

INDEX SHEET

CAUSE TITLE ..OA...47.....OF ...1988.....

NAME OF THE PARTIESHita Singh.....Applicant

Versus

.....Union ofRelig.....Respondent

Part A.

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CERTIFICATE

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

Dated 20/4/11..... B/C destroyed on 09.5.12.

Counter Signed.....

		6
		8

Signature of the
Dealing Assistant

Section Officer/In charge

(114)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
LUCKNOW CIRCUIT BENCH

Registration O.A. No.47 of 1988

Hira Singh Applicant
Versus
Central Ground Water Board
and Another Respondents

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

Hon.Mr. A.B.Gorthi, Member (A)

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

The prayer of the applicant in this application under Section 19 of the Administrative Tribunals Act, 1985 is that he should be deemed to have voluntarily retired on the expiry of 3 months notice period in October, 1986 or atleast from the date he was relieved from service i.e. 5th March, 1987 and further it may be declared that the order dated 4.3.87 accepting his resignation is null and void and of no consequence in view of letter of voluntary retirement and that he is also entitled to all the pensionary benefits.

2. The applicant entered the service on 7.5.66 as Asstt.Geophysicist in Geological Survey of India, Northern Region, Lucknow. He was selected by Union Public Service Commission as Senior Geophysicist and he joined Central Ground Water Board on 11.5.78 where he continued to serve till 31.10.84. He tendered his Technical resignation from service of Geological Survey of India on 4.5.80 and his entire period of service were counted in the Central Ground Water Board. He was selected as Scientist SE-1 in

Remote Sensing Applications Centre U.P. after his application was forwarded by the Department where he joined on 1.11.1984 and his services were treated to be on Foreign Service. After completion of 20 years on 7.5.86, the applicant alleges that he gave notice on 23.7.86 of ~~for~~ 3 months ~~notice~~ ^{for} voluntarily retirement. An advance copy was also sent by registered post. In order to expedite voluntary retirement he sent an application to the Director of Remote Sensing Applications Centre, U.P. requesting that the necessary entries in the service book may be updated. It was only on 1.12.86 he was required to send a copy of the notice which was given by him. The copy of the said voluntarily retirement notice was sent by him on 11.12.86, but no orders on his application were passed and he was asked to tender resignation which he did as he had got an assignment with the W.H.O. He tendered resignation with the reason to obtain No objection of respondent No.2 because the W.H.O. would not have given assignment without No Objection. He left India on 23.4.87 and came back on 14.3.88.

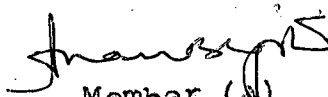
3. From the Counter Affidavit, the case of the opposite parties is that no such notice was received and further in the absence of any notice the applicant cannot be treated himself to have retired from service. An acceptance of the same is necessary. The applicant cannot claim any benefits. From the Postal Authorities, it appears that some application in fact was sent by the applicant. The respondents

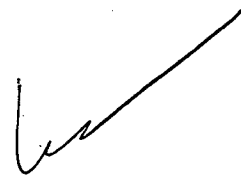
should search out the application or found out as to whether the ^{respondent} applicant was moved by the applicant and he should have been associated with such an enquiry which could have been asked to furnish ^{proof} of the same. In case the application was traceable or that a proof was there that it was sent to the respondents, the respondents are bound that it is not necessary for a formal order accepting voluntary resignation should be there. In some of the cases after expiry of the period if there is no order to the party concerned, the party can presume that the same has been accepted. In this connection a reference may be made to the Instructions of the Govt. of India regarding voluntary retirement after completing 20 years of service applicable to the Central Govt. servants, a copy of which has been filed with the Counter Affidavit as Annexure-2. A reference is particularly made to the Govt. of India Decision Note No.3 which provides that even there be a notice of voluntarily retirement given by a Govt. servant, it requires acceptance by the Appointing Authority. A Govt. servant ^{not} notice may presume acceptance and the retirement shall ^{not} be effective in terms of notice unless the competent authority issues an order before the expiry of the period of notice. Let the respondents ^{be} are directed to make an enquiry and to consider the case of the applicant in the light

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- 4 -

of the Central Govt. decision above and let a decision in this behalf be taken within three months from the date of the communication of this order. There will be no order as to costs.


Member (N)


Vice Chairman

Dated the 6th May, 1991

RKM

CA 47 988(L)

Heing Singh vs U.O. 22/8/88

Order Sheet 14. June 21. 88

6.6.88

Shri D. S. Mishra

Admit Issue notice.

One month for CA. 10 days thereafter.

for (A.P.) - 10 days A.T.

Put up on 21/7/88

13.6.88

Office Report

SD-
(AM) AD
12/7

21-7-88 Registration

None responds for the petitioning.
Counsel for the respondent is present.
He requests time to file counter-
affidavit. Allowed. Fix 23/8/88.

P
24
7

R
S
Mishra

23.8.88

D.R

Sri V. K. Choudhary, Adv. files his
Vakalatnama on behalf of respondent
and files reply today. Reply of
counsel may be filed on 22.9.88

h
23/8

file
D.R

22.9.88

D.R

As prayed by Counsel for applicant,
reply can be filed by 25-11-88

file
D.R

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCULAR LETTER NO. 100/NO.

O.A./T.A. No. 57 47/88 198

H. Hira Singh Applicant(s)

Ground versus
Central Water Board and others Respondent(s)

Sr. No.	Date	Orders
	29-3-89	<p><u>DR</u> The counsel for the applicant requests for further time to file reply. He may file the same on 24/4/89.</p> <p style="text-align: right;">maharajgiri for DR</p> <p style="text-align: right;"><u>OR</u> Counsel for respondents has filed reply. Submitted for orders.</p> <p style="text-align: right;">24/4</p> <p>Hon' Mr. D.S. Misra, A.M. Hon' Mr. D.K. Agrawal, J.M.</p>
	24/4/89	<p>Counter reply has been filed on behalf of the respondents. On the request of the learned counsel for the applicant, he is given two weeks time to file rejoinder. List this case for final hearing on <u>27-6-89</u>.</p> <p style="text-align: center;">J.M. (sns)</p> <p style="text-align: right;">A.M. <u>OR</u> No rejoinder has been filed by the learned Counsel for the applicant as directed by the court's order dt. 24/4/89. Submitted for hearing.</p> <p style="text-align: right;">26/6</p>

47/88(L)

(AB)

2-6-90

Hon. Justice Mr. K. Nalini V.C.
Hon. Mr. K. J. Raman. A.M.

On the request of both the parties case is adj. to 6-8-90.

LOR

A.M.

Q

V.C.

6-8-90

No setting adj. to 7-9-90

K.J.R.

7-9-90

No setting adj. to 1-11-90.

Q

1.11.90

Due to holiday Adj to 04.01.91.

Q

4.1.91

No setting adj. to 11.3.91.

11.3.91

By Post to the applicant
on 24/6

No setting adj. to 6.5.91.

Q

Q

Recd by
Clerk
V.K.R.
24/6/91

Co/RS have been exchanged

S.P.N

h
2/5

(AB)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD CIRCLE
BENCH LUCKNOW.

OA 47 of 88 (L)

HIRA SINGH

APPLICANT

Versus

CENTRAL GROUND WATER BOARD &
ANOTHERS.

RESPONDENTS

I N D E X

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June 6, 1988

Verma mis
ADVOCATE.

(A9)

Application under Section 19 of the Administrative Tribunal
Act 1985

GA 47 of 1985 (L)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD CIRCUIT
BENCH LUCKNOW

BETWEEN

Hira Singh, aged about 45 years
S/O Late Sri Raghurai Singh
R/O 524/25 Lala Suraj Bali Marg,
New Hyderabad Lucknow

... Applicant

AND

1. Central Ground Water Board,
Govt. of India,
NH IV Faridabad, (Haryana) 121001 ✓
& Jam Nagar House,
1 Man Singh Road, New Delhi
through Chief Hydrogeologist & Member
2. Central Ground Water Board
Ministry of Water Resources
Govt. of India
Krishi Bhawan, New Delhi
through Chairman and Deputy Secretary (GW)
to Govt. of India

.... Respondents

DETAILS OF APPLICATION : Under Section 19 of the
Administrative Tribunal Act 1985

1. Particulars of the
Applicant

- i) Name of the applicant : Hira Singh
- ii) Name of father : Late Sri Raghurai Singh

H. Singh
1.6.85

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iii) Designation and office in which was employed : Previously Sr. Geophysicist
Central Ground Water Board
Ministry of Water Resources
Government of India
New Delhi
on Foreign Service with
Remote Sensing Applications
Centre, Uttar Pradesh

iv) Office Address :

X

v) Address for service of all notices : C/O Sri K B Sinha, Advocate
Krishna Nikunj
Barud Khana
Lucknow

2. Particulars of the respondent :
- i) Name and/or designation of respondent. : 1. Central Ground Water Board,
N H IV Faridabad (Haryana)
and Jam Nagar House,
1 Man Singh Road, New Delhi
through Chief Hydrogeologist &
Member
 - ii) Office address of the respondent
 - iii) Address for service of all notices. : 2. Central Ground Water Board
Ministry of Water Resources,
Govt. of India,
Krishna Bhawan,
New Delhi

3. Particulars of the order against which application is made.

The application is against the following order

H. Singh
i.G.B.B

(AII)

i) Order No. 35-152/98-GW
ii) Date 5th March 1987
iii) Passed by Dy Secretary
Govt of India,
in the name of President

iv) Subject in brief : Voluntary retirement of the
applicant as sought/^{for}by him
by letter dt 23.7.86

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 this Tribunal.

5. Limitation

The applicant further declares that the application is within limitation prescribed in Sec. 21 of the Administrative Tribunal Act 1985.

The applicant further declares that not-with-standing that the period of one year has elapsed since the passing of the impugned order dated 5th March 87 mentioned in para 3 at No. II of the petition , the present application deserves to be accepted since immediately after the acceptance of the said resignation and being relieved from service on March 14, 87 the applicant left the country on April 23, 1987 and came back to India on 14th March 1988. Before leaving the country the applicant sought legal notice and was told that the period of limitation for seeking redress is three years and as such action may be taken when the applicant returns in about a year. Accordingly the

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applicant was throughout under the impression that the period for redress of grievances is 3 years but on 31.5.88 his present lawyer told to applicant that under the Administrative Tribunals Act 1985 the period is only one year and not 3 years as under the General Law of the Land. It was because of wrong legal advice that the filing of the present petition has been delayed which is excusable.

6. FACTS OF THE CASE

That the applicant obtained the Degree of M.Sc (Geophysics) from Banaras Hindu University in the year 1963 and was placed in Ist Division. Subsequently the petitioner did Post Graduate Course in Geothermics, and Training in Geothermal Exploration from PISA (Italy) in 1975.

The applicant entered service on 7th May 1966 as Assistants Geophysicist in Geological Survey of India, Northern Region, Lucknow. He was promoted as (Geophysicist (Jr) Class I, Grade II in Sept. 1971 and continued in the service of Geological Survey of India, till 4th of May 1978.

Thereafter on being selected by Union Public Commission the applicant was posted as Sr Geophysicist and he joined Central Ground Water Board on 11th May 1978 at Southern Regional Headquarters, Hyderabad. On this post the applicant was declared Quasi- Permanent w.e.f. 11 May 81 and he continued to serve Central Ground Water Board till 31st Oct. 1984.

That on 4th May 80 the applicant tendered Technical resignation from service of Geological Survey of India w.e.f. 4.5.80 and the entire period of service rendered

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1.6.88

by the applicant in Geological Survey of India were counted towards his service in the Central Ground Water Board.

The applicant was selected as Scientist SE-1 in Remote Sensing Applications Centre U.P. after his application was duly forwarded by the Central Ground Water Board. The applicant joined Remote Sensing Application Centre on 3rd Nov. 84 at Lucknow. This posting of the petitioner was on Foreign Service as from 1st of Nov. 84.

While serving in Remote Sensing Applications Centre, U.P. the applicant was made Scientist-in-charge, Geophysical Exploration Division of the said Centre and was posted at Jhansi w.e.f. 5th Nov. 84. The applicant's lien was retained in the Central Ground Water Board and his services with Remote Sensing Applications Centre was as on Foreign Service. Accordingly pension and leave salary contribution were being sent by R.S.A.C. to respondent no 1 w.e.f. 1st Nov. 84, till 4th March 87.

That the applicant completed 20 years service on 7.5.86. As the applicant wanted to retire, he on 23.7.86 gave 3 month's notice of voluntary retirement to respondent no 1 and requested the Director of ~~R.S.A.C. Uttar Pradesh~~ to forward the same to respondent no 1. The applicant also sent an advance copy of the said notice of voluntary retirement to respondent no 1 by registered post. The copy of the said notice is being filed herewith as Schedule 'A'. and the registration receipt issued by the Postal Department is annexed herewith as Schedule 'B'. The copy of the letter addressed to Director of ~~R.S.A.C. Uttar Pradesh~~ is being filed herewith as Schedule 'C'.

That to expedite voluntary retirement the applicant on 6.8.86 sent a letter to the Director of Remote Sensing

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Applications Centre, U.P. requesting that the entries in applicant's service book may be updated and preparation of other papers and needed formalities for voluntary retirement may be initiated. A copy of letter dated 6.8.86 is annexed as Schedule 'D'.

That till 1.12.1986 no action was taken on the applicant's notice dated 23.7.86. It was only on 1.12.86 that the respondent no 1 sent a letter to the applicant asking for a copy of the said notice. A copy of the said letter dated 1.12.86 is annexed herewith as Schedule 'E'. On receipt of the said letter the applicant on 11.12.86 sent a copy of the letter dated 23.7.86 to respondent no 1 - a copy of letter dated 11.12.86 is annexed herewith as Schedule 'F'.

That on 20.1.87 the respondent no 1 sent a letter to the Chairman, Central Ground Water Board - a copy whereof is being annexed as Schedule 'G'. This letter was sent as the applicant was pressing for early acceptance of his request regarding voluntary retirement.

That inspite of all the correspondance made and undertaking given no formal order on the application seeking voluntary retirement by the applicant was passed.

In this connection it is stated that as early as 6th August 86 the applicant had received a telegram from W.H.O. intimating that his name is being considered by the said Organisation for an assignment and enquiring whether he will be available to join in case he is selected.

To this telegram the applicant conveyed his acceptance. Having come to know of this commitment of the applicant as also his selection, the respondents 1 & 2

H. Singh
1-6-88

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did not take prompt action on the request of voluntary retirement made by the applicant as early as 23rd July 1986.

On the other hand taking advantage of the situation the applicant was advised to tender resignation as otherwise No objection of respondent no 2 could not be obtained in the absence of which W.H.O. would not have given assignment to the applicant. The applicant submits that on expiry of the notice period of 3 months in Oct. 1986 the services of the petitioner came to an end and he is deemed to have retired voluntarily from service. However, as he was not being relieved and no formal orders had been passed, the applicant had no alternative but to tender resignation else he would have been deprived of his assignment with W.H.O. A copy of the order dated 4.3.87 accepting the resignation is being filed herewith as Schedule 'H'. The applicant submits that he was forced to resign which resignation is null, void and inoperative and does not effect the status of the applicant as having voluntary taken retirement.

The applicant submits that the resignation has no effect as the period of notice of voluntary retirement expired in Oct. 1986 and it became effective immediately thereafter. Moreover, the resignation was not given by the applicant of his own free will and is as such not binding on the applicant, and does not effect his right of taking voluntary retirement.

That the applicant joined the service of W.H.O. on 20.4.87 and left the country on 23.4.87. The applicant returned to India on 14.3.88.

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The applicant submits that as his voluntary retirement became effective on expiry of 3 months notice dated 23.7.86 in Oct. 86 he ceased to be in service and the order dated 4.3.87 Schedule 'H' is non-est and of no consequence and deserves to be completely ignored and the applicant is to be treated as having voluntarily retired and entitled to all pensionary benefits.

7. RELIEF(S) Sought :
- a) it be declared that the applicant is to be deemed to have voluntarily retired on the expiry of 3 months notice period in Oct. 1986 or at least from the date he was relieved from service i.e. 5th of March 1987.
 - b) It be declared that the order dated 4.3.87 Schedule 'H' is null and void and of no consequence in view of letter of voluntary retirement dated 23.7.86 Schedule 'A'.
 - c) It be declared that the applicant

H. Singh
1-6-88

AM

is entitled to all pensionary benefits and the respondents 1 & 2 be directed to fix his pension and other benefits and pay the same to the applicant upto date with direction to continue to pay the same in future also.

8. Interim order, if ^rayed for : X

9. Details of the remed~~is~~ is exhausted X

10. Matter not pending with any other court etc.

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

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

1. Name of the Bank on which drawn

2. Demand Draft No.

OR

1. Number of Indian Postal(s) DD 062284

2. Name of the issuing Post office Lalbagh duetnow

3. Date of issue of Postal order(s) 3.6.1988

4. Post office at which payable.

12. Details of Index:

An index in duplicate containing the details of the documents to be relied upon is enclosed.

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1.6.88



13. List of Enclosures:

- SCHEDULE 'A' Copy of notice dated 23.7.86 sent by applicant to the Chief Hydrogeologist & Member Central Ground Water Board, Faridabad.
- SCHEDULE 'B' .. Postal receipt issued by the Postal Department.
- SCHEDULE 'C' .. Letter dated 23.7.86 sent by applicant to the Director, R.S.A.C U.P. Lucknow
- SCHEDULE 'D' ... Letter dated 6.8.86 by the applicant to the Director Central Ground Water Board, S.R.
- SCHEDULE 'E' ... Letter dt 1.12.86 to the applicant by Sr Administration Officer for Chief Hydrogeologist Member.
- SCHEDULE 'F' ... Letter dated 11.12.86 by applicant to the Chief Hydrogeologist Central Ground Water Board, NH IV Faridabad.
- SCHEDULE 'G' .. Letter dated 20.1.87 to Chairman, from B.P.C. Sinha , Chief Hydrogeologist & Member.
- SCHEDULE 'H' ... Order dated 5.3.87 communicated to the applicant by Sri A.K. Ahir, Deputy Secretary to the Govt. of India.

H. Singh
1.6.88

In verification :

I, Hira Singh (Name of the applicant),
S/O Late Sri Raghurai Singh, aged about 45 years,
resident of 524/25 Lala Suraj Bali Marg, New Hyderabad,
Lucknow, do hereby verify that the contents of paras
from 1 to 13 are true to my personal knowledge and
belief and that I have not suppressed any material
facts.

Place : Lucknow.

Signature of applicant

Date : 1st June 1988

To,

The Registrar,

Central Administrative Tribunal

.....Allahabad.....

(A29) -12-
Schedule A

Geophysical Exploration Division,
132, Civil Lines,
Jhansi-284001.

No. HS/CGWB/Rat/86/1
Dated: 23.7.86.

To,

The Chief Hydrogeologist & Member,
Central Ground Water Board,
NH IV, Faridabad (Haryana),
121 001.

Through- The Director, R.S.A.C., U.P.

Sir,

I was working as Senior Geophysicist in C.G.W.B. S.R., Hyderabad and was relieved from there on 31.10.64 A/N to join Remote Sensing Applications Centre, Uttar Pradesh as Scientist-'SE' with permission to retain lien for a period of two years in C.G.W.B. Having better working conditions, striving to find solution to more challenging problems and getting greater job satisfaction here, I opt to continue with the Remote Sensing Applications Centre- Uttar Pradesh, which is an autonomous Institution under the Department of Science & Environment, Government of Uttar Pradesh.

Now that I have also completed 20 years of service with the Government of India (having started my career as Asstt. Geophysicist with the Geological Survey of India-joining date - 7.5.66, getting quasi-permanency declared by G.S.I. as Asstt. Geophysicist, promoted as Geophysicist (Jr.) there and shifting to C.G.W.B. as Senior Geophysicist on 11.5.78 with entire service of G.S.I. transferred to Board and getting Quasi-Permanency declared here also as Sr. Geophysicist). I wish to take voluntary retirement from the Government of India service. So I may kindly be given gratuity, pensionary and other terminal benefits and permitted to take voluntary retirement on completion of lien period.

Yours Faithfully,

o/c H. Singh
(Hira Singh)
Scientist-'SE'

Advance copy sent on 23.7.86.

H. Singh
1-6-88

CTE
Virender more
Ad.

A21

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Schedule B

Insurance fee Rs.	P.	Weight (in words)	Grams
आर० फी० 51 (क)/R. P. 51 (a)		सं०/No.	
लगाई गई डाक टिकटों का मूल्य रु०	Rs.	0 256	
Stamps affixed		तारीख-मोहर	
पंजीकृत मूल्यदेय		Date-stamp	
Received		a V.P. registered	
से वाले का नाम			
addressed to			
*इसमें पूर्व जब आवश्यक हो, "वीमाकृत शब्द" के साथ यहां "पत्र" "पार्सल" "रेलवे रसीद" लिखें। *Write here "Letter", "Parcel" or "Railway Receipt" with the word "Insured" before it when necessary.			
प्राप्तकर्ता से जो रकम वसूल करनी है	Rs.		
Amount to be recovered from the addressee			
प्राप्तकर्ता अधिकारी के हस्ताक्षर/Signature of the receiving officer			
*केवल जब डाक वस्तु का बीमा करना हो उसी समय भर जाय; अन्यथा दो तिरछे लाइनों द्वारा काट दिया जाय। *To be filled in only when the article is to be insured; otherwise to be crossed out by means of two diagonal lines.			
रु० (अंकों में)	(शब्दों में)	के लिए बीमाकृत	
insured for Rs. (in fig.)	(in words)		
बीमा शुल्क रु०	P.	वजन (शब्दों में)	ग्राम
Insurance fee Rs.		Weight (in words)	Grams

H. Singh 1.6.88

C. C. Virendra misra Ad.

(A22)
Schedule 'C'

REMOTE SENSING APPLICATIONS CENTRE, UTTAR PRADESH
GEOPHYSICAL EXPLORATION DIVISION, JHANSI.

132, Civil Lines,
Jhansi.

NO. RSAC:GED:86-87:HQ-4: 2 90
Dated: 23rd July '86.

To,

The Director,
R. S. A. C., U. P.,
Lucknow.

Sir,

I am enclosing herewith my notice of voluntary retirement from Government of India Service which may kindly be forwarded to the Chief Hydrogeologist & Member, Central Ground Water Board, NH IV, Faridabad along with a certificate from your end that I have been permitted to be absorbed in Remote Sensing Applications Centre, Uttar Pradesh and such absorption will be in the public interest.

As my lien period of 2 years expires on 31.10.86 and one is required to give a notice of at least 3 months before taking voluntary retirement, it is requested that this application may kindly be forwarded immediately.

Encl: As above.

Yours Faithfully,

H. Singh
(Hira Singh)
Scientist 'SE'

*etc
min 23 made
MS.*

H. Singh
1.6.88

Schedule D

NO. RSAC:GED:86-87:OC-2(a):
Dated: 6th August '86.

To,

The Director,
Central Ground Water Board, S R,
3 - 6, 291, Hyderguda,
Hyderabad - 500029.

Sir,

I am enclosing herewith a copy of my Notice for voluntary retirement submitted to the Chief Hydrogeologist Member, C.G.W.B., Faridabad for your information and necessary action. It is requested that the entries in my Service book may kindly be updated and preparation of other papers and needed formalities may please be initiated.

Yours Faithfully,

9/

H. Singh

(Hira Singh)
Scientist-in-Charge.

H. Singh
T. 6. 88

CJC
virender singh
AD.

NO.3-502/78-CH.Estt
Govt.of India
Central Ground Water Board
Faridabad.

Dated the 10th DEC 1986

To

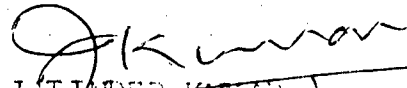
Sh.Hira Singh
Scientist Incharge
Remote Sensing Applications Centre,
Uttar Pradesh,
Geophysical Exploration Division, 132, Civil line
Jhansi.

Sub: Notice for voluntary retirement from Govt.service.

Sir,

I am to request you to kindly send a copy of letter seeking therein voluntary retirement from Govt.service as the same is not readily traceable for processing the case for Govt.approval/permission.

Yours faithfully,


(JATINDER KUMAR)

SR.ADMINISTRATIVE OFFICER
for CHIEF HYDROGEOLOGIST & MEMBER

Copy to the Director, ~~ES&E~~, Remote Sensing Applications Centre, Uttar Pradesh, B-19, Sector-A, Mahanagar, Lucknow Please refer to the Pay & Accounts Office, Faridabad letter NO.S-II/PAO/CGWB/86-87/2000 dt.6.11.86 and to request that an amount of Rs.10,288/-may please be deposited to the Pay & Accounts Office, through Demand Draft towards the lien charges in respect of Sh.Hira Singh, Sr.Geophysicist, CGWB.

(JATINDER KUMAR)

SR.ADMINISTRATIVE OFFICER
for CHIEF HYDROGEOLOGIST & MEMBER

FK/25/11/86

H. Singh
1-6-88

etc
Niranjan Singh
8.12.86

Most Immediate

No.40/CH/CGWB/ND/87-425
Government of India,
Central Ground Water Board,
Ministry of Water Resources,
Jannagar House,
Mansingh Road,
New Delhi, the 20th January, 1987.

To

The Chairman,
Central Ground Water Board,
Ministry of Water Resources,
Frishi Bhawan,
New Delhi.

Sir,

Please find enclosed a letter from Shri Hira Singh, Senior Geophysicist, CGWB tendering his resignation from the Central Ground Water Board for needful at your end. Shri Hira Singh has requested for early acceptance of his request.

Yours faithfully,

Sd/-

(B.P.C.Sinha)

Chief Hydrogeologist & Member

Encl: as above.

Copy to Sr. Admn. Officer, CGWB, NH-IV, Faridabad for information alongwith a copy of letter dt. 20.1.1987 received from Shri Hira Singh, Sr. Geophysicist.

Copy to Shri Hira Singh, Sr. Geophysicist for information with ref. to his letter dt. 20.1.1987.

(B.P.C.Sinha)

Chief Hydrogeologist & Member

etc.
views
AD.
mss

.....

H. Singh
1.6.88

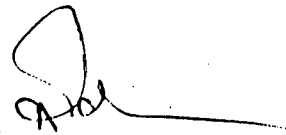
No.35-152/78-GW
Government of India
Ministry of Water Resources

(H27)

New Delhi, the 5th March, 1987.

ORDER

The President is pleased to accept the resignation of Shri Hira Singh from the post of Senior Geophysicist in the Central Ground Water Board with effect from 4.3.87 (AN).



(A.K.Ahir)
Deputy Secretary to the Govt. of India

Distribution

1. Chief Hydrogeologist, Central Ground Water Board, Jammagar House, New Delhi.
2. Pay & Accounts Officer, Central Ground Water Board, NH-IV, Faridabad.
3. Sr. Administrative Officer, Central Ground Water Board, NH-IV, Faridabad.
4. Chief Engineer, Central Ground Water Board, Jammagar House, New Delhi.
5. Director, Remote Sensing Application Centre, B-19, Sector - A, Mahanagar, Lucknow (U.P.).
6. Shri Hira Singh, C/o Director, Remote Sensing Application Centre UP, Lucknow.
7. The Secretary, Department of Science & Technology, Government of U.P. Sachivalaya Bhavan, Lucknow.
8. Guard File.

H. Singh
1.6.88
etc
Virender mib
AD.

A28

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD CIRCUIT
BENCH LUCKNOW



Hira Singh aged about 45 years,
S/O Late Sri Raghurai Singh
R/O 524/25 Lala Suraj Bali Marg,
New Hyderabad Lucknow

... Applicant

versus

1. Central Ground Water Board
Govt of India, NH IV Faridabad
Haryana, & Jam Nagar House,
1, Man Singh Road, New Delhi
through Chief Hydrogeologist & Member
2. Central Ground Water Board
Ministry of Water Resources
Govt of India
Krishi Bhawan, New Delhi Secy.
through Chairman and Deputy/(G W)
to Govt of India

... Respondents

APPLICATION UNDER SECTION 21
C.A.T.
OF LIMITATION ACT

The applicant states as under :

1. That after the acceptance of the applicant's
resignation from the post of Sr. Geophysicist, Central
Ground Water Board and being relieved from service
on March 14, 1987 applicant left the country on
April 23, 1987 and came back to India on 14th
March 1988.

Virendra Mishra
P.D.

व अदालत

Central Administrative Tribunal

लखनऊ

वादी

प्रतिवादी

का

वकालत



Meera Singh

वादी (मुद्दै)

बनाम

Central Ground Water Board and प्रतिवादी (मुद्दाअलेह)

नं मुकदमा

सन् १९८८

पेशी की ता

१९८८ ई०

ऊपर लिखे मुकदमें में अपनी ओर से श्री के० बी० सिन्हा व श्री आलोक सिन्हा, श्री विरेंद्र मिश्रा, एडवोकेट महोदय को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमें में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज़ दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा वा इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावे या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी। इसलिए यह वकालत-नामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

H. Singh

1.6.88

Accepted
K. Singh

Accepted

Alok Singh

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

6

महीना

6

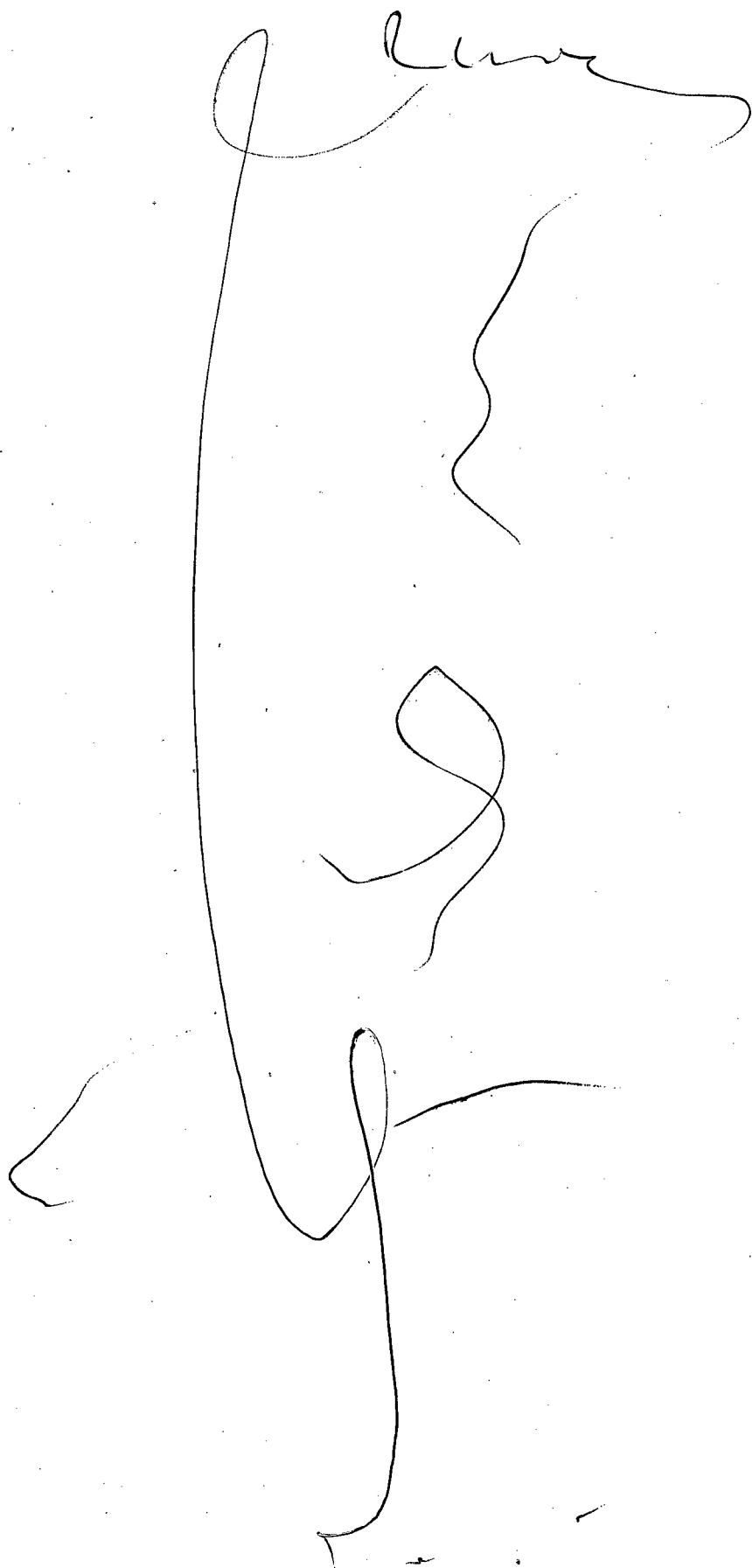
सन् १९८८ ई०

Accepted

Virendra Mishra

1132

C A 7.



A20

-2-

2. That before leaving the country applicant sought legal notice and was told that the period of limitation for seeking redress is three years and as such action may be taken when the applicant returns in about a year.
3. That due to aforesaid legal advice applicant was under the impression that the period for redress of grievances is 3 years but on 31.5.88 his present lawyer told the applicant that under the Administrative Tribunals Act 1985 the period of limitation for seeking redress is only one year and not 3 years.
4. That because of wrong legal advice the filing of the present petition has been delayed which is excusable.
5. That in the aforesaid circumstances it is expedient in the interest of justice that the delay if any in filing the claim petition may be condoned otherwise the applicant will suffer irreparable loss and injury.

Wherefore it is respectfully prayed that delay in filing the present petition may kindly be condoned and such other orders as are deemed just and proper be also passed.

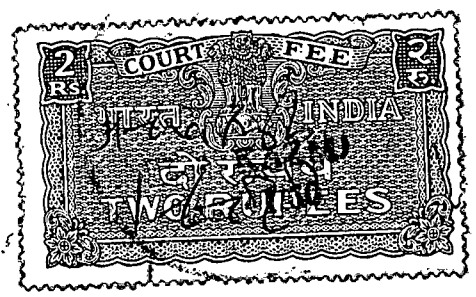
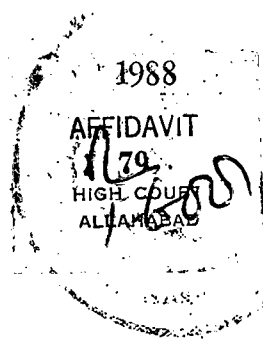
LUCKNOW: DATED

JUNE, 4th 1988

Virendra misra
Advocate
Counsel for applicant

A30

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD CIRCUIT
BENCH LUCKNOW



Hira Singh

.... Applicant

vs

Central Ground Water Board & another ... Respondents

AFFIDAVIT

I, Hira Singh, S/O Late Sri Raghurai Singh,
aged about 45 years, R/O 524/25 Lala Buraj Bali Marg,
New Hyderabad, Lucknow, do hereby solemnly affirm as
under :

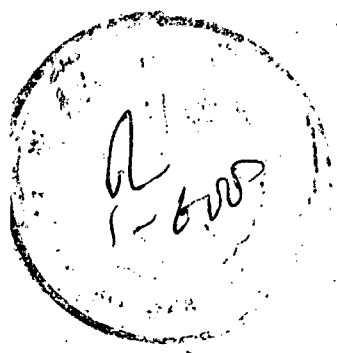
1. That the deponent is applicant in the above noted case and is well versed with the facts deposed hereafter.
2. That contents of paras 1 to 5 of the accompanying application are true to my knowledge.

LUCKNOW: DATED 1st June
June 1st 1988

H. Singh
DEPONENT

VERIFICATION

I the above named deponent do hereby verify
that the contents of paras 1 & 2 of this affidavit are
true to my knowledge.



H. Singh
DEPONENT

I identify the deponent who has signed before
me and is personally known to me.
Witness my
Signature

व अदालत Central Administrative Tribunal ^(A.S.) लखनऊ

वादी
प्रतिवादी का वकालत



Meera Singh

वादी (मुद्दी)

बनाम

Central Ground Water Board and प्रतिवादी (मुद्दाअलेह)

नं मुकदमा सन् १९८८ पेशी की ता १९८८ ई०

ऊपर लिखे मुकदमें में अपनी ओर से श्री के० बी० सिन्हा व श्री आलोक सिन्हा, श्री-वीरेन्द्र मिश्रा, एडवोकेट महोदय को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमें में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज़ दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा वा इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावे या कोई रुपया जमा करें या हमारी वा विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

Meera Singh
1.6.88

Accepted
Meera Singh

Accepted

Alok Sinha

Accepted

Virendra Mishra

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

6

महीना

6

सन् १९८८ ई०

A33
22-11

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH

LUCKNOW

O.A. NO. 47 of 1988 (L)

Shri Hira Singh

... Applicant

Versus

Union of India & others

... Opp. Parties

COUNTER AFFIDAVIT ON BEHALF OF THE OPPOSITE PARTIES.

...

I, S.K. Das aged about 57 years son of late Shri Hemanta Kumar do hereby solemnly affirm and state on oath as under:-

1. That the deponent is posted as Chief Engineer and Member, Central Ground Water Board in the office of the opposite party No. 2 and he has read and understood the contents of the application as well as the facts deposed to herein under in reply thereof.
2. That in reply to the contents of paragraphs 1 to 4 of the application needs no comments.
3. That in reply to the contents of paragraph 5 of the application it is submitted that the petition filed by the applicant is time barred as it has been filed after a lapse of more than a year and under Section 21 of the Administrative Tribunal's Act, 1985, this is liable to be dismissed on this ground only.



S.K. Das
Chief Engineer & Member
Government of India,
Central Ground Water Board,
Ministry of Irrigation & Power,
FARIDABAD (Haryana)

1034

4. That in reply to the contents of paragraph 6 of the application, it is submitted that the applicant entered into Government service in the Geological Survey of India on 7th May, 1966 in the post of Assistant Geophysicist. Thereafter on being selected by the U.P.S.C. the applicant was appointed in the post of Senior Geophysicist in the Central Ground Water Board with effect from 11th May, 1978, which is being filed as Annexure-I with this counter affidavit. The applicant was holding a quasi-permanent status in the Central Ground Water Board on 31st October, 1984 when he was relieved from the Department consequent upon his selection in the post of Scientist SE in Remote Sensing Application Centre, Government of Uttar Pradesh. He being a Quasi-permanent, his lien was retained in Central Ground Water Board for a period of two years with effect from 1-1-1984.

Since the applicant was holding a quasi-permanent status in the Geological Survey of India before his appointment in the Central Ground Water Board, he is entitled to the counting of entire service rendered by him in Geological Survey of India for all service benefits. The applicant had opted to continue with the Remote Sensing Application Centre, Government of Uttar Pradesh and accordingly the leave and pension contribution amounting to Rs.10,288/- have been received by the Central Ground Water Board and the Remaining amount of Rs.7,833/- is yet to be received on the said accounts from the Remote Sensing Application Centre. In regard to the applicant's




Chief Engineer & Member,
Government of India,
Central Ground Water Board,
Ministry of Irrigation & Power,
FARIDABAD (Haryana)

A35

:: 3 ::

contention that he has completed 20 years of service on 7th May, 1986 and in order to seek voluntary retirement, he gave three months notice to the Opposite party No. 1, it is submitted that as per instructions available in the Department of Personnel and Administrative Reforms O.M.No.25013/7/77-Estt (A) dated 26th August, 1977 and O.M.No.25013/3/79-Estt (A) dated 28-7-79. A copy of the above letter is being annexed as Annexure-II to this counter affidavit. The scheme of voluntary retirement on completion of 20 years qualifying service is not applicable to those Govt. servants on deputation to Autonomous Bodies, Public Sector Undertakings, etc. who propose to get absorbed in the Autonomous Bodies/Public Sector Undertakings, etc. From the notice of the voluntary retirement received from the applicant, it is clear that he intended to get himself absorbed in the Remote Sensing Application Centre, U. and with this intention only he gave a notice for voluntary retirement. A copy of the notice is being filed as Annexure- to this counter-affidavit. Thus as per instructions of Department of Personnel and Training, referred to above, his request for voluntary retirement could not be acceded to. Under the instructions (Annexure-II) available regarding the voluntary retirement after completing 20 years of service applicable to the Central Government Servants before a Govt. servant gives notice of voluntary retirement, he should satisfy himself by means of a reference to the appropriate administrative authority that he has in fact completed 20 years of service which may qualify for pension. This has also to be looked into with reference to the instructions available on the subject relating to




Chief Engineer & Member
Government of India,
Central Ground Water Board,
Ministry of Irrigation & Power,
FARIDABAD (Haryana)

A36

retention of lien of a Quasi-permanent Govt. servants upon their proceeding on foreign assignments on deputation. A copy of the above letter is being filed as Annexure-IV to this counter affidavit. A lien of Quasi-permanent Govt. servant can be retained for a period of two years in respect of those who proceed on deputation on foreign assignment. In the case of such Govt. servants who wish to revert back to the parent Department/Office within a period of two years, they may be taken back in the parent Department/Office provided post held by him prior to his joining his new Deptt./Office continues to exist. In any case at the end of two years from the date of release from the parent Department/Office, such Govt. servant will have to resign from the parent Department/Office if reversion does not take place. There are no instructions available on the subject about termination of lien on expiry of two years as the resignation submitted by such Govt. servants, who does not revert and acceptance of such resignation by the Govt. will automatically lead to cessation of lien and would enable such Govt. servants to get absorbed in the borrowing Department/Office. Also the spirit of Rules regarding retention of lien is that a lien of a Govt. servant on a post may under no circumstance be terminated even with his consent if the result will be to leave him without a lien from a suspended lien upon a permanent post. Thus the rules on retention applies only so long as the Govt. servant remains in Govt. service. Obtaining of consent of the



Q No 08

Engineer & Member
Government of India,
Chief Ground Water Supt.,
Ministry of Irrigation & Power,
LDAHAD (Haryana)

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Government servant to the termination of lien is necessary in certain circumstances where the Govt. servant is to be confirmed in another post under Government. Such consent is not necessary in cases where it is proposed to absorb him in non-government service would be to ask the Govt. servant concerned to resign his appointment under the Govt. with effect from the date of such permanent absorption and the lien will stand automatically terminated with the cessation of Govt. service. In the instant case, the applicant had opted to continue with R.S.A.C., an Autonomous Institution under the Government of U.P. No doubt he had completed 20 years of service in his career but in view of the orders regarding retention of lien, etc. referred to above and since the scheme of voluntary retirement being not applicable to those Govt. servants who propose to get absorbed in Autonomous Bodies/Public Sector Undertaking, etc. his request for seeking voluntary retirement after having completed 20 years of qualifying service has no justification and cannot be acceded to.

In regard to the contention of the applicant that no action was taken on the applicant's notice for voluntary retirement, it may be mentioned that the original notice dated 23rd July, 1986 of the applicant was not received by the Cadre Controlling Authority. A copy of the notice was called for from the applicant



[Handwritten signature]

Engineer & Member
Government of India,
National Ground Water Board,
Ministry of Irrigation & Power,
ROHTAK (Haryana)

which was received by the Government during the later part of December, 1986 and immediately thereafter the case was examined. Before, however, the outcome of the examination of his request for voluntary retirement could be conveyed, to the applicant, he submitted his resignation vide his letter dated 20-1-1987 from the post of Sr. Geophysicist in the C.G.W.B. A copy of the above letter is being annexed as Annexure-V to this counter affidavit.

In regard to applicant's charge that the applicant was advised to tender resignation by taking advantage of his having received the foreign assignment from world Health Organisation, it may be mentioned here that the charge levelled by him is baseless and unfounded and have no grounds. It is denied as he himself had submitted his resignation.

When the applicant earlier requested for voluntary retirement vide his letter dated 23rd July 1986, he did not mention therein of his having received the appointment of foreign assignment. Neither, the Govt. of India had at any time been informed either by the applicant or by the Remote Sensing Application Centre as to through whom he had applied for a foreign assignment under the World Health Organisation. Under the instructions/rules available on the subject, since the applicant was holding a lien in the C.G.W.B., by virtue of his deputation to the Remote Sensing Application Centre, all



[Signature]
 Chief Engineer & Member
 Government of India,
 Central Ground Water Board,
 Ministry of Irrigation & Power,
 FAHIDABAD (Haryana)

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the correspondence for outside employment including foreign assignments under World Bodies were required to be routed through the Govt. of India i.e. the C.G.W.B. and the Ministry of Water Resources who were the cadre controlling authority in respect of the category of post the applicant was holding. As such, the respondents No. 1 and 2 do not come into the picture in so far as his having received the appointment for foreign assignment under W.H.O. is concerned. In so far as the applicants statement that the services of the petitioner came to an end on the expiry of the notice period of three months in October 1986 and he be deemed to have retired voluntarily from service is concerned, as stated in earlier paragraphs, since the scheme for voluntarily retirement after completion of 20 years service is not applicable to those Govt. servants who propose to get themselves absorbed in Public Sector Undertakings/Autonomous Bodies, the request of the applicant for voluntary retirement cannot be agreed to. The charge levelled by the applicant that he was forced to resign is baseless, has no substance and is denied. The correct picture is that the applicant did not want to loose the foreign assignment received by him at an cost, for which he had never been sponsored by the Ministry of Water Resources. He himself had submitted the resignation (Annexure-V) from the post, on which he was holding a lien, in the C.G.W.B.



Chief Engineer & Member
Government of India,
Central Board of Water & Power,
Ministry of Irrigation & Power,
FAHIMABAD (HARYANA)

From the above, it would thus be seen that not only the charges levelled by the applicant against the Union of India are baseless, without any sound logic

11/10/88

but also the applicant had acted in contravention of the instructions/rules available on the subject by accepting the foreign assignment without being sponsored by the Government of India while he was in Government service.

5. That in reply to the contents of para 7(a) of the application, it is submitted that since the applicant did not complete 20 years of service qualifying for pension, etc. purpose, he is not eligible for consideration for voluntary retirement.

6. That in reply to the contents of sub para (b) of paragraph 7 of the application it is submitted that the applicant was not eligible for voluntary retirement and he did not revert to his parent Department in the C.G.W.B. after completion of the lien period of two year, he being holding the Quasi-permanent post, he had resigned of his own which had been accpeted and which had superseeding effect as per instructions/rules available on the subject. A copy of the instruction is being filed as Annexure-VI to this counter affidavit.

7. That in reply to the contents of sub para (c) of para 7 of the application, it is submitted that since he has resigned of his own he is not entitled for any pensionary benefits as sought for by the applicant.

Thus the reliefs sought in paragraphs a, b and c above are baseless and have no grounds.

8. That in reply to the contents of praragraphs 8, 9, 10 and 11 needs no comments.

NOTARY
S. APPALAKSHI
LUGNOR
dated 10/10/88

1988.

Chief Engineer & Member
Department of India,
Central Ground Water Board,
Ministry of Irrigation & Power,
Kharagpur (Jharkhand)

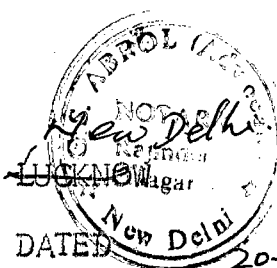
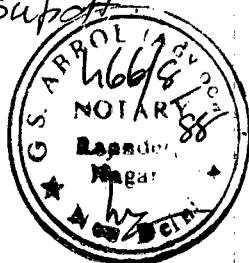
NOTARY
S. APPALAKSHI
LUGNOR
dated 10/10/88

Chief Engineer & Member
Department of India,
Central Ground Water Board,
Ministry of Irrigation & Power,
Kharagpur (Jharkhand)

VERIFICATION

I, the deponent above-named do hereby verify that the contents of paragraphs 1 to 2 are true to my personal knowledge while those of paras 3 to 8 are believed by me to be true on the basis of records and those of paragraphs — to — are also believed by me to be true on the basis of legal advice.

I identify the Executant Deponent who has signed in my presence



DATED 20-8-1988.

DEPONENT

Chief Engineer & Member
Government of India,
Ground Water Board,
Department of Irrigation & Power,
BANGALORE (Karnataka)

I identify the deponent who has signed before me.

ATTESTED

Notary Rajinder Nagar
New Delhi 20/8/88

ADVOCATE
ADDL. STANDING COUNCIL CENTRAL GOVT.

solemnly affirmed before me on

at — am/pm by the deponent who is identified by
Shri V.K. Chaudhari, Advocate, High Court, Lucknow Bench.

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

(TO BE PUBLISHED IN PART I SECTION 2 OF THE GAZETTE OF INDIA)

No. 7-11/77-MI(A)
GOVERNMENT OF INDIA
MINISTRY OF AGRI. & IRRIGATION
(Deptt. of Agriculture)
...

New Delhi, the 3rd June, 1978.

NOTIFICATION

The President is pleased to appoint Shri Hira Singh as Senior Geophysicist in the Central Ground Water Board, a subordinate office of the Ministry of Agriculture and Irrigation (Department of Agriculture), on a temporary basis with effect from the forenoon of 11th May, 1978 and untill further orders.

sd/-
(B.K. SAHA)
Deputy Secretary to the Govt. of India.

To

The Manager,
Government of India Press,
Faridabad (Haryana) with a copy of Hindi Version.

...

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48-A. RETIREMENT ON COMPLETION OF 20 YEARS' QUALIFYING SERVICE

(1) At any time after a Government servant has completed twenty years' qualifying service, he may, by giving notice of not less than three months in writing to the appointing authority, retire from service.

(2) The notice of voluntary retirement given under sub-rule (1) shall require acceptance by the appointing authority:

Provided that where the appointing authority does not refuse to grant the permission for retirement before the expiry of the period specified in the said notice, the retirement shall become effective from the date of expiry of the said period.

(3) Deleted.

(3A)(a) A Government servant referred to in sub-rule (1) may make a request in writing to the appointing authority to accept notice of voluntary retirement of less than three months giving reasons therefor;

(b) On receipt of a request under clause (a), the appointing authority subject to the provisions of sub-rule (2), may consider such request for the curtailment of the period of notice of three months on merits and if it is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, the appointing authority may relax the requirement of notice of three months on the condition that the Government servant shall not apply for commutation of a part of his pension before the expiry of the period of notice of three months.

(4) A Government servant, who has elected to retire under this rule and has given the necessary notice to that effect to the appointing authority, shall be precluded from withdrawing his notice except with the specific approval of such authority:

Provided that the request for withdrawal shall be made before the intended date of his retirement.

(5) The pension and death-cum-retirement gratuity of the Government servant retiring under this rule shall be based on the emoluments as defined under Rules 33 and 34 and the increase not exceeding five years in his qualifying service shall not entitle him to any notional fixation of pay for purposes of calculating pension and gratuity.

(6) This rule shall not apply to a Government servant who-

(a) retires under Rule 29, or

(b) retires from Government service for being absorbed permanently in an autonomous body or a public sector undertaking to which he is on deputation at the time of seeking voluntary retirement.

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EXPLANATION- For the purpose of this rule the expression "Appointing authority" shall mean the authority which is competent to make appointments to the service or post from which the Government servant seeks voluntary retirement.

GOVERNMENT OF INDIA'S DECISIONS

(1) Instructions regarding voluntary retirement.- The following instructions will regulate the voluntary retirement of Central Government servants:-

- (i) If a Government servant retires under the scheme of voluntary retirement while he is on leave not due, without returning to duty, the retirement shall take effect from the date of commencement of the leave not due and the leave salary paid in respect such leave not due shall be recovered as provided in Rule 31 of the C.C.S.(Leave) Rules, 1972.
- (ii) Before a Government servant gives notice of voluntary retirement with reference to these instructions, he should satisfy himself by means of a reference to the appropriate administrative authority that he has, in fact, completed twenty years' service qualifying pension.

NOTE- In order to ensure the correctness of the length of qualifying service for pension under the new scheme, it has been decided that the instructions contained in Decision (1) in Appendix 10 should be followed.

- (iii) A notice of voluntary retirement given after completion of twenty years' qualifying service will require acceptance by the appointing authority if the date of retirement on the expiry of the notice would be earlier than the date on which the Government servant concerned could have retired voluntarily under the existing rules applicable to him (e.g., F.R. 56(k), Rules 48 of the Pension Rules, Article 459(i) of C.S.Rs. or any other similar rule). Such acceptance may be generally given in all cases except those (a) in which disciplinary proceedings are pending or contemplated against the Government servant concerned for the imposition of a major penalty and the disciplinary authority, having regard to the circumstances of the case, is of the view that the imposition of the penalty of removal or dismissal from service would be warranted in the case, or (b) in which prosecution is contemplated or may have been launched in a Court of Law against the Government servant concerned. If it is proposed to accept the notice of voluntary retirement even in such cases, approval of the Minister-in-charge should be obtained in regard to Group 'A' and Group 'B' Government servants and that of the Head of

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the Department in the cases of Group 'C' and Group 'D' Government servants. Even where the notice of voluntary retirement given by a Government servant requires acceptance by the appointing authority, the Government servant giving notice may presume acceptance and the retirement shall be effective in terms of the notice unless the competent authority issues an order to the contrary before the expiry of the period of notice.

- (iv) The pension will be subject to the provisions of Rules 8 and 9 of these Rules.
- (v) The scheme of voluntary retirement under these orders will not apply to those who retire voluntary under the provisions of Rule 29 of the C.C.S. (Pension) Rules, 1972.
- (vi) The scheme of voluntary retirement under these orders will also not apply to those Government servants on deputation to autonomous bodies/public sector undertakings, etc., who propose to get absorbed in the autonomous bodies/public undertakings, etc. The absorption of Government servants on deputation to public undertakings/autonomous bodies, etc., in such autonomous bodies/undertaking, etc. and the grant of retirement benefits to them in respect of their service under Government will continue to be governed by the separate set of instructions issued by the Ministry of Finance in this regard.
- (vii) A Government servant giving notice of voluntary retirement may also apply, before the expiry of the notice, for the leave standing to his credit which may be granted to him to run concurrently with the period of notice. The period of leave, if any, extending beyond the date of retirement on expiry of notice but not extending beyond the date of which the Government servant should have retired on attaining the age of superannuation, may be allowed as terminal leave as per Rule 39(6) of the C.C.S. (Leave) Rules, 1972. The leave salary for such terminal leave shall be payable in accordance with the provisions of the paragraph 5 of Ministry of Finance (Department of Expenditure) O.M.No. 16(1)-EIV/(A)/76, dated the 24th December, 1976.

(G.I., Dept. of Personnel & A.R., O.M.No. 25013/7/77-Estt(A) dated the 26th August, 1977 and O.M.No. 25013/3/79-Estt.(A), dated the 28th July, 1979.)

CLARIFICATION. It is hereby clarified that Government servant who retire voluntarily are entitled to the grant of terminal leave under Rule 39(6) of the C.C.S. (Leave) Rules, 1972 and are also entitled to leave salary in lump sum as a one time settlement under para. 5(1) of O.M.No. 16(1)-E.IV(A)/76, dated 24.12.76 (See footnote below Rule 40(7), C.C.S. (Leave) Rules, 1972, Swamy's Compilation).

(G.I., M.F., O.M. No. P. 14025/1/78-EIV(A), dated the 30th May, 1978.)

TC
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रिमोट सेंसिंग एप्लीकेशन्स सेन्टर, उत्तर प्रदेश
REMOTE SENSING APPLICATIONS CENTRE, UTTAR PRADESH

NO: RSAC:

दूरभाष : 76670, 72235
Phone :
तार : REMOSAC
Gram :

पोस्ट बॉक्स 367, बी-19 सेक्टर ए
महानगर, लखनऊ-226 006
Post Box 367, B-19 Sector A
Mahenagar, LUCKNOW-226 006

दिनांक : Dec 11th, 1986
Dated

To

The Chief Hydrogeologist & Member,
Central Ground Water Board,
N.H. IV, FARIDABAD

Sub: Notice for voluntary retirement from Government
of India service.

Ref: Your letter No. 3-502/78-CH-Estt., dated 1/12/1986.

Sir,

With reference to your letter cited above, I am
enclosing herewith a copy of my letter dated 23rd July 1986
addressed to you and sent through the Director, Remote Sensing
Applications Centre, U.P.

Yours faithfully,

H. Singh
(HIRA SINGH)
Scientist 'SE'

Copy to the Director, Remote Sensing Applications Centre,
U.P., Lucknow for information and necessary action.

(HIRA SINGH)
SCIENTIST 'SE'

*Sr Admino
fhd for 1/2 PL*

*Sharma
23.12.86*

*S. Singh
23/12/86
Sharma
1/12/86*

*TL
[Signature]*

(A/N) 22/c
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Geophysical Exploration Division
132 Civil Lines,
Jhansi - 284901

NO: HS/CGWB/Ret/36/1
Dated 23.7.1986

To

The Chief Hydrogeologist & Member,
Central Ground Water Board,
NH IV, Faridabad (Haryana),
121 001

Through : The Director, R.S.A.C, U.P.

Sir,

I was working as Senior Geophysicist in C.G.W.B. S.R. Hyderabad and was relieved from there on 31-10-1984 A/N to join Remote Sensing Applications Centre, Uttar Pradesh as Scientist 'SE' with permission to retain lien for a period of two years in C.G.W.B. Having better working conditions, striving to find solution to more challenging problems and getting greater job satisfaction here, I opt to continue with the Remote Sensing Applications Centre, Uttar Pradesh, which is an autonomous institution under the Department of Science & Environment, Government of Uttar Pradesh.

Now that I have also completed 20 years of service with the Government of India (having started my career as Assistant Geophysicist with the Geological Survey of India - joining date - 7.5.66, getting quasi-permanency declared by G.S.I. as Assistant Geophysicist, promoted as Geophysicist (Jr) there and shifting to C.G.W.B. as Senior Geophysicist on 11.5.78 with entire service of G.S.I. transferred to Board and getting quasi-permanency declared here also as Sr. Geophysicist). I wish to take voluntary retirement from the Government of India service. So I may kindly be given gratuity, pensionary and other terminal benefits and permitted to take voluntary retirement on completion of lien period.

Yours faithfully,

H. Singh
(Hira Singh)
Scientist - 'SE'

TC
Ad

प्रेषक,

श्री निर्मल चन्द्र,
उप सचिव,
उत्तर प्रदेश शासन ।

सेवा में,

सचिव,
नगर विकास मंत्रालय,
भारत सरकार निर्माण भवन,
नयी दिल्ली ।

विज्ञान एवं अंतरिक्ष उर्जा श्रोत विभाग

लखनऊ: दि० दिसम्बर 22, 1986

विषय: श्री हीरा सिंह, वैज्ञानिक रिमोट सेंसिंग एप्लीकेशन सेंटर की विश्व स्वास्थ्य संगठन के अन्तर्गत इण्डोनेशिया में अत्यकालीन सलाहकार के लिए अनुमति के संबंध में ।

महोदय,

उपर्युक्त विषयक आपको सम्बोधित श्री मोहन लाल गुप्ता, क्षेत्रीय निदेशक विश्व स्वास्थ्य संगठन के पत्र संख्या -पी०आर०आर-आर०जे०सी०।।।।।०-सी० डब्ल्यू०एस० 071/बी दिनांक 10 नवम्बर, 1986 के संदर्भ में जिसकी प्रति प्रदेश सरकार को समय बचाने के लिए सीधे पृष्ठार्पित की गयी है मुझे यह कहने का निदेश हुआ है कि श्री हीरा सिंह, वैज्ञानिक, रिमोट सेंसिंग एप्लीकेशन सेंटर को विश्व स्वास्थ्य संगठन के अन्तर्गत । दिसम्बर, 1986 से इण्डोनेशिया में आठ माह के लिए अत्यकालीन सलाहकार के रूप में कार्य करने के लिए अवमुक्त किये जाने में राज्य सरकार को इस शर्त पर कोई आपत्ति नहीं है कि प्रस्ताव में रिमोट सेंसिंग एप्लीकेशन सेंटर, उ०प्र० अथवा राज्य सरकार पर कोई वित्तीय भार नहीं पड़ेगा ।

यहाँ यह उल्लेखनीय है कि श्री हीरा सिंह, सेंट्रल ग्राउन्ड वाटर बोर्ड, सदर्न रीजन से दिनांक 31-10-84 को अवमुक्त होकर रिमोट सेंसिंग एप्लीकेशन सेंटर में 5 नवम्बर, 1984 से कार्यरत हैं । चूँकि यहाँ अभी उनके सांवालयन का मामला विचाराधीन है, उनका लियन सेंट्रल ग्राउन्ड वाटर बोर्ड में बना हुआ माना जायेगा । अतः यदि आवश्यक हो तो प्रस्ताव पर उनकी भी स्वीकृति प्राप्त कर ली जाए ।

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विश्व स्वास्थ्य संगठन द्वारा इनकी नियुक्ति के संबंध में औपचारिक
आदेश जारी करने के पश्चात् श्री हीरा सिंह को कार्य मुक्त करने की शर्तों के
संबंध में अलग से आदेश जारी किये जायेंगे ।

भवदीय,

॥ निर्मल चन्द्र ॥
उपसचिव

संख्या: 3385/45-वि/6॥12॥86 तद दिनांक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित-

1. श्री मोहन लाल गुप्ता, क्षेत्रीय निदेशक, विश्व स्वास्थ्य संगठन,
नई दिल्ली ।
2. निदेशक रिमोट सेलिंग एप्लिकेशन सेंटर, उत्तर प्रदेश, लखनऊ
वी-19, सैक्टर-ए महानगर, लखनऊ को इस आशय से प्रेषित कि
श्री सिंह को प्रश्नगत कार्य के लिए चयनित हो जाने पर अविलम्ब
कार्यमुक्त करने की कृपा करें ।
3. चीफ हाइड्रोलोजिस्ट एण्ड मेम्बर, सेंटर ग्राउन्ड वाटर बोर्ड,
एन.एच. 4, फरीदाबाद ॥हरियाणा॥ -121001

आज्ञा से,
ह0/-

॥ निर्मल चन्द्र ॥
उपसचिव

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(-G.I., C.S. (Dep't. of Personal) O.M. No. 8/10/72 - ESH.(C) dated the
8th Nov., 1972)

(2) Retention of lien in parent department in the case of Government Servants getting employed in other department-s.- The question as to what procedure should be followed in respect of Government servants working in a particular Department/Office who apply in response to advertisements or circulars inviting application-s for posts in other Central Government Departments/Offices has been under consideration for some time past. It has been decided that the following procedure should be followed in respect of such Government servants:-

- (1) The applications may be forwarded in accordance with the instructions contained in this Office Memorandum (not printed) irrespective of whether the post applied for in the other Department/Office is permanent or temporary.
- (2) In the case of permanent Government servants their lien may be retained in the parent department/office for a period of two years. They should either revert to the parent department/office within that period or resign from the parent department/office at the end of that period. An undertaking to abide by these conditions may be taken from them at the time of forwarding the applications to other Departments/Offices.
- (3) In the case of quasi-permanent Government servants who wish to revert to the parent department/Office within a period of two years, they may be taken back in the parent Department/Office, provided the posts held by them prior to their joining the new Department/Office continue to exist. In any case, at the end of two years from the date of release from the parent Department/Office, if reversion does not take place. An undertaking to abide by those conditions may be taken from them at the time of forwarding the applications.
- (4) As for temporary employees, they should as a matter of rule be asked to resign from the parent Department/Office at the time of release from the parent Department/Office. An undertaking to the effect that they will resign from the parent Department/Office in the event of their selection and appointment to the post applied for may be taken from them at the time of forwarding the applications.
- (5) In exceptional cases where it would take some time for the other Department/Office to confirm such Government servants due to the delay in converting temporary posts into permanent ones, or due to some other administrative reasons, the permanent Government servants may be permitted to retain their lien in the parent Department/Office for one more year. While granting such permission, a fresh undertaking similar to the one indicated in sub-para.(2) above may be taken

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from the permanent Government servants by the parent Department/Office. A similar treatment may be accorded to the quasi-permanent employees on their giving an undertaking similar to the one indicated in sub-para.(3) above.

- (6) During the period of two years referred to in clauses (2) and (3) above, the pay of the officer in the ex-cadre post will be subject to the limits prescribed in M.F.No.F10(24)-E.III/60, dated the 9th March, 1964, (Appx.5 in this compilation), in case where the minimum of the scale of pay of the new post is substantially in excess of his grade pay in the parent Department and such other orders as may be issued from time to time. No deputation allowance will be admissible in any case.

2. These instructions are applicable to the employees in all the Departments/Offices of the Government of India (excluding the Ministry of Railways and civilians in Defence Services). The members of the Central Secretariat Service/Central Secretariat Stenographers Service/Central Secretariat Clerical Service will also be governed by these instructions in supersession of the practice hitherto followed in respect of them.

(G.I., M.H.A., O.M.No.60/37/63-Ests (A), dated the 14th July, 1967).

CLARIFICATION.- A question has been raised as to whether in the case of temporary Government servant who applies for a post occurring in the same Department/Office which is to be filled on the basis of direct recruitment an undertaking to the effect that, in the event of his selection to the post he will resign from the post held by him, is to be obtained or not. It is clarified that the instructions contained above apply in all cases, i.e. if a quasi-permanent Government servant applies for a post, occurring whether in other department or the same department, recruitment to which is made on direct recruitment basis, he will be allowed to come back to his post held by him earlier within a period of two years, provided the post exists. In the case of temporary Government servant, he should invariably be asked to resign from the post held by him at the time of release from that post in the event of his selection and appointment to the post applied for. An undertaking to this effect may be taken from him at the time of forwarding his application.

(G.I., M.H.A., (Deptt. of Personnel & A.R.) O.M.No.28015/2/80-Estt.(C), dated the 22nd July, 1980.)

Para.1(6) above provides that during the period of retention of lien for two or three years in the parent Department the pay of the officer in the ex-cadre post will be fixed in the pay scale of that post and will be subject to the limits prescribed in M.F., O.M.No.F.10(24)-E.III/60, dated the 9th March, 1964, in cases where the minimum of the scale of pay of the new post is substantially in excess of the grade pay drawn by the person concerned in the parent Department. The effect of the aforesaid

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O.M. is that the pay of the officer in the new post has in most of the cases to be fixed at a figure below the minimum of the pay scale of the new post under F.R.35 subject to the limits laid down in the O.M. referred to above. A question has been raised whether the restriction of pay imposed in terms of para.1(6) should apply in a case where a permanent Central Govt. Government servant is appointed to an ex-cadre post on the basis of his selection in an open competition on the recommendations of the Union Public Service Commission.

2. After careful consideration of the case and having regard to the fact that restriction of pay of a Government servant vis-a-vis an outsider who is allowed to draw pay in the scale of pay of the post, gives rise to an anomalous position in that the persons selected in an open competition are treated differently, it has been decided that in such cases where Government servants are selected for appointment to ex-cadre posts on the basis of their own application in an open competition through the Union Public Service Commission, they will be allowed to draw pay in the scale of the post without applying the restriction laid down in the M.F., O.M. dated the 9th March, 1964.

(G.I., C.S. (Department of Personnel), D.M.No.8/10/72-Estt.(C), dated the 8th November, 1972).

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Most Immediate

No.40/CH/CGWB/ND/87- 413
 Government of India,
 Central Ground Water Board,
 Ministry of Water Resources,
 Jamnagar House,
 Mansingh Road,
 New Delhi, the 20th January, 1987.

CGWB
 Dt. No. 383
 Dated 20/1/87

To

The Chairman,
 Central Ground Water Board,
 Ministry of Water Resources,
 Krishi Bhawan,
 New Delhi.

Sir,

Please find enclosed a letter from Shri Hira Singh, Senior Geophysicist, CGWB tendering his resignation from the Central Ground Water Board for needful at your end. Shri Hira Singh has requested for early acceptance of his request.

Yours faithfully,

(B.P.C. Sinha)

Chief Hydrogeologist & Member

Encl: as above.

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No. J/S/CAWB/201/86/4.
Remote Sensing applications Centre UP
Geophysical exploration Division
132 Civil Lines
Jhansi 284001
~~Delhi~~-Camp New Delhi
Dated: 20.1.87

To

The Chief Hydrogeologist & Member
Central Ground Water Board
NH.IV Faridabad.

Sub: Resignation from Central Ground Water Board.

Ref: 1) Your letter No.3-502/78-CH.Estt. dated 23.10.84
ii) Letter No.211/HS/78/Adm/Vol.II dated 31.10.84 of Director, CGWB,SR.

Sir,

I was released on 31.10.84 A/N vide letters under reference to
Join Remote Sensing Applications Centre UP as Scientist-SE retaining a lien for a
period of two years in CGWB. Now that the lien period is over and I want to
continue with the Remote Sensing Applications Centre UP, I hereby tender
my resignation from my services in Central Ground Water Board. It is requested
that the resignation from the Board may kindly be accepted.

Yours faithfully,

H. Singh
(HIRA SINGH)
20.1.87
Scientist SE..

Copy for kind information to:

- 1) The Dy.Secretary (GW) to the Govt. of India, Ministry of Water Resources
Krishi Bhavan, New Delhi with the request that needful may kindly be done to accept my
resignation at an early date.
- 2) The Director, RSAC, UP Lucknow.

(HIRA SINGH)
SCIENTIST S.E.

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The Chief Hydrogeologist & member
Central Ground Water Board,
Jam Nagar House,
New Delhi - 11.

Remote Sensing Applications Centre
132, Convent lanes,
Thansi - 224001.
Camp - New Delhi
Dated 27. 1. 87.

Sub: No Demand.

Sir,

With reference to my request for the acceptance of my resignation from the Central Ground Water Board, I am to state that when I was released from the Board in October 1984 to join Remote Sensing Applications Centre - U.P., I had cleared the dues and no demand was issued by the Board for my entire service. I am further to state that if any thing is found outstanding against my name it may please be adjusted from my assets (Gratuity, leave encashment, C.G.E.S funds, G.P.F. etc) pending with the Board.

I hereby authorise the Central Ground Water Board to pay my dues only after all the dues of Board are cleared and fully adjusted.

I therefore request you to issue a certificate of this effect to the Ministry so that my acceptance of my resignation is not unduly delayed on this account.

Yours faithfully,
H. Singh
27.1.87.
HIRA SINGH

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ANNEXURE - VI

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No.35-152/78-GW
Government of India
Ministry of Water Resources
....

New Delhi, Dated the 3rd March, 1987.

To

The Chief Hydrogeologist,
Central Ground Water Board,
New Delhi.

Sub: Resignation of Shri Hira Singh, Senior
Geophysicist, Central Ground Water Board.
.....

Sir,

I am directed to refer to your letter No.40/
CH/CGWB/ND/87-604 dated 27th January, 1987, on the
subject mentioned above and to convey the approval of
the President to the acceptance of resignation of Shri
Hira Singh from the post of Senior Geophysicist in the
Central Ground Water Board, with immediate effect.

It may be confirmed that no dues are outstanding
against Shri Hira Singh.

The charge relinquishment report of Shri
Hira Singh, may be furnished at the earliest to enable
this Ministry to issue formal order.

Yours faithfully,

2A
(ZAFAR HASAN)
DESK OFFICER

Copy to:

1. The Pay & Accounts Officer, CGWB, Faridabad.
2. Guard File.
3. D.O. I.

2A
(ZAFAR HASAN)
DESK OFFICER

Issued
3/3.

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Recd. CH's copy
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No. 35-152/78-GN
Government of India
Ministry of Water Resources

New Delhi, March 13, 1987.

OFFICE MEMORANDUM

Subject:- Assignment of Shri Hira Singh, Scientist SE -
Remote Sensing Application Centre, Lucknow as
a N.H.O. Short-term consultant to Indonesia
for a period of eight months from December, 1986.

The undersigned is directed to refer to the
Ministry of Urban Development's O.M No. M-11018/3/86-PHE
dated the 12th March 1987 on the subject mentioned above
and to say that Shri Hira Singh has since tendered his
resignation from the post of Sr. Geophysicist in the
Central Ground Water Board and his resignation has been
accepted by the competent authority w.e.f. 4th March 1987.
(AN).

9c (A.K. AHIR)
Dy. Secretary to the Govt. of India

To

The Ministry of Urban Development
(Shri S.D. Sharma, Director - Water Supply)
New Delhi.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL? ALLAHABAD CIRCUIT
BRANCH LUCKNOW

O.A. NO. 47 OF 1988

*Filed today
27/6*

Hira Singh aged about 45 years
S/O Late Sri Raghurai Singh
R/O 524/15 Lala Suraj Bali Marg,
New Hyderabad LUCKNOW Applicant

VERSUS

1- CENTRAL Ground Water Board.
Govt. Of India
NH IV Faridabad (Haryana) 121 001
& Jan Nagar House
1 Man Singh Road, New Delhi
through Chief Hydrogeologist & Member.

2- Central Ground Water Board
Ministry of Water Resources
Govt. of India,
Krishi Bhawan New Delhi
through Chariman and Deputy Secretary (GW)
of Govt. of India.

..... Respondents

APPLICATION OF CONDONATION OF DELAY IN FILING

THE REJOINDER AFFIDAVIT

In the above noted case the Rejoinder Affidavit
could not be filed in time inadvertently. The same is
being filed herewith.

It is prayed that the delay in filing the
Rejoinder Affidavit may kindly be condoned and rejoinder
affidavit be taken on record & such other order as are
deemed just and proper be also passed.

Lucknow Dated
June 27, 1988

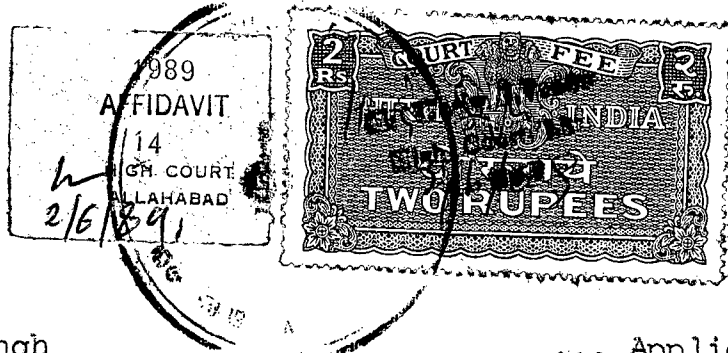
Virendra Singh
Advocate
Counsel for applicant

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
LUCKNOW.

O.A. No. 47 of 1988 (L)

Fixed for : 27.6.1989.



Hira Singh

... Applicant

Versus

Union of India and others

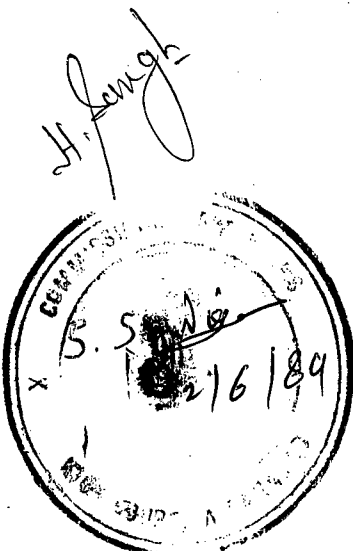
... Opposite Parties.

REJOINDER AFFIDAVIT

ON BEHALF OF THE PETITIONER TO THE COUNTER AFFIDAVIT FILED
ON BEHALF OF THE OPPOSITE PARTIES

I, Hira Singh, son of late Sri Raghurai Singh, aged about 46 years, resident of 524/25, Lala Suraj Bali Marg, New Hyderabad, Lucknow, do hereby solemnly affirm and state as under :-

1. That the deponent is the applicant in the above noted case and is well-versed with the facts deposed hereinafter.
2. That the deponent has read and fully understood the Counter Affidavit sworn by Sri S.K. Das on behalf of the opposite parties and in reply thereto states as hereinafter follows.
3. That paragraphs 1 and 2 of the said Counter Affidavit need no reply.
4. That in reply to paragraph 3 of the said Counter



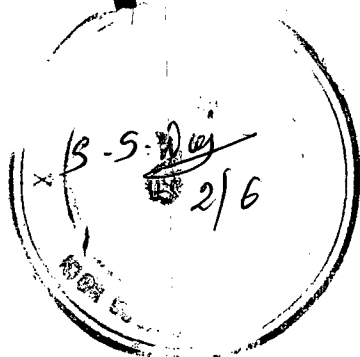
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Affidavit it is stated that as stated in the claim petition the deponent was misled by the wrong advice given by the counsel to the effect that limitation for seeking redress against the impugned order dated 5th of March, 1987, is three years and not one year as subsequently advised by the present counsel on 31st of May, 1988, after his return to India on 14th of March, 1988. The deponent states that there is good ground for condoning the limitation and deciding the disputes on merits.

5. That in reply to paragraph 4 of the said Counter Affidavit, the averments made in paragraph 6 of the claim petition are reiterated and those contrary thereto are denied.

It is further stated that as admitted in the Counter Affidavit the deponent entered into Government service in Geological Survey of India on 7th of May, 1966, as Assistant Geophysicist. Thereafter with effect from 11th of May, 1978, the deponent was appointed in the post of Senior Geophysicist in the Central Ground Water Board, where he acquired the status of a quasi permanent servant. It is further admitted that on 31st of October, 1984, the deponent was relieved from Central Ground Water Board upon his selection in the post of Scientist 'SE' in the Remote Sensing Application Centre, Uttar Pradesh, and being a quasi permanent employee his lien was retained in the Central Ground Water Board for a period of two years with effect from 1.11.1984.

It is admitted in the said Counter Affidavit that as the deponent was holding a quasi permanent status in the Geological Survey of India before his appointment in the Central Ground Water Board, he is entitled to the counting of entire service



H. Singh

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rendered by him in the Geological Survey of India for all service benefits. It would thus be seen that the period of 20 (twenty) years' service was completed on 7th of May, 1986, when voluntary retirement was sought on 23rd of July, 1986. The contention in the said Counter Affidavit to the effect that the scheme of voluntary retirement on completion of 20 (twenty) years' qualifying service is not applicable to those Government servants on deputation to autonomous bodies, public sector undertakings etc., who propose to get absorbed in the autonomous bodies/public sector undertakings etc. is denied and it is stated that no such discrimination can be made. The deponent, when he applied for voluntary retirement, was on deputation to foreign service and there is no ground, much less reasonable ground, for not allowing the scheme of voluntary retirement to be applicable to the deponent who was serving on deputation on foreign service. Such a provision even if it exist, is violative and discriminatory and is not legally enforceable. It is further stated that at no time after the submission of the letter dated 23.7.1986 seeking voluntary retirement on completion of 20 (twenty) years' service, any such intimation was given to the deponent. This excuse is being put forward now for the first time before this Tribunal.

With regard to retention of lien of a quasi permanent servant proceeding on foreign assignment on deputation as asserted in the Counter Affidavit, it is stated that the submissions made therein are argumentative in nature and a complete reply thereto can be given at the time of arguments. It is, however, submitted that the lien of the deponent did not come to an end as he was not reverted to his



H. Singh

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post in the parent department. It is admitted in the Counter Affidavit that there are no instructions available about the termination of lien on the expiry of 2 (two) years in respect of the employees who are on deputation and as such the stand taken in that regard is without any substance. No consent as contemplated and asserted was taken from the deponent and the deponent was well within the right to exercise option of voluntary retirement on completion of 20 (twenty) years' qualifying service.

6. That with regard to the averments about the notice dated July 1986 seeking voluntary retirement it is stated that the same was sent through proper channel and advance copy thereof was sent by registered post. This notice was given before the expiry of two years' lien and no complaint about non-receipt of the same was made till ^h30th of November, 1986^h, the despatch of letter dated 1.12.1986.

In this connection it is further stated that the allegations that the scheme of voluntary retirement is not applicable to those government servants proposed to get absorbed in autonomous bodies/public sector undertakings etc. is apart from being wrong is entirely vague and does not apply to the present case, particularly in view of the words "who propose to get absorbed" mentioned therein. No such case was contemplated when the deponent went on foreign service on deputation and the said clause is not applicable in the case of the deponent.

It is further stated that earlier to 20.7.'86 the deponent had not opted to continue with Remote Sensing Application Centre. So far as the resignation submitted by the deponent is concerned, the reason for submitting the same has already been

H. Singh



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given in paragraph 6 of the claim petition and the same are reiterated. The allegations to the contrary contained in the Counter Affidavit, under reply, are wrong and are denied.

Regarding the allegations that the deponent while requesting for voluntary retirement vide letter dated 23.7.1986 did not mention therein of his having received the foreign assignment, it is stated that even the first communication about the said assignment by the W.H.O. was not received till that date.

In this connection, it is further stated that there was no question of routing the matter to the Government of India arose as the appointment came from the W.H.O. without being applied for by the deponent. It may be mentioned here that first communication from W.H.O. about the said assignment asking for the deponent's consent and the availability was received much later on 6th of August, 1987, and at the time he had applied for voluntary retirement the deponent had no knowledge of his foreign assignment. There was thus no question of violating any instructions/rules, as alleged.

Regarding cessation of service on the expiry of three months' notice in October, 1986, it is stated that as per Rules 3 months' notice of voluntary retirement is required to be given. That being the condition the voluntary retirement became effective on the expiry of three months from the date of service of the notice. Accordingly, the deponent is to be deemed to have retired in October, 1986, on completion of three months' notice period. The submission of the resignation was caused for the reasons already given in the application. The said resignation is put through for all practical purposes



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as having no effect and its acceptance is also of no consequence. It is further denied that the deponent has acted in contravention of the instructions / rules on the subject of accepting the foreign assignment. By the aforesaid allegations the deponent of the Counter Affidavit has shown his gross ignorance about the manner in which the offers are made by the W.H.O.

7. That in reply to paragraph 5 of the said Counter Affidavit, it is stated that the stand taken in this paragraph to the effect that the deponent did not complete 20 (twenty) years of service qualifying for pension, is contrary to the allegations made in paragraph 4 of the Counter Affidavit. It is reiterated that the deponent completed 20 (twenty) years' service on 7th of May, 1986.
8. That the allegations made in paragraph 6 of the Counter Affidavit are denied and those made in paragraph 7(b) of the application are reiterated. The deponent stood retired from service on the expiry of three months' period of notice in October, 1986, and the subsequent resignations submitted by him are of no avail.
9. That in reply to paragraph 7 of the Counter Affidavit, the allegations made in paragraph 7(c) of the application are reiterated and it is denied that resignation was voluntary and the deponent is not entitled to any pensionary benefits.

Dated: Lucknow,

June 2, 1989.

H. Singh
Deponent.

VERIFICATION

I, the abovenamed deponent, do hereby verify that the contents of paragraphs 1 to 9 of this



H. Singh

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Counter Affidavit are true to my own knowledge, while those of paragraphs _____ are believed by me to be true on the basis of legal advice. Nothing is false herein and nothing material has been concealed, so help me God.

Dated: Lucknow,

June 2, 1989.

H. Singh
Deponent.

I identify the deponent,
who is known to me.

Verendra Misra
Advocate,

High Court (Lucknow Bench), Lucknow.

Solembly affirmed before me
on 2.6.1989 at 10⁰⁰ A.M./P.M. by
Sri Hira Singh, the deponent, who is
identified by Sri *Verendra Misra*
Advocate, High Court, Lucknow Bench.

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

S. S. Nigam
SATYA CHAMAN NIGAM
OATH COMMISSIONER
High Court, Lucknow Bench Lucknow.
No. *14/160* Date *2/6/89*

VAKALATNAMA

In the Hon'ble High Court of Judicature at Allahabad
At

Lucknow Bench

SHRI HIRA SINGH

Union of India & others

Pff./Applt./Petitioner/Complainant

Defent./Respt./Accused

KNOW ALL to whom these presents shall come that I/we S.K.DAS, CERM

the above-named do hereby appoint

Shri V. K. CHAUDHARI, Advocate, Addl. Standing Counsel, Central Govt. CAT. Circuit High Court, Lucknow Bench, Lucknow

(hereinafter called the advocate/s) to be my/our Advocate in the above-noted case and authorised him:—

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us.

To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions, review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents, to admit &/or deny the documents of opposite parties.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive moneys, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said cause,

To appoint and instruct any other Legal Practitioner authorising him to exercise the power and authority/herby conferred upon the Advocate whenever he may think fit to do so & to sign the power of attorney on our behalf.

And I/we the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all hearings & will inform the Advocate for appearances when the case is called.

And I/we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

And I/we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case untill the same is paid up. The fee settled is only for the above case and above Court. I/we hereby agree that once the fees is paid. I/we will not be entitled for the refund of the same in any case whatsoever.

IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this.....day of.....19

Accepted subject to the terms of fees.

Client

Client

Advocate

Chief Engineer & Member
Government of India,
Central Ground Water Board,
Ministry of Irrigation & Power,
FARIDABAD (Haryana)

(126) (38)

VAKALATNAMA

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

SH. HIRA SINGH

Plff./Applt./Petitioner/Complainant

Union of India

Verses

Defent./Respt./Accused

KNOW ALL to whom these presents shall come that I/We S.K. DAS, C.E. & M.
the above-named

do hereby appoint

Shri V. K. CHAUDHARI, Advocate, Addl. Standing Counsel, Central Govt.
C.A.T. Circuit High Court, Lucknow Bench, Lucknow
(hereinafter called the advocate/s) to be my/our Advocate in the above-noted case and
authorised him :—

To act, appear and plead in the above-noted case in this Court or in any other Court
in which the same may be tried or heard and also in the appellate Court including High Court
subject to payment of fees separately for each Court by me/us.

To sign, file, verify and present pleadings, appeals, cross-objections or petitions for
executions, review, revision, withdrawal, compromise or other petitions or affidavits or other
documents as may be deemed necessary or proper for the prosecution of the said case in all
its stages.

To file and take back documents, to admit &/or deny the documents of opposite
partys.

To withdraw or compromise the said case or submit to arbitration any differences
or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive moneys, cheques, cash and grant receipts thereof and
to do all other acts and things which may be necessary to be done for the progress and in the
course of the prosecution of the said cause.

To appoint and instruct any other Legal Practitioner authorising him to exercise the
power and authority/herby conferred upon the Advocate whenever he may think fit to do so
& to sign the power of attorney on our behalf.

And I/we the undersigned do hereby agree to ratify and confirm all acts done by the
Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all
hearings & will inform the Advocate for appearances when the case is called.

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contents of which have been understood by me/us on this.....day of.....19

Accepted subject to the terms of fees.

Client

Client

Advocate

Chief Engineer & Member
Government of India,
Central Ground Water Board,
Ministry of Irrigation & Power,
FARIDABAD (Haryana)