्प परीक्षा उत्तीर्ण छरबी होयी, ऐसा बाकरते पर वह समूहप के पद पर प्रत्यावर्तित ठर दिया जाएगा ।

5. परीक्षा उत्तीर्ण ठोक्के के लिए अवसरों भी अधिन्तम संडया वार होकी और निसी श्री दशा में और ठोक्के अवधर बहीं दिया जाएगा । अबुझेय वार अवसरों भी अधिन्तम संडया हे लिए पहले लिए गए अवसरों भी श्री दियाक में लिया जाएगा ।

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

7. दूसरा इब अतुदेशों नो सभी संबंधित व्यक्तियों के द्याव में लाया जाए ।

एय०६००४-

सी०ली०५वार्डी  
संयुक्त फ्रिदेश परीक्षा ।

लियिलों ठे रूप में पदोन्बन्धि हेतु मैट्रीकुलेट खूब "प" के लिए सी मित विश्वामीय परीक्षा भी योजिता और पाठ्यक्रम ।

### परीक्षा की योजना

#### प्रश्न-पत्र

#### समय

#### अधिन्तम उंच

I. अंग्रेजी/हिन्दी	घण्टा	100
II. अंग्रेजी और सारणीयक	घण्टा	100
III. सामान्य ज्ञान और	घण्टा	100

#### क्रायोत्तिय श्रियाविचिह्न

टिप्पणी:- ॥ १॥ प्रश्न पत्र । और ॥ २॥ स्तर लेखन वही होया जो भारतीय विश्वविद्यालय भी मैट्रीकुलेशन परीक्षा का है । ॥ २॥ सभी तीनों प्रश्न-पत्र अंग्रेजी और हिन्दी में देयार लिए जायेंगे । उम्मीदवारों नो अंग्रेजी अथवा हिन्दी के लिए आपका विठ्ठलप देखा होया । विठ्ठलप सभी तीन प्रश्न-पत्रों के लिए आवृ होया । ॥ ३॥ जो उम्मीदवार तीनों प्रश्न-पत्रों में से प्रत्येक में 40 % और प्राप्त ठरेका तो परीक्षा में उत्तीर्ण हुआ घोषित दिया जाएगा ।

....

Atulka

Rajaraman  
Advocate

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.

.2.

2. That ~~they~~ <sup>the petitioner</sup> 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

.38.

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 ~~Ad~~ 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 into another Bench balance of the convenience of both the parties have to be seen.

8- That once the counsel for the petitioner has already chosen to file a petition at Allahabad, after investigating the considerable mount 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.

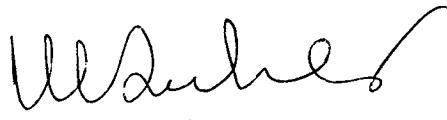
9. That in the provisions of the Central Administrative Act, 1985 it is only the Chairman of the Tribunal under Section 25 of the Central Administrative Tribunal Act, has got ~~supreme~~ power to transfer the case from one Bench to another Bench and the office of the any tribunal has got no power to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

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P R A Y E R  
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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.

1127  
10/12/89

In the Central Administrative Tribunal,

Additional Bench at

Allahabad.

=====

Affidavit

In

Civil Misc. Appln. No. 373 of 1989. (h)

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 Madhuendar Das

aged about 55, At present pos-

ted as Senior Deputy Accountant  
General (Acting) in the office of  
A.G.(Act) F.I.W. Allahabad  
(Deponent) D. D. D.

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

D. D. D.

.2.

1. That the deponent is at present posted as Senior Dy. Collector Gorakhpur - A.G.U.P. <sup>Allahabad</sup> 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. <sup>respondent</sup> That 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 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

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.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 convincing 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



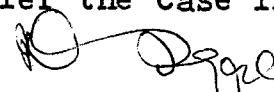
.4.

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

Dgore

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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 (and 5) 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 (and 5) of this affidavit are based on information where all I believe to be true that no part of it is false and nothing material has been concealed.

So help me God.

*W. D. Haubey*

✓ D. S. Haubey

Deponent.

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

9102  
.6.

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

\_\_\_\_\_(Clerk),

Solemnly affirmed before me on this 5th  
th day of <sup>NOV</sup> 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

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