

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE ...O.A.57..... OF ...1988.....

NAME OF THE PARTIES .....S.S.Wadhaiya.....Applicant

Versus

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

Part A.

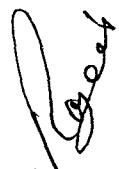
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CERTIFICATE

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

Dated .....

Counter Signed.....



Section Officer/In charge

Signature of the  
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL  
~~ALLAHABAD BENCH, ALLAHABAD~~

LUCKNOW - BENCH  
INDEX-SHEET

CAUSE TITLE O.A. No 57 OF 1980.

Name of the Parties S.S. Wadhavas

Versus

Union of India & Others

Part A, B & C

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

23-A, Thornhill Road, Allahabad-211001,

Registration No.

57 of 1980 (L)

APPLICANT (s) S. S. Wadhwa

RESPONDENT(s) Union of India through the Secy, Miny.  
of Def., Govt. of India, New Delhi  
26 files

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	Ys
2. (a) Is the application in the prescribed form ?	Ys
(b) Is the application in paper book form ?	Ys
(c) Have six complete sets of the application been filed ?	9 Complete sets of the application have been recd.
3. (a) Is the appeal in time ?	Ys
(b) If not, by how many days it is beyond time ?	—
(c) Has sufficient cause for not making the application in time, been filed ?	—
4. Has the document of authorisation/Vakalat-nama been filed ?	Ys
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-	Ys DD 067013 27-10-1980
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	Ys
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Ys
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Ys

LKO Bench.

Order sheet.

(A2)  
X

OA No. 57/88

21.7.88

Hon. A. Johri, A.M.

On the request of Sri V.K. Choudhury, learned counsel for the respondents, the case is adjourned to 22.7.88 for hearing on interim ~~relief~~ relief.

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22/7/88

On the request of counsel for the applicant, case is adjourned to 22/7/88. Put up ~~before~~ ~~date~~ ~~bench~~ on 22/7/88. Let the parties be maintained ~~in safety~~ of this order. <sup>38</sup> A.M.

38

Copies of order served to the parties counsel.

38

Particulars to be ExaminedEndorsement as to result of Examination

(c) Are the documents referred to in (a) above neatly typed in double space ?

yes

8. Has the index of documents been filed and paging done properly ?

yes

9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ?

yes

10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ?

no

Part 2 of this application

11. Are the application/duplicate copy/spare copies signed ?

yes

12. Are extra copies of the application with Annexures filed ?

yes

(a) Identical with the original ?

—

(b) Defective ?

—

(c) Wanting in Annexures

Nos...../Pages Nos. ....?

13. Have file size envelopes bearing full addresses, of the respondents been filed ?

yes but 3 envelopes are without postage.

yes

14. Are the given addresses, the registered addresses ?

yes

15. Do the names of the parties stated in the copies tally with those indicated in the application ?

yes

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?

no.

17. Are the facts of the case mentioned in item No. 6 of the application ?

yes

(a) Concise ?

yes

(b) Under distinct heads ?

yes

(c) Numbered consecutively ?

yes

(d) Typed in double space on one side of the paper ?

yes

18. Have the particulars for interim order prayed for indicated with reasons ?

yes

19. Whether all the remedies have been exhausted.

If agreed to case may be listed before the Court on 19-07-2011.

Chit

~~Debtors~~  
Exhibits, P

5.9.88.

Shri R.S.Sharma for Appellant  
Shri V.K.Chandhary for Respondent  
It has been intimated to Respondent with  
a copy to the Advocate of Appellant that  
it has been stated that the Appellant has  
already been released.

Admit. Shri R.S.Sharma may file a  
Reply to the Counter within a week.

Adjourned to 19.9.88 for final hearing.

*J.C. Mathew*  
519/88.

19.9.88 fixed for hearing.

19.9.88.

Hon. Mr. Justice  
Shri R.S.Sharma for appellant  
Shri V.K.Chandhary for respondent.  
Arguments heard.  
Judgment reserved.

*by*  
A.M.

Mr.

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RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
Circuit Bench at Lucknow  
Registration U.A. No.57 of 1988

S.S.Wadhaira ..... Applicant

Versus

Union of India & Others .... Respondents.

Hon.D.S.Misra, A.M.

In this application under Section 19 of the Administrative Tribunals Act XIII of 1985 the applicant has prayed for quashing the order of his transfer from Lucknow to Fatehgarh and orders of posting dated 3.8.87 in respect of respondents 6 and 7. An order of maintaining status quo was passed before the admission of the application.

2. The applicant has been working as Supervisor, B/S Grade II in the M.E.S. Department under the Garrison Engineer(West) Lucknow, respondent No.5. The applicant claims that he was the juniormost Supervisor B/S Grade II working at Lucknow and he was not due for transfer in accordance with the policy regarding transfer of Civilian Subordinates in the M.E.S. in accordance with the instructions contained in the Engineer-in-Chief, Army Headquarters letter dated 13.3.87(copy Annexure-4).

3. No reply was filed on behalf of respondents 6 & 7. In the reply filed on behalf of respondents 1 to 5

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it is stated that the impugned order of transfer has been passed by the competent authority in his discretion keeping in view the policy and job requirements and that the applicant was due for posting out and the petition is liable to be dismissed.

4. I have heard the arguments of the learned counsel for the parties. The learned counsel for the applicant stressed the point that the respondent number ~~000~~ 5 had acted in violation of the policy guidelines contained in the letter dated 13.3.07 of the Engineer-in-Chief, Army Headquarters. The learned counsel for the respondents contends that these guidelines are not mandatory and the competent authority can deviate in the interest of administrative exigency. I have considered this contention of the learned counsel for the respondents and I am of the opinion that respondent No.5 who is a subordinate authority to the Engineer-in-Chief is bound by the policy guidelines issued by the Engineer-in-Chief, and any departure from these guidelines has to be with the approval of the Engineer-in-Chief. The respondents have failed to indicate cogent reasons for deviating from the policy guidelines laid down by the Army Headquarters. They have also not indicated any deficiency or complaint about the work and conduct of the applicant. I am, therefore, of the opinion that

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the order of transfer of the applicant from Lucknow to Fatehgarh is liable to be quashed and I accordingly quash this order.

5. The only other point for consideration of this case is the prayer of the applicant for quashing the order of posting of respondents 6 & 7. Although these two respondents have not contested this prayer of the applicant, it does not appear necessary to disturb the administrative arrangements made by the respondents 1 to 5 for the disposal of Government work. The applicant can be provided relief by respondent number 5 by considering the request of the applicant for giving a suitable posting at or near the Lucknow in accordance with the instructions contained in the Policy guidelines letter dated 13.3.87 and voluntary preferences given by the five officials who were due for transfer to accommodate five officials who had completed their tenure of hard posting.

6. The application is disposed of accordingly without any order as to costs.

  
Member (A) 21-9-88

Dated the 21 Sept., 1988.

RKM

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD,  
CIRCUIT BENCH, LUCKNOW.

### Original Application --

Claim Revision No: \_\_\_\_\_ of 1988.

## Versus

Union of India & others - - - - - - - Opp-Parties/  
Respondents.

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For Use in  
Trinunal Office

Signature of Applicant.

Date of Filing  
or

Date of Receipt  
by Post

Registration No.:

Signature for Registrar.

This Case to stay  
Before the Court  
for Interim Relief

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(1)

(M)  
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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.  
CIRCUIT BENCH, LUCKNOW.

Swaranjeet Singh Wadhaira, Supervisor, B/S Grade II,  
M.E.S. (West), Lucknow. ----- Petitioner.

Versus

1. Union of India through the Secretary, Ministry of Defence, Government of India, New Delhi.
2. Chief Engineer, Central Command,  
Mahatma Gandhi Marg, Lucknow Cantt.
3. Chief Engineer, M.E.S., Lucknow Zone, Lucknow,  
Mahatma Gandhi Marg, Lucknow Cantt.
4. Commander, Works Engineer (West), (Project)  
Mahatma Gandhi  
Sardar Patel Marg, Lucknow Cantt.
5. Garrison Engineer (West),  
Sardar Patel Marg, Lucknow Cantt.
6. Sri Bimleshwar Singh, Supervisor, B/S Grade II, c/o  
Asstt. Garrison Engineer, Bakshi Ka Talab, Lucknow.
7. Sri H.C. Dixit, Supervisor, B/S Grade II, c/o  
Garrison Engineer (East), Lucknow.

----- Respondents.

CLAIM PETITION No. .... of 1988.

Under Section 19 of the Central Administrative Tribunal

Act, 1985.

*Swadeendra*  
(1) Particulars of Applicant

- (i) Name of Applicant: Swaranjeet Singh Wadhaira.
- (ii) Name of Father : Sri Hara Singh.

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(iii) Designation and office in which employed:

Supervisor, B/S Grade II, M.E.S. Garrison Engineer (West), Lucknow Cantt.

(iv) Office Address :

Garrison Engineer (West), M.E.S. Lucknow Cantt.

(2) Particulars of Respondents.

1. Union of India, Ministry of Defence, Govt. of India, N. Delhi.
2. Chief Engineer, Central Command, M.G. Marg, Lucknow Cantt.
3. Chief Engineer, M.E.S., Lucknow Zone, Lucknow, M.G. Marg, Lucknow Cantt.
4. Commander, Works Engineer (West), 11, Sardar Patel Marg, Lucknow Cantt.
5. Garrison Engineer (West), 11, Sardar Patel Marg, Lucknow Cantt.
6. Sri Bimleshwar Singh, Supervisor, B/S Grade II, c/o Asst. Garrison Engg. Bakshi Ka Talab, Lucknow.
7. Sri H.C. Dixit, Supervisor B/S Grade II, c/o G.E. (East), Lucknow.

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

(i) Order :

No. 1010/B/S/1179/E1A

(ii) Date :

June 22, 1988.

(iii) Passed by :

Garrison Engineer (West), 11, Sardar Patel Marg, Lucknow Cantt.

(iv) Subject in brief:

Illegal transfer against instructions of Defence Ministry having the force of law and policy formulated for transfer.

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(4) Jurisdiction of the Tribunal.

The applicant declares that the subject matter of the order against

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which he wants redressal is within the jurisdiction of this Tribunal.

(5) Limitation : The applicant further declares that the application is within the limitation prescribed in Section 21 of the Central Administrative Tribunal Act, 1985.

(6) Facts of the Case : The facts of the case are given as under:-

(i) That the petitioner is permanent civil employee in the M.E.S. department working as Supervisor, Barrack and Stores, Grade II under the Garrison Engineer (West), Lucknow.

(ii) That posting of Supervisor, B/S Grade II was ordered vide H.Q. letter No. 901250/1/ Turnover/27/E1C(1) dated 3.8.87 on turnover basis. The true copy of this letter is Annexure (1) to this petition.

(iii) That five supervisors, B/S Grade II were working at hard tenure stations and were likely to complete their tenure at hard tenure stations.

(iv) That the policy had been adopted in regard to individuals completing their tenure at hard tenure stations is this; that they are called upon to give three stations of their choice and they are transferred to such stations of their choice.

(v) That the following five supervisors B/S Grade II were working at hard tenure

*S. Baladhar*

~~By  
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stations and so they had given Lucknow and Bakshi Ka Talab as two of their choice for their posting:

	Name	Station of Choice
1.	S.N.Dwivedi	Lucknow/Bakshi Ka Talab
2.	Mritunjai Singh	do-----
3.	P.S.Bindra	do-----
4.	K.P.Pandey	do-----
5.	H.N.Chaturvedi	do-----

(vi) That in order to accommodate the aforesaid supervisors B/S Grade II the aforesaid order quoted in para 6(ii) was made, vide Annexure No.1.

(vii) That pursuant to the said order the supervisors B/S Grade II of longest stay completing more than three years at Lucknow were to be posted out.

(viii) That before posting out the longest stayees their volunteership certificate is taken for the station of their choice as per Govt. directives.

(ix) That the following persons were the supervisors B/S Grade II who were senior and longest stayees at Lucknow station:-

Name	Station	Period
1. Bimleshwar Singh	Bakshi ka Talab	14 yrs.
2. B.L.Batra	Lucknow	8 yrs.
3. H.C.Dixit	Lucknow	7 yrs.
4. S.C.Srivastava	Lucknow	7 yrs.
5. S.S.Wadharia, applicant	Lucknow	6 yrs.

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(x) That at Lucknow station two vacancies of Supervisor B/S Grade II were already existing and so three vacancies were to be created at Lucknow and Bakshi ka Talab stations.

(xi) That at Bakshi ka Talab Sri Bimleshwar Singh was the senior-most as he was there for about 14 years, hence he was to be posted out and since Lucknow and Bakshi ka Talab stations for purposes of posting were one and the same, therefore the posting of Sri Bimleshwar Singh was to be done at some station outside Lucknow, i.e. other than the choice stations offered by the said repatriates. Bakshi ka Talab and Lucknow had already been held as one and the same station for the purpose of posting and transfer as decided in Regular Suit No. 97 of 1981 - Umesh Chandra Sharma vs. Union of India, by the Additional Munsif, VII, Lucknow on 6.9.81. It is submitted that no appeal or revision was filed against the judgment and the opposite parties complied the judgment.

(xii) That before the five repatriates could be absorbed at their choice stations (Bakshi ka Talab and Lucknow), the said Bimleshwar Singh was posted from Bakshi ka Talab to Lucknow in flagrant violation of the policy carved out in the matter of posting and transfer because the absorption of the five repatriates was of paramount consideration in these stations. Thus Sri Bimleshwar Singh was unduly favoured

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by retaining him at Lucknow when he was the seniormost and had to be posted out to stations other than Lucknow and Bakshi ka Talab. By this process, attempt was made to make Sri Bimleshwar Singh, junior to the petitioner at Lucknow so as to expose him to transfer to outstation when he was not due.

(xiii) That Sri B.L.Batra was the next senior supervisor B/S Grade II working at Lucknow station and next to him in seniority was Sri H.C.Dixit and next to him was Sri S.C.Srivastava. Since the absorption of three more supervisor B/S Grade II was in contemplation at the said two stations, namely, Bakshi ka Talab and Lucknow, therefore, volunteerhip certificates were obtained from Sarv Sri H.C.Dixit and S.C.Srivastava, who volunteered under written volunteerhip certificates for Gorakhpur and Bareilly duly signed by them and attested by competent authority with an undertaking from them that they will not withdraw their volunteerhip certificates as and when they are posted out to such stations. A true copy each of the volunteerhip certificates given by them is Annexure No.2 and Annexure No.3 to this petition.

(xiv) That in terms of the said volunteerhip certificates only Sri S.C.Srivastava was transferred to Bareilly but volunteerhip certificates of Sri H.C.Dixit was ignored and Sri H.C.Dixit was posted to Bakshi ka Talab instead of his choice station Gorakhpur where

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as submitted earlier in para 6(x) Bakshi ka Talab and Lucknow stations are one and the same for the purpose of posting and transfer. This transfer and posting of Sri H.C.Dixit is in violation of court judgment in this connection cited in para 6(xi) and also in violation of healthy standing policy with regard to transfer laid down by the Ministry of Defence, Govt. of India, which has the force of law. The true copy of the said policy is Annexure No.4 to this petition.

(xv) That the violation of the said policy is likely to undermine fair deal in the matter of transfer and posting and is bound to introduce favouritism and nepotism in general and the healthy policy will be rendered negatory and will upset the whole system of posting and transfer which/ the policy aimed at to achieve.

(xvi) That having posted Sri Bimleshwar Singh to Lucknow against the policy and the said judgment and Sri H.C.Dixit in place of Sri Bimleshwar Singh to Bakshi ka Talab from Lucknow instead of to his choice station Gorakhpur (vide Annexure No.2), the petitioner was transferred to Fatehgarh from Lucknow vide order no. 1010/BS/1179/E1A dated 22-6-88 when Sri Bimleshwar Singh ought to have been transferred from Bakshi ka Talab to Fatehgarh and Sri H.C.Dixit ought to have been transferred to Gorakhpur but discrimination has been done against the petitioner vis-a-vis Sri Bimleshwar Singh.

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Singh and Sri H.C.Dixit. The order passed for posting of Sri Bimleshwar Singh and Sri H.C. Dixit is Annexure No. 1 whereas the order of posting of ~~Singh~~ the petitioner is Annexure No. 6 to this petition.

(Xvii) That besides above serious anomaly it came to light that no attempt was made to implement the policy contained in Annexure No.4 by finding out that out of the three choice stations of the five repatriates where did senior supervisor B/S Grade II of longest stay existed so as to accommodate the five repatriates in any of the three choice stations. This is likely to undo the scheme embodied in the said policy of transfer. Thus, in accordance with the policy it had got to be seen as to who is the longest stayee in the three choice stations of the five repatriates. Thus the whim, not the policy, has been given effect to favour Sarvsri Bimleshwar Singh and H.C.Dixit.

(xviii) That as soon as the aforesaid arrangement of transfer were made, the opposite party no. 3 on representation from the petitioner, raised the point of objection and brought to the notice of opposite party no. 2 that the transfer of Sri H.C.Dixit who has volunteered for Gorakhpur and as such his transfer to any other station will be a cause of representations by other longest stayees and unions later on. The true copy of the letter No. 120607/656/EIC(1) dated 14.8.87 is Annexure No.7 to this petition.

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(xix) That since the transfers of Sri Bimleshwar Singh and Sri H.C. Dixit and the petitioner was against the policy of transfer contained in Annexure No.4, therefore the National Confederation of Central Government Employees & Workers made a representation against the said transfer. The true copy of the letter written by the Secretary of the Confederation is Annexure No.8 to this petition.

(xx) That the All India (M.E.S.) Barrack & Store Cadre Association also made representation dated 21.6.88 against the said transfer, and urged for withdrawal of the said transfer order. The true copy of the letter written by the Secretary of the said association is Annexure No.9 to this petition.

(xxi) That the petitioner had noticed the malafide intention of the officer dealing the matter of transfer and hence the petitioner had made representation against the malafide action of transfer. The true copy of the representation is Annexure No.10 to this petition.

(xxii) That the opposite party no.1 malafide wanted to favour Sri Bimleshwar Singh and Sri H.C. Dixit and therefore the representation of the petitioner was not considered in the right perspective and was rejected.

(xxiii) That the action of the opposite parties nos. 2 to 4 is against the transfer policy contained in Annexure No.4, and is discriminatory and against the judgment mentioned in para 6(xi).

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The guidelines mentioned above were violated and deviated without assigning any good reason and in order to show favour to the respondents 6 and 7, so the order of the transfer is bad in law.

(xxiv) That the petitioner has lost eye sight of his right eye completely since April, 1988. His ailment has been treated as serious by the Central Government Hospital, Lucknow, Vivekanand Polyclinic and Medical College Lucknow and ultimately he was referred to Eye Hospital, Sitapur and is under treatment there. He has to report there every week and the treatment is likely to continue for about one year. The doctor (Chief Medical Officer) has said that if proper treatment/precaution is not taken, the petitioner might lose other eye also. As such, in the interest of petitioner's health, it is prayed that his transfer order be quashed. The copy of the medical certificate is Annexure No. 11 to this petition.

(xxv) That the petitioner has four small children and there is nobody to look after them except the petitioner. A move at this stage will hinder their education badly. The wife of the petitioner is an employee of Nager Mahapalika Lucknow.

(xxvi) That the petitioner prays that his illegal transfer which is the result of malafide action will uproot him completely, particularly when it is against orders and also when the petitioner is not due for any transfer. It is in the interest of justice that the impugned transfer order be quashed.

*S. Baladair*

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(7) Details of Remedies

Exhausted:

The petitioner declares that he has made representation against this transfer when here he came to know that Sarv Sri Bimleshwar Singh and H.C. Dixi are being favoured malafide ly in violation of the policy of transfer and the judgment of the court, but the same was rejected (wide copy of the representation Annexure 10).

(8) Matter not pending

with any other court.

The petitioner further declares that the matter regarding transfer in question is not pending before any court of law or any authority or any other Bench of the Tribunal.

(9) Relief Soughts-

In view of the facts mentioned in para 6 above the petitioner prays for the following reliefs:-

- (a) That the order contained in Annexure No.6 transferring the petitioner from Lucknow to Fatehgarh may be quashed.
- (b) That the order of posting and transfers of opp. parties nos. 6 and 7 contained in Annexure No.5 be also quashed.
- (c) That the petitioner may be

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retained at Lucknow station in terms of the policy of transfer.

(10) Interim Relief: Pending final decision of the petition, the transfer of the petitioner from Lucknow to Fatehgarh may be stayed as the petitioner is still holding the charge at Lucknow station and has not handed over the charge as is evident by letter dated 11.7.88 to the Garrison Engineer (Works), Lucknow. (Ann "12")

(11) Particulars of the Bank Draft/Postal Order in respect of the application fee.

1. Name of Bank on which drawn: —

2. Name of Issuing Post Office: High Court Building P.O.

3. Date of Issue of Postal Order: 18-7-88

4. Post Office at which payable: GPO ~~Delhi~~ Allahabad.

(12) Details of Index: An index in duplicate containing the details of the documents to be relied upon is annexed.

(13) List of Documents:

1. Letter No. 901250/1/Turnover/27/E1C(1) dated 3.8.87. Ann No "1"

2. Voluntee rship Certificate of Sri H.C. Dixit.

3. Voluntee rship Certificate of Sri S.C. Srivastava.

4. True copy of Policy of Transfer dated 13.3.87.

5. Letter of transfer of Sarv Sri Bimleshwar Singh and H.C. Dixit. Ann No "1"

6. Letter of Transfer of the petitioner.

7. Letter No. 120607/656/E1C(1) dated 14.8.87.

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8. Representation of Confederation of Central Government Employees.

9. Representation of All India (M.E.S.) Barrack & Store Cadre Association dated 21-6-88.

10. Representation of the Petitioner dated 29th. September, 1987.

11. Copy of Medical Certificate of the Petitioner.

12. Copy of letter annexed addressed to GE (W) I&O

VERIFICATION

I, Swaranjeet Singh Wadhaira, son of Sri Hara Singh, aged about 46 years, working as Supervisor, Barrack & Store, Grade II, M.E.S. (West), Lucknow Cantt residing at 566/41, Jai Prakash Nagar, Alambagh, Lucknow, do hereby verify that the contents of paras 1 to 5 and 6(i) to 6(xxvi) of this petition are true to my personal knowledge and belief and that I have not suppressed any material fact.

*S. S. WADHAIR*

Place: Lucknow,  
Dated: July, 1988.

(S. S. WADHAIR)  
Signature of Applicant.

To

The Registrar,  
Central Administrative Tribunal Allahabad,  
Circuit Bench, Lucknow.

(AM) 15 (M)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AILAHABAD,  
CIRCUIT BENCH, LUCKNOW.

Claim Petition No. .... of 1988.

Swaranjeet Singh Wadhaira - - - - - Petitioner.

Versus

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

I N D E X

<u>C/No</u>	<u>Annexure nos</u>	<u>Particulars of Documents</u>	<u>Page Number</u>
1		1. Letter No. 901250/1/turnover/27/E1C(1) dated 3.8.87.	Ann No 1 15-16
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3		3. Volunteership Certificate of Sri S.C. Srivastava.	18
4		4. Policy of Transfer dated 13.3.87.	19-20
5		5. Letter of <sup>representation of petitioner</sup> Transfer of Mr. Bhaneshwar Singh and his wife dated 10 Aug 87.	21-22
6		6. Letter of Transfer of the Petitioner.	23
7		7. Letter No. 120607/656/E1C(1) dt. 14.8.87.	24
8		8. Representation of Confederation of Central Government Employees.	25
9		9. Representation of All India (MES) Barrack & Store Cadre Association dated 21.6.88.	26-28
10		10. Representation of the Petitioner, dt 26.9.87 at page 29-30	
11		11. Copy of Medical Certificate.	31-34
12		12. Copy of letter to GE (W) AIC	<i>S. S. WADHAI</i> (S. S. WADHAI) Petitioner.
		Lucknow, Dated: July , 1988.	

In the Hon' Central Administrative Tribunal,  
Allahabad at Lucknow  
Claim Petition No 88  
S.S. Wadaihra vs Union of India

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Annexure 10 1 1

Ann 1

(Copy)

901250/1/Turnover/27/F10(I)

Engineer's Branch  
Chief Engineer  
Central Command  
Lucknow 2

Chief Engineer  
Lucknow 2  
Lucknow.

03 Aug 1987

POSTING/TRANSFER : SUBSIDIARIES ON TURNOVER  
BASIS

1. The following postings are hereby ordered :-

Sl No	MES No & Name	Designation	Posted From	To	Remarks
1.	MES 303774 S.K. SHUKLA	Supvr B/S Gdo II	CEIZ LKO	GE(W) LKO	
2.	MES-440429 MRITUNJAYA S INGH	-do-	-do-	GE (EAST) LKO	
3.	MES 430071 S.N. DWIVEDI	-do-	-do-	GE (E) LKO	
4.	MES-445282 P.S. BINDRA	-do-	-do-	GE (EAST) LKO	
5.	MES 237101 R.P. VAISH	-do-	GE (E) LKO	CWE (P) LKO.	
6.	MES 445152 K.P. PANDAY	-do-	CEIZ LKO	GE (V) LKO	
7.	440435 H.N. CHATURVEDI	-do-	CWE (P) LKO	BSO (OIS) (I) LKO vice Shri SC Srivastava B/S II pos to Barilly.	
8.	460076 BIMLESHWAR SINGH	-do-	AGE MES BKT under CEIZ GE(W) LKO.	LKO	
9.	440424 H.C. DIXIT	-do-	GE (E) LKO	AGE MES BKT under GE(W) LKO.	

2. No TA/DA and joining time is admissible for Srl No. 1 to 7. MES-460076 Shri Bimleshwar Singh, Supvr B/S Gdo II and Srl 440424 H.C. Dixit, Supvr B/S Gdo II will travel at State expense since outstation posting.

contd on P/2...

T.C.  
P.C. Chaturvedi  
Advocate

(16)

~~PM  
11~~

- 2 -

3. Move to be completed forthwith.
4. CEEZ Lucknow will submit his confirmation by 10th Aug 1987 for information of Addl to CE this HQ.
5. This has the approval of appropriate authority.

Sd/- R.R. BARUCHA  
AO I  
Chief Engineer

Copy to:-

1. CWE (P) LKO
2. GE(EAST)LUCKNOW
3. GE(WEST)LUCKNOW
4. BSO CDS(I)LUCKNOW
5. ACE MS BFT

T. C.  
Rev Waran  
Adm

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD, SITTING AT LUCKNOW

Claim Petition No----- 1988

S S Wadaihra... Vs..... Union of India & others

ANNEXURE 2

Chief Engineer  
Central Command  
Lucknow

Through Proper Channel

VOLUNTEER FOR POSTING TO GORAKHPUR SUPRVR  
B/S II

Honourable Sir

Reference your HQ letter no 901300/7/76/EI(CI)  
dated 30.3. 87

2. It is submitted that I am the second longest  
stayee Suprvr B/S II and request that three nos Suprvr  
B/S II longest stayee volunteers are being posted out  
from Lucknow complex to other formations to accommodate  
Tenure completees.

3.. I therefore volunteer for posting to Gorakhpur  
at State expense if my turn comes within three nos  
Suprvr B/S II for posting out from Lucknow.

Thanking you Sir,

Yours Faithfully

Dated : 10 Apr 87  
Station : Lucknow

Sd/xxxxxx  
( H C Dixit) Suprvr B/S II  
MES- 440424  
c/o GE (E) Lucknow

Undertaking Certificate

It is certified that I will not withdraw my  
volunteership as and when posted out for Gorakhpur.

Dated : 10 Apr 87

Sd/xxx-x  
H C Dixit  
MES-440424  
c/o GE (E) Lucknow

COUNTERSIGNED

Sd/xxx XXXX  
( S Krishnan)  
Major  
GE (E) Lucknow

T. C.  
C. Krishnan  
Major  
GE (E) Lucknow

11. THE HIGH COURT ADMINISTRATIVE TRIBUNAL ALD  
SITTING AT LUCKNOW

(18)

Claim Petition No--- - - - - - 1988

S S Wadaihra --- Vs--- Union of India & others

(A)  
19

ANNEXTURE NO : 3

Chief Engineer  
HQ Central Command  
Lucknow

Through proper channel

VOLUNTEER FOR POSTING TO BAREILLY : SUPVR B/S II

Sir,

Reference your HQ letter No 901300/7/76/E1C(I) dated  
30 Mar 87.

2. With due respect I beg to volunteer my service for  
Bareilly on state expense.

3. It is further stated that my name is not included in  
the warning list for posting to hard/tenure station.

4. Undertaking certificate is also attached.

Thanking you.

Yours faithfully,

*S C Srivastava*

( S C Srivastava)  
Supvr B/S II  
MES/445149  
C/O BSO (I) CDS, LUCKNOW

UNDERTAKING

This is to certify that I will not withdraw my  
volunteership as and when posting orders for Bareilly are  
issued.

*S C Srivastava*

( S C Srivastava)  
Supvr B/S Gde II  
MES/445149  
C/O BSO (I) CDS, LUCKNOW

*T.C.*  
*Parmanu*  
Dated : 07 Apr 87

COUNTERSIGNED

*R K SHARMA*  
R.K.  
BSO (I) CDS LUCKNOW

In the Hon. Central Administrative Tribunal, Allahabad  
at Lucknow

Claim Petition No

19  
AY  
20

88

S. S. Wadaihra vs Union of India & others

Annexure No 4 "

Telephone : 3010607

Registered  
Coord. for Karmik Nidushalya/EIC (1)  
Pramukh Engineer Shakti  
Sena Kalanjaya  
Coord. Engineers Directorate/EIC (1)  
Engineer-in-Chief's Branch  
Army Headquarters  
DEHQ PO New Delhi-110011

79040/EIC (1)

13 Mar 87

Ch. Engg

HQ Southern Command, Pune  
HQ Eastern Command, Calcutta  
HQ Western Command, Chandigarh  
HQ Central Command, Lucknow  
HQ Northern Command, C/O 56 EPO

POLICY REGARDING TRANSFER OF CIVILIAN SUBORDINATES IN THE IES

1. Reference this HQ letter No 79040/EIC (1) dated 30 Dec 83.

2. Further modifications as given in the succeeding paragraphs may be incorporated in this HQ letter under reference.

Repatriation after Completion of Tenure

3. Since a provision already exists vide para 3 of Appendix 'A' of this HQ letter No 79040/EIC (1) dated 30 Dec 83 that personnel from non-tenure station can be moved out to cater for turn over from tenure stations, Para-9 of Appendix 'B' to this HQ letter No 79040/EIC (1) dated 30 Dec 83 may be deleted and substituted as under : -

Para 9. On completion of tenure, the individual will be adjusted at one of three choice stations given by him in the repatriation form. In the case of non-availability of a vacancy in any of the three choice stations, the longest stayee from one of the choice stations who has completed three years or a volunteer may be moved out to a nearer station/choice station as far as possible where a vacancy exists. The longest stayee in that particular category will be determined clubbing the three choice stations of the repatriatee. (For example, a Supdt B/R II has given three choice stations viz, Meerut, Dehradun and Mathura. There happens to be no vacancy of subjt B/R-II at any of these stations and the longest stayees in the category of B/R-II at Meerut, Dehradun and Mathura have stay of 5 Years, 6 Years and 7 Years respectively. To accommodate the repatriatee at one of his choice stations, the longest stayee at Mathura will be moved out to a nearer station/choice station as far as possible). In case there is no individual who has completed 3 Years in any of the three choice stations as given by the repatriatee, then he has an option to continue at the tenure station till a vacancy is made available by moving an individual who has completed three years at one of the choice stations. In case of over stay, he will get .

(20)  
~~AG~~

benefit of para 11 below :-

Applicability of tenure service liability to Supdt E/A Gde II  
Promotee from Charge Mech/Charge Elect/Charge Tech (Engg)

4. Industrial personnel on promotion to supdt E/A Gde II will be liable for nomination to tenure station provided the individual has completed 3 Years stay in the station. The nomination will be based on the date of their last return from tenure station. Those who have not done any tenure service so far, seniority will reckon from the date of their appointment to non-industrial post in case of pre-26 Nov 65 entrants. As regards those entered in service after 26 Nov 65, the date of their entry in the MES will be the criterion.

EXEMPTION OF DISABLES PERSONS TO TENURE STATION

5. Disables persons should not be posted to a tenure station, if the disability hinders his free movement/functioning. The same should be decided by CE Commands on merit of each case.

Prohibits

Posting of Female Employees

6. Female employees except a volunteer may be exempted from tenure posting irrespective of the fact whether the tenure station has the normal living facilities or not. However, in case of promotion, if there is no vacancy at the present station, the female employee will be posted to a station where vacancy exists.

7. Where both the husband and wife are central Govt employees, the present policy to keep both at the same station, as far as possible, may be maintained. However there will be no exemption to the husband from tenure posting in his turn. On repatriation, the husband will be posted to a station where his wife is employee subject to the availability of vacancy.

8. The above modifications will be effective from the date of issue of this letter

Sd/ ~~xxxxxx~~  
( AP Sharma )

Brig  
Offg ADG Engrs (Pers)  
Engineer-in-Chief

Jaldawa/

T. C.  
C. S. Sharma  
R. S. V.

In the Hon. Central Administrative Tribunal, Allahabad  
at Lucknow

Claim Petition No

88

(21)

S. S. Wadaihra vs Union of India & others

Annexure No

5

(22)  
R/2

From: MES-1255236  
S.S.Wadaihra,  
Supvr B/S II  
C/O GE (West) Lucknow

Dated: 10th Aug 87.

To

Chief Engineer  
Central Command  
Lucknow-2  
(Through proper channel)

POSTING/TRANSFER: SUBORDINATES

Sir,

I have the honour to state as under:-

(a) that posting of certain supve B/S Cde II has been ordered vide your HQ letter No. 901250/1/Turnover/27/EIC(I) dated 03.8.87 on turnover basis.

(b) that it is seen from the above posting order that Shri H.C. Dixit, B/S II of GE (East) Lucknow has been posted to AGC BKT under GE (West) Lucknow vice Shri Bimleshwar Singh, Supvr B/S Cde II stands posted to GE LZ Lucknow.

(c) that in the event of implementation of posting of the above individuals I shall become seniormost in the station and there would be every likelihood of my name being considered for posting out of station.

(d) that the above individuals are senior to me in the station as Shri H.C. Dixit is in the station wef 10.7.81 while Shri Bimleshwar Singh is wef 1980. My seniority is reckoned from Jan 82 onwards.

(e) that AGC BKT and Lucknow are treated as one and the same station for the purpose of posting as has been held in the court case of Shri U.P. Sharma, SK II v/s Union of India. Thus Shri Dixit and Shri Bimleshwar Singh have been locally adjusted by misinterpretation of the instructions. This adjustment will certainly affect me and disturb my peace and tranquillity, when I shall be considered for posting out in subsequent posting though I am neither seniormost nor have I volunteered/due for posting out.

(f) that Shri H.C. Dixit, Supvr B/S Cde II is understood to have volunteered for posting to IGE (AF) Gorakhpur. In the face of his volunteerism, local adjustment of the individual is apt to constitute defiance of instructions contained in Main C's Br AHQ New Delhi letter No. 79040/EIC(I) dt 14 Mar 87.

(g) that the following tenure complete individuals have been repatriated to Lucknow, which is not presumably in conformity with the existing policy on posting/transfer:-

i) MES-450071 Shri S.K. Dwivedi, Supvr B/S Cde II

ii) MES-445152 Shri K.P. Panday, Supvr B/S Cde II

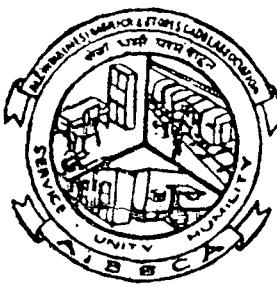
iii) MES-445282 Shri P.S. Bindra, Supvr B/S Cde II

iv) MES-540429 Shri M. Singh, Supvr B/S Cde II

12/5/87

On the Hon. Central Administrative Tribunal  
 Allahabad at Lucknow (26)  
 Case Petition No 88  
 SS Wadhwra - Vs - Union of India & others  
 (My 27)

Annexure No 9



Service

सेवा धर्म परम गहन

Unity

Humility

**All India (MES) Barrack & Stores Cadre Association**

Recognised by Govt. Of India

Vide Govt. of India M of D Letter No. A/53571/Org.-4 (Civ.) (C)/4413/D/JCM of 12 Sep. 80)  
 PATRON - SHRI HARISH CHANDRA SINGH RAWAT Hon'ble Member of Parliament

President

H. Q. : LD/112-B

Vice President

Marriot Road,  
 Alambagh

Secretary

LUCKNOW-226 005

Ref. No. HQ/AIBSCA/Gen. Secy/Lucknow/6/88

Dated 21 Jun 1988

20

The Chief Engineer  
 Headquarters  
 Central Command  
 Lucknow - 2

POSTING/TRANSFERS

Dear Sir,

1. Reference

2. It is hardly requested that the transfer order No 901300/7/88/RCAI dated 28.9.88 may please be quashed or cancelled or amended in according to the request of the individual. As the order can be challenged on the following grounds:-

(a) It is violation of statutory orders of Ministry of Defense No. 100 dated 1975. Based on which R-in-C's Branch Army Headquarters has formulated the transfer policy.

(b) The transfer order visits the applicant with penal consequences and loss of pay and allowances.

(c) The transfer order has been arranged on malafide grounds and oblique motive.

(d) The transfer is against natural justice of law and infringes Article 226 of constitution of India.

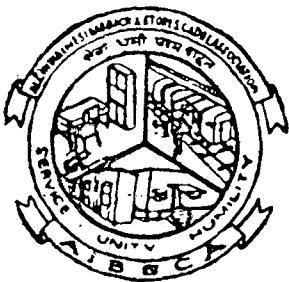
(e) The true picture of the transfer case is that five persons named Shri PS Bihari, Shri KP Pandey, Shri SJ Chaturvedi, Shri K Singh and Shri SK Dwivedi, D/S Cdo II, who were serving at Purnia/Purulia stations and on completion of tenure were required to the repatriate/adjusted at their choice stations, Lucknow, Dabholi-Ka-Talab and Kanpur.

....2

T.C.  
 (C. Shrawan)  
 P.D.V.

(27)

AM  
20



Service

सेवा धर्म परम गहन

Unity

Humility

# All India (MES) Barrack & Stores Cadre Association

Recognised by Govt. Of India

Vide Govt. of India M of D Letter No. A/53571/Org.-4 (Civ.) (C)/4413/D/JCM of 12 Sep. 80

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President

H. Q. : LD/112-B

Vice President

Marriot Road,

Secretary

Alambagh

LUCKNOW-226 005

Ref. No. HQ/AIBSCA/Gen. Secy.

Dated ..... 198 .....

- 2 -

(f) That Shri Dineshwar Singh and others four persons namely Shri Bhagwan Das Datta, D/SO, D/S II, Shri HC Dixit, D/S II, Shri SC Srivastava, D/S II and Shri SS Madnirao, D/S Gdo II were longest stayees at DKT and Lucknow respectively.

(g) That it is not disputed that two vacancies existed at Lucknow to adjust conveniently the persons from Hard/Tenure stations.

(h) That remaining three persons from Hard/Tenure stations could only be adjusted after transferring the longest stayee to the nearby stations.

(i) That out of five longest stayees at Lucknow Shri SC Srivastava, D/S II volunteered for posting to Bareilly and accordingly transferred to Bareilly creating one vacancy of D/S Gdo II for adjustment of one person out of three persons from Hard/Tenure stations to be adjusted at Lucknow.

(k) That vacancy created in above para was filled by one person from Hard/Tenure station thereby leaving two persons to be adjusted at Bareilly-Ka-Talab and Lucknow.

(l) That two longest stayees out of four were required justifiably to the nearby station with view to adjust two persons from Hard/Tenure stations in view of which was not done and exercising an arbitrary power of their own wish and will as stated Shri Dineshwar Singh, D/S II of DKT at Lucknow. Had he been adjusted nearby stations and not in Lucknow. Shri SS Madnirao, D/S II would not have suffered or disturbed in position. That extraneous consideration was omitted from being considered and favouring Shri Dineshwar Singh accommodated him at Lucknow and inflicting injustice and putting him in hot bed of cruelty disturbed Shri SS Madnirao, D/S Gdo II, his family and children to other station to face financial loss affliction and inconvenience at remote distance.

T. C.  
C. V. Singh  
ADJ

.....



सेवा धर्मो परम गहन

Service

Unity

Humility

## All India (MES) Barrack & Stores Cadre Association

Recognised by Govt. Of India

Vide Govt. of India M of D Letter No. A/53571/Org.-4 (Civ.) (C)/4413/D/JCM of 12 Sep. 80)

PATRON - SHRI HARISH CHANDRA SINGH RAWAT Hon'ble Member of Parliament

President

H. Q. : LD/112-B

Vice President

Marriot Road,

Secretary

Alambagh

LUCKNOW-226 005

Ref. No. HQ/AIBSCA/Gen. Secy.

Dated..... 198

- 3 -

(a) That from justice point of view and strictly adhering to the policy Shri Binlochwar Singh should have been transferred to the station where victim Shri SS Madaihra, D/S Gdo II was transferred.

(b) That Shri SS Madaihra, D/S Gdo II while serving at GE (W) Lucknow in being considered for posting in truth and reality was transferred to GE (East) Lucknow vide order No 11088/36/60/BSQ(I) dated 18.3.88 but maliciously with oblique motive he was transferred to remote distance to accommodate Shri Binlochwar Singh, who is unfortunately the longest staying that Shri SS Madaihra, D/S II and most senior than Shri SS Madaihra, D/S II and could not be adjusted at Lucknow, i.e., Deputy Secretary of Justice has been done by disturbing junior and favouring to senior at Lucknow. Such act of the authority is violative of Govt of India Ministry of Defence order based on which P-in-C's policy has been framed. Therefore, the order of transfer of Shri SS Madaihra, D/S Gdo II for Patchgarh deserves to be quashed or cancelled or amended in manner to adjust Shri SS Madaihra, D/S Gdo II at Lucknow and Shri Binlochwar Singh be selected to post in lieu of Shri SS Madaihra, D/S Gdo II.

That considering the existing work load additional/ D/S Gdo II is required to cope with the work and he, i.e., Shri SS Madaihra, D/S Gdo II in principle and compliance to policy be posted at GE (East) Lucknow BSO (EW) where he was previously posted prior to the posting to Patchgarh,

Thanking you,

T.C.  
Chandru  
S.D.

Copy to -

Yours faithfully,  
S. N. Tripathi  
(S. N. Tripathi)  
Secretary

1. CELZ Lucknow
2. CME (P) Lucknow
3. GE (East) Lucknow
4. GE (EW) Lucknow.

In the Hon. Central Administrative Tribunal, Allahabad  
at Lucknow

Claim Petition No 88

S.S. Wadaihra - vs Union of India  
Annexure No 40

(29)

(AY  
30)

From : S.S. Wadaihra,  
Supvr B/S Gde II  
C/O GE (W) LUCKNOW

To : Chief Engineer  
Central Command  
Lucknow-2

(Through proper channel)

POSTING/TRANSFERS : SUBORDINATES

Sir,

Reference my application dated 10 Aug 1987.

With profound respect, I beg to say the following few lines for your kind information and benign justice please :-

- a) that decision of CECC IKO on my above application has been communicated to me by GE(W) IKO. The decision is apt to construe that formulated policy on posting/transfer to liquidate surpluses in a particular category from a particular station has not been adhered to meticulously.
- b) that in my above application, I have brought out certain irregularities in issue of posting of certain Supvr B/S Gde IIs. Names of volunteers/longest stayee from among the supvr B/S Gde IIs in this station were called for by your Hrs for adjustment in out stations to liquidate surpluses. Consequently S/Shri H.C. Dixit, Supvr B/S Gde II and SN Srivastava, who are second and 3rd senior in the station, volunteered for posting to Gorakhpur and Bareilly respectively.
- c) that as per existing policy seniormost or volunteers are moved out of station to liquidate the surpluses in a particular category. Accordingly Shri H.C. Dixit, Supvr B/S Gde II, who is second senior and also a volunteer for Gorakhpur should have been posted out; though the 3rd senior and volunteer for Bareilly has already been posted. Therefore, the adjustment of second senior at BKT is a clear case of non compliance of orders,

*T.C.  
C. Dixit  
RSV*

In view of above, the decision on my application dated 10 Aug 1987 is cryptic/misleading, which needs review with reference to prevalent policy on posting/transfer.

Further, it is requested that :-

- a) my interview with CE Central Command, Lucknow may please be granted to enable me to express my grievances/anomaly in connection with wrong adjustment of Shri H.C. Dixit, Supvr B/S Gde II when he was to go out as per prevalent policy.

(B0)

(AY  
31)

b) I may kindly be permitted to seek justice through Tribunal, if I fail to get redressal from your kind Honour.

In view of above, decision on my application may please be given at the earliest.

Thanking you,

Yours faithfully,

S. S. Wadaihra  
S/-(S.S. Wadaihra),  
Supvr B/S Gde II,

DATED : 26th Sep 1987

Advance copy to:-

1. CECC LUCKNOW
2. CE IZ LUCKNOW. — 29/9

Decimadecopy  
Opposite  
CECC

T.C  
Rather and  
PTJ

IN THE HIGH COURT OF ADMINISTRATIVE TRIBUNAL  
ALIABAD AT LUCKNOW.

Claim Petition No. ----- 1988

S S Wadaihra...Vs... Union of India & others

(31)

AN EXTURE NO. 11

(AU)  
(32)

Phone 2884

SITAPUR EYE HOSPITAL, SITAPUR

Sr. No.



40142

Rs. 1/-

एक रुपया



पात्र-2

मेगलाजार - बुधवार

शुक्रवार

No. 10832

Sri/Srimati.....

22/7/88 (178 052)

Age.....

Sex.....

12 JUL 1988

Patroness.

11 to McAuliff

6/6

after



Govinda  
Ald. in  
P.B. ice  
R.R. & S.

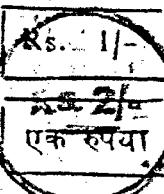
T. C.  
C. V. N. A.  
A. T. V.

Phone 2884

# SITAPUR EYE HOSPITAL, SITAPUR

St. No.

36350



रेनिट-2

मगलवार - बुधवार  
शुक्रवार

32  
No. 16053

Sri/Strimati.....

Age.....

23 21 04 05 21

Sex.....

13 MAY 1988

17 MAY 1988

31 MAY 1988

Int. F.C.

6/6

One - man - ble

Leader - com. tu

Dr. e

(Babu)

T.C.  
G. S. C. and  
R.D.



**RAMAKRISHNA MISSION  
VIVEKANANDA POLYCLINIC  
LUCKNOW-7**

C. G. H. S.

MUS

8376

33

No 4339

Hosp. No. 36859 I.C.

Name Ma S. S. Wadere

W/o S/o D/o      m/n      Haga' Singh      TURAL

Occupation \_\_\_\_\_ Age 46 Sex M URBAN

**Address** \_\_\_\_\_

दूसरी वीमारी अन्यथा दूसरे हास्टर से सलाह या सम्बेद से बाद भी आने से यही पर्चा साध साना बनता है।

T. C.  
F. Schramm  
Ph.D.

34

Dr. RAJIV NATH  
M.B.B.S., M.S. (Ophth.)  
Gold Medalist  
Diplomate of National Board  
Lecturer & Consultant Eye Surgeon  
King George's Medical College &  
Gandhi Memorial & Associated Hospitals  
Lucknow

Phone : 75873  
Residence :  
F-4/6, Paper Mill Colony  
Lucknow-226 006

Date

20/4/88

Mr. S.S. Wadia  
46/4

Vn R. REPR full.

Cl. V. RE  
4 days

△ Papillitis RE

Adv

ESR  
ICC  
DIC

↓

(Continue)

OTC BE Pufil dil & fixed  
(drug induced)  
for RE sugg of Papillitis  
Known Diabetic  
(BS F 118)  
PP 122  
TBC 112-112 fundal  
S 6.5/6.5

- ① Tab Driptoin 28  
1 tab B.D | to stop after  
3 days
- ② Tab Wysalone 2 tab 7D8
- ③ Lij Maxacalbin  
1 amp 1ml alternate  
day
- ④ Polybion 1 tab B.D X 5 injection
- ⑤ Digen gel 1 kf 7D8  
X 5 days

Consultation time at residence :— 5.30 to 8.00 p.m. (Sunday Closed)

T. C.  
Chennai  
N. V.

In the Hon. C. A. T. Allahabad

o. o. o.

O. A.

88

35

From : Shri SS Wadaihra,  
Supvr B/S Gde II  
C/O GE (West)  
Lucknow

To,

Garrison Engineer (West)  
Lucknow

Ann 12

POSTING/TRANSFER

Sir,

1. Reference your office Movement Order No 1010/BS/1179/EN  
dt 22-6-88

2. It is brought to kind notice that a Board of Officers have been held for checking of Bars Round 16 mm and convert on SSR weight. The Board of Officers checked the item and convert it in to SSR weight dated Aug 87 and the same was put up for your concur and approval of CWE, but the said Board is still lying with you.

3. An Notice have been served by my lawyer dated 17 Jun 88 on account of my posting to AGE (I) Fatehgarh but reply is still awaited.

4. Tor Steel 16 Received from SAIL Durgapur on actual weight and lying unstacked/unchecked. In this condition I cannot handover the item on our risk at any cost.

5. In view of above, it is requested that untill and unless my Board of Officers is not finalised and replies of Notice dated 17 Jun 88 not received from HQ Central Command Lucknow. I will not leave the station.

Yours faithfully,

S. Wadaihra

(SS Wadaihra)  
Supvr B/S Gde II

Dated : 11 Jul 88

C. T

C. Sharman  
Advocate

~~C. Sharman  
Advocate~~

ब अदालत श्रोमान

Central Adm. Tribunal And  
Delhi Bench

वादी (मुद्रा)  
प्रतिवादी (मुशालेह)

का वकालतनामा

(b)



वादी (मुद्रा)

बनाम

प्रतिवादी (मुशालेह)

नं० मुकदमा सन् १६ पेशी की ता० १६ ई०  
ऊपर लिखे मुकदमा में अपनी ओर से R. C. Chawla  
Mr. Raza Raheev Adv. एडवोकेट महोदय  
वकील

नाम	अदालत	मुकदमा	नाम फरीद
नाम	मुकदमा	नाम	नाम

को अधना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और  
लिखे देता हूँ इस मुकदमा में वकील महोदय स्वयं अथवा अन्य  
वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य  
कोई कागज दाखिल करें या खोटावें या हमारी ओर से दिगरी  
जारी करावें और रूपया वसूल करें या सुलहनामा या इकबाल  
दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने  
हस्ताक्षर से दाखिल करें और तसदीक करें या मुफदमा उठावें  
या कोई रूपया जमा करें या हमारी या विपक्ष (फरीकसानी) का  
दाखिल किया रूपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती)  
रसीद से लेवें या पंच नियुक्त करे - वकील महोदय द्वारा की  
गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं  
यह भी स्वीकार करता हूँ हिंसे में हर पेशी स्वयं या किसी  
अपने पैरोकार को भेजता रहूँगा अगर मुकदमा अदम पैरवी  
में एक तरफ़ा मेरे खिलाफ़ फैसला हो जाता है उसकी जिम्मे-  
दारी मेरी वकील पर न होगी । इसलिए यह वकालतनामा  
लिख दिया कि प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर .....

साक्षी (गवाह)..... साक्षी (गवाह).....

दिनांक १३ महीना जुलाई सन् १९८४

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

O.A. No. 57 of 1988(L)

Filed today  
Aug 5/9

Swaranjeet Singh Wadhaira

... Petitioner

Versus

Union of India & others

... Opp. parties

COUNTER AFFIDAVIT ON BEHALF OF THE OPPOSITE PARTIES.

I, V.K. Sidharthan aged about 52 years,

1988  
AFFIDAVIT  
76 IM

DISTT. COURT

son of Shri T.K. Krishnan

at present posted as Garrison Engineer (West), Lucknow

Cantonment do hereby solemnly affirm and state on oath  
as under -

1. That the deponent is posted as opposite  
party No.2 and as such he is well conversant with  
the facts of the case. He has read and understood  
the contents of the petition and its annexures and  
having understood the same, he is giving following  
replies :-

2.1. That in reply to the contents of paragraph  
1 to 5 needs no comments.

2.2. That the contents of sub para (i) to (viii)  
of paragraph 6 of the petition no comments are given  
being matter of records.

3. That in reply to sub para (ix) of paragraph 6  
of the petition, it is submitted that the contention of  
the petition is not correct as stated. The actual

AS  
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seniority of the petitioners named by him is as under:-

A) Shri Bileshwar Singh      Lucknow      01 Oct 87  
B) Shri Bhupwan Lal      Lucknow      15 Jul 80  
C) Shri HC Dixit      Bakshi-ka-Talab      9<sup>th</sup> Sept 87  
D) Shri SC Srivastava      Lucknow      7      09 May 83  
E) Shri SS Wadhwa      Lucknow      23 Feb 82.

4. That in reply to sub para (x) of paragraph 6 of the petition, it is submitted that as all the tenure expired staff were adjusted at Lucknow, vacancies were to be created at Lucknow itself and not Bakshi-ka-Talab.

5. That in reply to sub para (xi) of paragraph 6 of the petition it is submitted that Bakshi-ka-Talab and Lucknow are the different stations for the purpose of posting/transfer. Since Shri Bimleshwar Singh was at Bakshi-ka-Talab, the question of his posting out did not arise as persons were to be posted out from Lucknow only. The order on Suit No.97 of 1981 - Umesh Chandra

Sharma -vs- Union of India by the Addl. Munsif VII, a particular case and cannot be made applicable Lucknow on 6.7.1981 is applicable to all as a general rule, Quotation of the order by the petitioner in his ~~case~~ therefore, untenable as no such order was given by the Court of Law for its general applicability.

6. That in reply to sub para (xii) of paragraph 6 of the petition, it is submitted that Shri Bimleshwar Singh was posted to Lucknow in exchange of Shri HC Dixit

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Dee 3

AS  
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on job requirement and has no bearing with the posting of the tenure expired staff, Shri. Bimleshwar Singh was not given any undue benefit and favour.

He was the senior most ~~of~~ <sup>at</sup> Bakshi-ka-Talab and as already stated above, no posting was to be made from Bakshi-ka-Talab to adjust the tenure expired staff, so the question of his posting out from Bakshi-ka-Talab did not arise.

7. That in reply to sub para (xiii) of paragraph 6 of the petition, it is submitted that in the case of posting out of an individual from a particular station, volunteer is given preference. Shri HC Dixit and Shri SC Srivastava had volunteered for posting to Gorakhpur and Bareilly respectively, but as Shri HC Dixit was posted to Bakshi-ka-Talab on job requirement, the question of acceptance of his volunteership for Gorakhpur did not arise. Shri SC Srivastava was given his choice as Bareilly.

8. That in reply to sub para (xiv) of paragraph 6 of the petition are not correct as stated since Shri HC Dixit was posted to Bakshi-ka-Talab on job requirement, the question of acceptance of his volunteership for posting to Gorakhpur did not arise. The priority of posting on job requirement is to be decided by the competent authority and there has been no departure from any standing policy as alleged by the petitioner.

*C. Deo*

~~Ans~~

9. That in reply to the contents of sub para (xv) of paragraph 6 of the the petition, are imaginary and has no relavance on the subject as no favouritism has been done to anybody.

10. That in reply to the contents of sub paragraph ~~(xvi)~~ (xvi) of paragraph 6 of the petition are not correct. Shri SS Wadhera has been correctly posted to Fatehgarh. It is interesting to note that had Shri RC Srivastava not volunteered for posting to Bareilly, Shri SS.Wadhera would have been posted first then Shri Srivastava. The details of the longest stays/volunteer at Lucknow are as under:-

(a) Shri Bhagwan Lal, GE(East) Lucknow	15 Jul 80
(b) Shri HC Dixit GE(East) Lucknow	01 Aug 81(Vol. for Gorakhpur)
(c) Shri SS Wadhera GE(West) Lucknow	23 Feb 82.
(d) Sh SC Srivastava BSO(CDS(I) Lucknow	09 May 83(Vol. for Bareilly).

*2/1/88*  
Since Central Government service posting/transfer after completion of a tenure of three years in a Station is a general practice, he should accept it as no injustice has been done to the petitioner.

11. That in reply to the contents of sub para (xvii) of the paragraph 6 of the petition are not admitted. However, all efforts were made to find out the longest stays at the three stations given

*Answer*

HC  
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by the petitioner. All the tenure expired staff have been correctly adjusted at Lucknow as no other vacancy /longest stayes available in other choice stations, hence the representation of Shri Wadhera was rejected. Since longest stayes were available in Lucknow, persons in Lucknow were moved out, and as such no favour has been given to any-one, as alleged in the petition.

12. That in reply to the contents of sub para (xviii) of paragraph 6 of the petition, it is submitted that the petitioner has tried his best to establish his claim of stay at Lucknow by violating conduct rule. It is not mandatory on the part of the competent authorities to accept any representation/proposal made by the lower formations. The competent authority has to use his discretion, keeping the policy and job requirements in view, in deciding any posting order which is to be implemented until the petitioner decides otherwise.

12/10/88

13. That in reply to the contents of sub para ~~xxxxx~~ (xix) of para 6 of the petition are not tenable because posting of Shri Bileshwar Singh and Shri HC Dixit was ordered on job requirement which is given preference than any other respect. The petitioner is a Government servant and he has every right to represent his case through proper channel and

Order 3

for the time  
being  
N/

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representations from other sources are not entertained.

14. That ~~is~~ ~~rely~~ the contents of sub para (xx) of paragraph 6 of the petition are not admitted. The competent authority is not to be guided by the Association. The approach of the petitioner to the Secretary Confederation and Barrack and Stores Cadre Association for his own case indicates his motive of stay in Lucknow by any means for which he knows that he does not deserve lawfully and according to policy.

15. That the contents of sub paras (xxiv) & (xxv) of paragraph of the petition, in reply it is submitted that the petitioner has never brought these facts to the notice of the competent authority reasons of which are only known to the petitioner.

2(a)80  
It is only an attempt to gain sympathy.

16. That the contents of <sup>sub-</sup> para (xxvi) of paragraph 6 of the petition are not admitted as there was no malafide action and no injustice done to the petitioner. The petitioner is very much due for posting out and as a Government servant he must accept the lawful orders.

17. That the petitioner does not deserve any relief as stated in his application, which are not tenable in the eyes of law. The petition is

Reed 3

CC: 1. 2. 3. 4.  
5. 6. 7. 8.

~~AS  
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liable to be dismissed with cost to the opposite parties.

Deponent.

Lucknow,

Dated: 2 ~~Sept.~~ 1983.

Signature of Deponent (Wet)

I. Sardar Patel Naug

LUCKNOW-262002

Verification.

I, the above named deponent do hereby verify that the contents of paragraphs ~~1 to~~ are true to my personal knowledge, those of paragraphs ~~2 to 15~~ are believed by me to be true on the basis of records and information gathered and thos of paragraphs ~~16 & 17~~ are also believed by me to be true on the basis of legal advice. No part of this affidavit is false and nothing material has been concealed as so help me God.

Deponent.

~~26/8/88~~  
Lucknow

Dated: 2 ~~Sept.~~ 1983.

Signature of Deponent  
I. Sardar Patel Naug  
LUCKNOW-262002

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

(V.K. CHAUDHARI)  
Advocate.

Solemnly affirmed before me on ~~2/9/88~~  
at 9:45 am ~~1pm~~ by the deponent who is identified by  
Shri VK 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.

3 21/9/88  
Oath Commissioner.

BEFORE THE HON. CENTRAL ADMINISTRATIVE TRIBUNAL,

46  
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ALLAHABAD, CIRCUIT BENCH, LUCKNOW

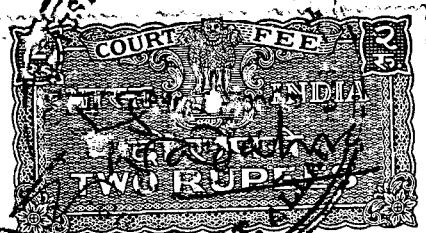
O.A. No 57 of 1988 (L)

Swaranjeet Singh Wadhaira - - - - - Petitioner

Versus

Union of India & others - - - - - Opp. Parties

REJOINDER AFFIDAVIT ON BEHALF OF THE PETITIONER



AFFIDAVIT

I, Swaranjeet Singh Wadhaira, aged about 46 years, s/o Sri Hara Singh, r/o 566/41 Jai Prakash Nagar, Alambagh Lucknow do hereby solemnly affirm and state on oath as under :

1. That the deponent is the petitioner in the above noted petition and is fully conservant with the facts of the case.
2. That no reply is required to the contents of paras 1 and 2 of the counter affidavit.
3. That the contents of para 3 of the C.A are denied as incorrect, and those contents mentioned in para 6(ix) are re-iterated as correct. It is stated that the date of seniority of Sri S C Srivastva is actually 16.7.81 and not 9 May 83 as mentioned by the O.P. In proof thereof, copy of transfer order of Sri SC Srivastva, from Pithoragarh to Lucknow is Annexed as Ann '1' to this affidavit. It is further stated that the date of seniority of Sri Bimleshwar Singh and Sri H C Dixit, as stated in C.A is also incorrect and is actually the date when they joined

*Swaranjeet Singh Wadhaira*

Contd page 2

after their illegal adjustment at Lucknow and Bakhshi-ka-Talab. Otherwise, the correct seniority is the same as mentioned in para 6(ix) of the petition and the petitioner was 5th in seniority, when only three persons were required to move out of Lucknow. Ann'1' to this affidavit will prove that the O.Ps are giving incorrect information to the Hon'ble Tribunal on oath.

4. That the contents of para 4 of the C.A are denied as incorrect. The tenure expired staff was to be adjusted in one of their choices station and the longest stayee/voluteer was to move out. Bakhshi-ka-Talab was the choice station of two of the five repatriatees and the incumbent there was the longest stayee. So instead of sending him out, adjusting him at Lucknow was a sheer example of favouritism.

5. That in reply to the contents of para 5 of the C.A, it is submitted that even if BKT and Lucknow are two different stations for the purpose of transfer, the incumbent Sri Bimleshwar Singh ought to have been posted at some other place where vacancies existed and not at Lucknow where there were already 3 B/S II surplus. The cross posting of Sri Bimleshwar Singh and H.C.Dixit was totally illegal and was manipulated only to sent petitioner out who was not due otherwise. It is submitted that the transfers are to be made in accordance with Govt orders contained in Ann '4' to the main petition and all the guidelines were disregarded while transferring the petitioner and Sri Bimleshwar Singh and Sri HC Dixit were adjusted on mutual transfer illegally on extraneous considerations.

Contd page 3

S. Madanlal