

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

## INDEX SHEET

CAUSE TITLE 637 OF 1988

NAME OF THE PARTIES Nishat Lal

Applicant

Versus

Union of India Respondent

Part A, ~~B&C~~

Sl. No.	Description of documents	Page
1	General Index	1
2	Order Sheet	2
3	Judgment dated 12.01.89	5
4	Petition alongwith annexure	7
5	dated 20-7-88	17
6	Reply on Behalf of the Petitioner	16
7	Rejoinder affidavit	22
8	Affidavit in Supp. of affidavit	7
9	for Index Relief	4
10	Application for Intrinsic Relief -	3
11	dated 22/12/88	
12	Power	4
13		

## 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 29/12/2011

Counter Signed.....

Section Officer In charge

Signature of the  
Dealing Assistant

(22)

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD (Circuit Bench )  
\*\*\*\* Lucknow

INDEX-SHEET

CAUSE TITLE Reg. No. 637 - OF 1988

B/II

Name of the Parties Nanheg Lal

Versus

Union of India and others.

Part A, B & C

S.No.	DESCRIPTION OF DOCUMENTS	PAGE
A1	General Index - - - - -	1
A2	Order sheet - - - - -	2
A3	Judgement dated 12-1-89 - -	5
A4	Petition alongwith annexures dated 20/5/88	17
A5	Reply on Behalf of The parties	16
A6	Rejoinder affidavit - - -	22
A7	Application for Amendment - -	10
A8	Affidavit in support of Application for Interim Relief. - - - - -	4
A9	Application for Interim Relief - - dt 22/12/88 - - - - -	3
B1	Vakalatnama. (Power) - -	4
B2	Misc Application dt 07/1/89 & 09/1/89	2

25/5

Transfer

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

23-A, Thornhill Road, Allahabad-211001

Registration No. 637/88 of 1988

APPLICANT (s) Nankey Lal

RESPONDENT(s) U.O.I. through Secretary, Ministry of Water

Resources, New Delhi & 2 others

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 ?	6 sets filed.
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.B./Postal-Order for Rs. 50/-	Ys, No. 2D 227229 dt. 20-5-88 for B.S.D.
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.

Particulars to be ExaminedEndorsement as to result of Examination

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

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

9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ? *No*

10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ? *No*

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

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

(a) Identical with the original ? *Y*

(b) Defective ? *-*

(c) Wanting in Annexures *-*

Nos...../Pages Nos.. ..... ? *-*

13. Have file size envelopes bearing full addresses, of the respondents been filed ? *No*

14. Are the given addresses, the registered addresses ? *Y*

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

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

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

(a) Concise ? *Y*

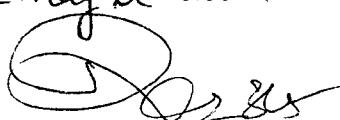
(b) Under distinct heads ? *Y*

(c) Numbered consecutively ? *Y*

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

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

19. Whether all the remedies have been exhausted. *No*

If approved, the case may be listed  
on 25.5.08 

Subomi Haldar  
Chander  
23.5.08

ordg sheet

OA: 637/08

817/08

(PZ)

Hon. D.S. Misra - AM  
Hon. G.S. Sharma - JM

The petitioner suffer

from various defects. Steps  
be taken to remove the  
defects.

Y  
J  
FM  
SP

DL

AM.

23.8.88 DRJ.

Counsel for applicant files  
an amendment application. Sri  
V.K. Chaudhary has accepted the notice  
of the same.

Put up before court for  
orders on 26.8.88

Rehbar

DRJ.

Aug  
28/88

26.8.88

Hon. A. John - AM  
Hon. G.S. Sharma - JM

Amendment allowed.

SDJ.

front  
20.8.88  
J.C. Tadami

Vc/AJ(AM)

7.10.1988

(A2/2)

Applicant in person.

Respondents by Shri N.K.  
Choudhury.

Applicant prays for  
time. Time prayed for is  
granted.

Post this case for  
hearing on 25<sup>th</sup> October,  
1988.

(Ajay Johri) (K.S.Pattaswamy)  
Member(A) Vice Chairman.

25/X/88

Hon'ble S.S. Misra, A.M.

Heard the applicant on the matter  
of interim relief. The prayer for  
interim relief has been opposed by  
the respondents' counsel Shri N.K.Choudhury  
who has filed an objection to the same.  
A copy of the objection has also been  
served on the applicant. The main  
relief sought in the application is  
for cancellation of transfer order which  
was opposed on 4-4-88. There is no  
justification for grant of interim  
relief. The prayer for interim relief  
is rejected. The respondents are allowed  
one more opportunity to file reply  
to the main petition. Reobjection, if  
any, may be filed within ten days.  
Registry will fix the date of final  
hearing after the counter-reobjection  
are exchanged.

B.L.

Moay

A.M.

Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD  
CIRCUIT BENCH, GANDHI BHAWAN  
LUCKNOW

\*\*\*

No. CAT/CB/LKO/ 610 & 611 Dated : 13-1-09

OFFICE - MEMO

Registration No. O.A. 637 of 1938  
T.A.

Nanhey Lal Applicant's

Versus

U.G.C. & SR

Respondent's

A copy of the Tribunal's Order/Judgement  
dated 12-1-09 in the abovenoted case is forwarded  
for necessary action.

  
For, DEPUTY REGISTRAR (H)

Encl : Copy of Order/Judgement dated 12-1-09

To.

*Reed on Recitor* → Sr Nanhey Lal - applicants

Sr. V.K. Chawla - Adv.

dinesh/

\*\*\*\*\*

(P3/1)

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH

LUCKNOW

Registration O.A. NO.637 of 1988

Nanhey Lal .... **Applicant**

-VS-

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

Hon'ble Ajay Johri, AM

By this application made under section 19 of the Administrative Tribunal Act 1985. The applicant who is working in the Middle Ganga Division No.1 at Lucknow as a work Sarkar, has challenged an order dated 4-4-1988 issued by the executive engineer Lucknow transferring him from Lucknow to Haldwani. The applicant's case is that while he was working at Varnasi he had made a request for transfer to Lucknow and it was in April, 1987 that he was transferred in response to his request, that Against the impugned order the applicant had represented bringing out his personnel difficulty and the fact that he was transferred on his own request to settle certain problems regarding his property etc and that his posting to Haldwani would defeat the purpose for which he had requested for transfer to Lucknow. The applicant has alleged that the transfer order is malafide and against the provisions of the rules. According to him Group D employees cannot normally be transferred except in certain exigencies of service, he has further said that he is not the person with the longest stay at Lucknow and therefore even on this account the transfer is bad.

According to him since he is the circle president of the Union, and he takes up the problems of the employees with departmental authorities, he has become an eye sore and he is being punished by his transfer order. By this application the applicant has prayed for cancellation of the impugned order.

The respondents in their reply have said that since there is no vacancy of work Sarkar at Lucknow and a vacancy exists at

Haldwani the applicant has been transferred to Haldwani. His transfer from Varnasi to Lucknow was made when there was shortage of staff in the regular establishment. Since regular vacancy has now been filled the applicant has became surplus and was transferred out of Lucknow. They have denied that any harrasment has been caused to the applicant.

According to the respondents the services of work charged staff are ~~required~~ <sup>required</sup> based on works so they are posted where the requirement exists irrespective of their representations or requests.

The applicants posting at Lucknow was only till the vacancy of junior computers was not filled. As soon as the vacancy was filled he has been transferred. According to the respondents the applicant was transferred to Haldwani because there was no clerk posted there and he was supposed to do clerical work also. The transfer of the applicant has also been made in the <sup>3/</sup> Government intrest and is not with any malafide intention.

This reply has been apposed by the applicant in his rejoinder. The applicant has reiterated that he was appointed on the post of work Sarkar, and is working in the same post till now. According to him the grade of junior computers is different and the their work is also different. He has attached a copy of transfer policy as Annexure R.A. 1. He has further said in the rejoinder that one other person has been posted to Lucknow after him and it cannot be said that there is no work for him now. His emphasis is that he has property dispute and that absence from Lucknow will adversely effect him.

I have heard the learned counsel for the parties the submission made by the learned counsel for the applicant were that the transfer is against the laid down policy, the applicant is not the person with the longest stay, his work has been satisfactory and his transfer on his request has already <sup>3/5</sup> resulted in lowering his seniority therefore he should not be transferred again after the short spell of posting at Lucknow.

On behalf of the respondents the learned counsel submitted that the transfer has been made because there is no more any requirement at Lucknow and the applicant is a field worker and the work for him is in the field and not in the head quarters office. Nothing else was pressed before me. The transfer policy for C.W.C., employees lays down certain general principles and guide lines. It says that the transfers are to be kept to the minimum extent possible. Group C & D, personnel should not normally be transferred except for ~~adjusting~~ surplus staff or for making up deficiency, or on the request of the employee, or at the time of promotion when local adjustment is not possible and for exigency of services. This policy further lays down that the order of transfer should be <sup>3/</sup> first those who ~~volunteered~~ there after those who are with the longest stay.

It is not under dispute that the applicant was transferred on his own request and the controlling authority agreed to his request and transferred <sup>3/</sup> to him from Varnasi to Lucknow. The applicant came on transfer in April 1987. When the applicant had made the request, he had indicated the reasons for his request and the respondent accepted the same before they brought him from Varnasi to Lucknow. It is not pleaded before me that in the transfer order it was mentioned that the request was consider only for a short period.

<sup>3/</sup> In view of definite guide lines having been issued in

respect of group C & D employees the respondents should have examined the applicant's case keeping in the view these guide lines. The applicant has averred that he is not the person with the longest stay at Lucknow. A submission was made by the learned counsel for the respondent by saying that the person with the longest stay is also utilised on certain other work which only he can do. This argument does not impress me. If the department has spelled out a particular policy which governs the transfer of Group C and D employees the action to be taken has to fall within those guide lines.

The plea of exigency of service also does not meet the eye. The applicant is a work Sarkar and has got definite duties to perform.. It cannot be said that he is the only suitable person to meet the requirements of the posts at Haldwani.

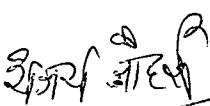
At the bar the learned counsel for the applicant submitted that the applicant had been indulging in Union activities and that he is now regretting the same and also undertakes that he will not indulge in these activities in future. According to the learned counsel his Union activities were also a background of the impugned order. Also the present request of the applicant is for letting him stay at Lucknow for two more years by which time he feels that his personnel problems on the ground of which he requested his transfer to Lucknow will be over come.

3/

On considering of the above facts, I feel that the transfer

order is bad as it does not follow the guide lines and defeats the purpose for which the applicant had <sup>3/</sup> agreed to suffer in matter of seniority while comming on transfer from Varnasi. Though transfer orders are normally not open for adjudication yet where it is found that they have been issued for extraneous consideration or against the policy and guide lines laid down for such transfers, they can be interfered with. <sup>3/</sup> The transfer order is, therefore, bad and is liable to be set aside.

In the above view I allow the application and set aside the transfer order dated 4-4-1988. The period of absence of the applicant will be treated as leave of any kind due to him. I make no order as to costs.

  
Ajay Johri (AM)

Dated: 12-1-1989.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

Allahabad Bench, Allahabad

Registration No. 637 of 1988

Kenhey Lal - - - - - PETITIONER

Vs.

Union of India & others - - - - - OPP. PARTIES

INDEX

Sl. No.	Particulars	Pages
1.	Reference Petition	1 - 10 - 16
2.	Annexure 'I'	11 - 1
3.	Annexure 'II'	12 - 1
4.	Annexure 'III'	13 - 1
5.	Annexure 'IV'	14 - 15 - 2
6.	Annexure 'V'	16 -
7.	Vakalatnama	17 - 1

*S. Srivastava*  
Satish Kant Srivastava

Advocate

DATED: 20.5.88

20/5/88  
Counsel for the petitioner

VARANASI

2  
Central Administrative Tribunal  
Allahabad Bench At Allahabad  
Case No. 2558  
Date of Receipt  
20/5/88  
Post  
Signature  
B/2558  
Date  
20/5/88

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH : ALLAHABAD

Registration No. 637 of 1988

Nanhey Lal a/a 41 Years son of Late Shri Jaggu,

Resident of 545, Ka/57, Para, Rajaji Puram, Lucknow

----- PETITIONER.

- Versus -

1. Union of India through Secretary, Ministry of

Water Resources, New Delhi.

2. Superintending Engineer, Middle Ganga Circle, Varanasi

3. Executive Engineer, Middle Ganga Division No. 1,

Lucknow.

----- OPPOSITE PARTIES

1. PARTICULARS OF APPLICATION

i) Name of Applicants: NANHEY LAL  
ii) Name of father Late Shri Jaggu  
iii) Designation & Office Work Sarkar, Middle Ganga  
in which employed: Division, No. I,  
Lucknow

Filed to-day  
Noted 25-5-88  
20/5/88

25/5/88  
J.W.W.  
Adm.  
20-5-88

By  
/3

iv) Office Address: Middle Ganga Division No. I,  
Central Water Commission,  
Pratap Bag, Aliganj, LUCKNOW

v) Address for service of all notices: 545, Ka/57, Para, Rajajipuram,  
Lucknow.

2. PARTICULARS OF THE RESPONDENT:

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i) Name or designation of the respondent: 1. Union of India through Secretary, Ministry of Water Resources, New Delhi.

2. Superintending Engineer,  
Middle Ganga Circle,  
Tulsipur, Mahموrganj,  
Varanasi.

3. Executive Engineer,  
Middle Ganga Division No. 1,  
Central Water Commission,  
Pratap bag, Aliganj,  
LUCKNOW

2) Office address of the respondent:

- DO -

3) Address for service of all notices:

- DO -

3. PARTICULARS OF THE ORDER AGAINST WHICH APPLICATION

is made:

1/2/2/

FWW

Att. 21/5/08

~~Am  
W~~

i) Order No. E-9/Ma.Ga.Ma.-I/Lakh./88/1903-10

ii) Date 4.4.1988

iii) Passed by: Executive Engineer, C.W.C., Middle Ganga Div.-I, Aliganj, Lucknow

iv) Subjects in Brief:

The petitioner who is own request was transferred from Varanasi to Lucknow to protect his ancestral property from litigations going on in April 1987 the Litigations are still pending but the illegal transfer order has been passed to harass the petitioner. Hence this petition, for stay of its operation.

#### 4. JURISDICTION OF THE TRIBUNAL:

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The petitioner has been serving as Work Sarkar under Executive Engineer, Middle Ganga Division - I, Lucknow U.P. where the impugned order has been passed also hence this tribunal has jurisdiction to try the petition.

#### 5. LIMITATION:

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The impugned order having been passed on 4.4.88 served on 18.4.88 admitting of no departmental appeal or remedy. The matter is well within limitation, provided under the act.

~~22/2/88~~



ADV. 2015/00

AK  
5

6. FACTS OF THE CASE:

1. The petitioner was appointed initially on 24.3.71 as Gauge Khalasi - Cum-Messenger in scale 70-1-85 and was confirmed by order Dt. 12.5.87 with effect from 20.2.86 the photo state copy of confirmation order is enclosed as ANNEXURE I.
2. He was subjected to appointment as Work Sarker in work charge establishment on 1.6.72 in scale Rs.85-2-95 disclosed by payment but not in the appointment letter. Photo state copy of the order of appointment enclosed as ANNEXURE 'III'.
3. That the working of the petitioner being successful and to the mark, he was given quashi permanency by order Dt. 24.7.85 w.e.f. 18.12.75 in scale Rs. 210-270 against the recognised and prescribed scale for Work Sarker Rs. 260-400. The initial scale given to the petitioner Rs. 85-2-95 was also incorrect and illegal, and the correct scale was Rs. 110-180. The Photo stat copy of the order of quashi permanency is enclosed as Annexure III.

III

J. D. M.

Am. 21 N.D.D

AM  
6

4. That on 1st of May, 1987 the petitioner on own request came on transfer from Varanasi to Lucknow and on 26.3.88 he submitted a detailed representation regarding his claim for proper scale and grade of work sarkar and payment of his arrears as a consequence of fixation in correct grade. The Photostat copy of the Representation is enclosed as ANNEXURE IV.  Amendment incorporated  
S.C. Tadava *CS* *Revd* *9.8.88*

*CS*  
*Amendment incorporated*  
*S.C. Tadava*  
5. (15) That the Opposite Parties instead of sympathetically considering the claim of the petitioner for proper scale and grade, took it otherwise and as a measure of reprisal and punishment passed the impugned order Dt. 4.4.88 transferring petitioner from Lucknow Division to Haldwani sub Division, which is a Cold and Hill Area, not suiting to the physical condition of the petitioner. The Photostate copy of the transfer order challenged is enclosed as ANNEXURE V to the petition. The same is wholly illegal, arbitrary, malicious, punitive, vindictive, and ineffective for the following reasons amongst other:-

G R O U N D S

a) Because the impugned order is innocuously

*1/2 x 3*

*J*  
*Mr*

*Am. 20-5-88*

M  
17

worded yet judged in the light of antecedent is punitive in nature and penal ineffect.

b) Because the petitioner was transferred from Varanasi to Lucknow on own request to protect his ancestral Property and the litigations then going are still pending i.e. the ~~same~~ <sup>comparative</sup> ground for transfer ~~is~~ still existing but the order of transfer has been maliciously passed to harass the petitioner.

c) Because the impugned order has been passed against the Transfer Policy declared in the C. W. C., Office Memorandum dealing with Transfer matter of C. W. C.'s Employee - The Transfer for administrative reasons are to be kept to the minimum extent possible - Group 'C' & 'D' employees are exception to transfer except in inevitable contingencies defined from (a) (d) under clause

3.

d) Because the petitioner is a Group 'D' employee and he cannot be transferred normally from one station to another except in contingencies specified.

✓  
JWW

AK. 90.5.00

e) Because the impugned transfer order is in arbitrary exercise of power by the Executive Engineer, against the mandatory conditions declared in the memorandum and indicate a deviation in as much as it has been passed without taking approval of the Chairman, C. W. C.

f) Because the impugned transfer order amounts to unequal treatment against the recognised policy and constitutional guarantee under article 14 and 16 of constitution of India.

g) Because the order transfer order in question having been passed by way of punishment in annoyance to the representation Dt. 26.3.88 i.e. punishment without any show cause or hearing in breach of principle of natural justice and fair play and article 311 (2) of Constitution of India.

h) Because the Opposite Party No. 3 has adopted policy of Pick and Choose in as much as Shri Kaushal Ki shore, ~~and~~ work Sarkar similarly circumstances as Petitioner is retained at Lucknow since before 1979 for reasons best known for ulterior consideration.

i) Because the petitioner is unionist and circle

12/2/88  
J.W.  
A/c Rs. 5.00

President often negotiating the problems of employees in general with the departmental authorities, including Shri Ram Sharan, Executive Engineer, and has been an eye sore and has been targeted for punishment to discourage his position in the ~~Engineering~~ association.

7. RELIEF SOUGHT:

That by means of suitable order or directions the impugned order of transfer Dated: 4.4.88 served on 18.4.88 be quashed and declared ultravires, the petitioner be declared continuing as Work Sarkar, under Executive Engineer, Middle Ganga Division - I, Lucknow with all consequential benefits.

*CS  
A.D. 9.9.88*  
Amendment (b) incorporated that by suitable order or direction the and prayer (b) is deleted.

*Opposite party be directed to fix the grade and scale of the petitioner as a work sarkar Rs. 260-400 revised to Rs. 950 - 1500 w.e.f. 1.6.72 as per rules and the revised scale from 1.1.86.*

8. INTERIM ORDER IF ANY PRAYED FOR:

The Interim order staying the operation of impugned

*21/2/88*

*D. K. S.*

*Rev 20.5.00*

10  
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transfer order Dt. 4.4.88 served on 18.4.88 be passed directing the opposite party to recognise petitioner as work sarkar under Executive Engineer, Middle Ganga Division No.I, Lucknow and to pay him the salary admissible to the post regularly.

9. DETAILS OF REMEDY EXHAUSTED.

The px impugned order admits of no statutory remedy by way of appeal or representation and in the exigency of matter it is not possible to file the representation and wait for less the purpose of the petition may fail.

10. MATTER NOT PENDING WITH ANY COURT:

No Petition regarding matter in issue is pending in any court and before any authority or tribunal in India.

11. PARTICULARS of Bank Draft/ Postal O.O. Almohar order in respect of application fee: — Rs. 50/-

i) Number of Indian Postal Order DD 227229

ii) Name of Issuing Post Office. L.P.O. Almohar

22/2/88  
D.P.  
— for 20.5.00

✓  
H  
u  
4

3. Date of issue of Postal Order. 20.5.80

4. Post Office at which Payable. L.O. Allahabad

12. DETAILS OF INDEX:

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An Index in duplicate containing the detail of the document to be valid upon in addition to annexure is enclosed.

13. List of Enclosures:

ANNEXURE 'I' to ANNEXURE 'V'

VERIFICATION

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I, Nanhey Lal, a/a 41 years son of Late Jaggu as Work Sarkar at Middle Ganga Division-I, Lucknow do hereby verify that the contents of Para 1 to 13 are true to my personal knowledge & belief and that I have not suppressed any material facts.

PLACE:

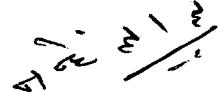
  
Signature of applicant.

DATE:

To,

The Registrar,  
Central Administrative Tribunal,  
Allahabad Bench,  
ALLAHABAD.

-----


Am 20.5.80

भारत राज्य सरकार  
केन्द्रीय जल आयोग  
सार्वजनिक अधिकारी अधिकारी  
मध्य गंगा परियोजना  
बी 38/1, गोप-महाराष्ट्र  
वाराणसी 221010

AM  
TB

11

कार्यालय आदेश

विभागीय प्रेसनति समिति नियमका गठन मध्य गंगा परियोजना, केन्द्रीय जल आयोग, वाराणसी के अधीन कार्यरत वर्दि 'ग' लैंडर 'च' के कार्यप्रभारी कर्मचारियों की प्रेसनति एवं संकुलित के लिए किया गया है, जो सिक्षालिखों के अनुसार, गंगोहस्ताक्षरित द्वारा नियन्त्रित कर्मचारियों जो केन्द्रीय जल आयोग के केंद्र में गैरिक सा रूप से छताती व वर वितरणान स्टॉक 750-12-870-2020-14-940/- में उनके नामों के संग्रह दर्शाय गये दिनांक से अद्यता, केन्द्रीय जल आयोग के रक्तांक 1/30/15-वाराणसी-12 दिनांक 20-2-86 द्वारा पंजुर किये गये स्थानीय नामों पर नियुक्ति की जाती है।

संख्या	नाम	नियुक्ति स्थान	संकुलितकरण तिथि
1-	श्री लाल देव प्रसाद	मध्य गंगा गडल-5, पटना	20-2-86
2-	श्री शाम गिशा	मध्य गंगा गडल-4, पटना	20-2-86
3-	श्री राम वृक्ष	मध्य गंगा गडल-5, पटना	20-2-86
4-	श्री वर्षील राय	मध्य गंगा गडल-4, पटना	20-2-86
5-	श्री वातुदेव प्रसाद सिंह	मध्य गंगा गडल-5, पटना	20-2-86
6-	श्री गुरतामुद्दीन	मध्य गंगा गडल-5, पटना	20-2-86
7-	श्री शीशा अन्ता ठाकुर	मध्य गंगा गडल-4, पटना	20-2-86
8-	श्री जयना ठाकुर	मध्य गंगा गडल-5, पटना	20-2-86
9-	श्री गंगा दग्धाल	मध्य गंगा गडल-4, पटना	20-2-86
10-	श्री गण नारायण पालवान (अनु० जाति)	मध्य गंगा गडल-5, पटना	20-2-86
11-	श्री राम नर्मीना प्रसाद	मध्य गंगा गडल-4, पटना	20-2-86
12-	श्री युगल किशोर प्रसाद	मध्य गंगा गडल-4, पटना	20-2-86
13-	श्री जगदीश प्रसाद	मध्य गंगा गडल-4, पटना	20-2-86
14-	श्री फै० ए० घै० घै०	मध्य गंगा गडल-5, पटना	20-2-86
15-	श्री परसानन्द गुप्ता	मध्य गंगा गडल-4, पटना	20-2-86
16-	श्री लग्नराम लाल	मध्य गंगा गडल-4, पटना	20-2-86
17-	श्री जय गंगल सहारी	मध्य गंगा गडल-4, पटना	20-2-86
18-	श्री साधु लाल पाष्ठो	मध्य गंगा गडल-3, वाराणसी	20-2-86
19-	श्री सहजी अनंत सिंह	मध्य गंगा गडल-4, पटना	20-2-86
20-	श्री नर्मील अहवद	मध्य गंगा गडल-1, लखनऊ	20-2-86
21-	श्री बुद्धी लाल (अनु० जाति)	मध्य गंगा गडल-1, लखनऊ	20-2-86
22-	श्री श्याम लाल	मध्य गंगा गडल-3, वाराणसी	20-2-86
23-	श्री कर्ण लाल	मध्य गंगा गडल-3, वाराणसी	20-2-86
24-	श्री राम सिंह	मध्य गंगा गडल-3, वाराणसी	20-2-86
25-	श्री प्रिज लाल (अनु० जाति)	मध्य गंगा गडल-3, वाराणसी	20-2-86

2/-

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Amrit II

No. B-10, Ch. 3/3P/72/  
Government of India  
Central Flood Forecasting Division  
Central Water and Power Commission  
312712, Khun Khun Ji Road, Lucknow

Lucknow. 16/72.

OFFICIAL COPY

Sri Nanhey Lal, gauge khalsai has been  
already appointed as a Work Sarkar (Work charged  
Establishment). The expenditure is chargeable to  
collection of gauge data from G & D Site maintained  
by W.R.S., Division and Irrigation Deptt., under  
Gorakhpur Control Room.

Sl.

( G.J. BHOWMIK )  
DEPUTY DIRECTOR.

Copy to:

1. The Assistant Engineer, C.P.W.D., Lucknow
2. Accounts Branch, Lucknow.
3. Sri Nanhey Lal, Gauge khalsai. He should  
take over charge of Work Sarkar and he should  
submit his joining report as Work Sarkar.

✓  
( G.J. BHOWMIK )  
DEPUTY DIRECTOR.

\* KI 2VI \*

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Amrit

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20.5.00

*Amrit* III

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13

भारत सरकार  
केन्द्रीय जल आयोग  
कार्यालय अधिकारी अधिकारी  
जल संसाधन सर्व बाढ़ पूर्वानुमान  
उपखण्ड, ३, तेलियाबाग, वाराणसी

पत्रांक: ई-३५/जसंगटबागपूर/वा./८५/ ३६६१-६५ दिनांक: २४-७-८५

केन्द्रीय सिविल रोवार्स अस्थाई रोवार्स नियमावली १९६५ के  
नियम उत्थापन के अन्तरगत घोषणा सर्व नियुक्त आदेश।

५ मूलमूल रप्तीक, केन्द्रीय सिविल रोवार्स अस्थाई सेवा नियमावली  
१९६५ के नियम ३ तका ५ के अनुसरण में नियमावलीकृत वर्क सरकारों को उनके  
लाई, वारेंट तथा अवरण से तन्तुजट दोबार उन्हें उनके सामने दी गयी तिथि  
तो कार्यभार तथा पद लगापारा में वर्क सरकार के पद पर छिसका वेतन क्रम  
रु २००-४-२५०-५००/-००-५-२७०/- है, स्थाईपत्र अधिकारी परमानेन्ट रस  
में नियुक्त किये जाने योग्य समझते हुए उक्त वर्क सरकारों को स्थाईपत्र  
अधिकारी वरकारी रस में नियुक्त करता हैः-

कृपां नाम

नियुक्त करने ली तिथि

१०. श्री नन्हे लाल,	१०.१२.७५
२०. श्री साधू लाल पाण्डेय	२७.३.७६

*मृमो० रप्तीकृ  
अधिकारी अधिकारी*

प्रतिलिपि:-

१. श्री नन्हे लाल, वर्क श्री साधू लाल पाण्डेय, वर्क सरकार  
२. श्री सम्बन्धित कर्मदारियों की सेवा पुस्तका  
३. सहायक अधिकारी अधिकारी अधिकारी, केन्द्रीय बाढ़ पूर्वानुमान, उपखण्ड, इलाहाबाद  
४. सहायक अधिकारी, जल संसाधन उपखण्ड, वाराणसी।  
५. कार्यालय आदेश पंजिका।

*मृमो० रप्तीकृ  
अधिकारी अधिकारी  
जल संसाधन सर्व बाढ़ पूर्वानुमान  
उपखण्ड, वाराणसी-२*

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Amrit. २०८०८

लेखा में

ब्रीमानु अधिकारी अभिनन्दा,  
मध्य गगा मालूल पुर्खम्  
केन्द्रीय जल अधिकारी  
लखनऊ ।

विषय:- दृचित वेतन मान में वेतन निधरिण करने स्वं उसके फलस्वरूप देय धनराशि  
के भुगतान की प्रार्थना ।

महोदय

मेरी नियुक्ति दिनांक 24-3-1971 से "गेज खालाती" के पद पर हुई थी । मेरी योग्यता, आर्य इमता, एवं मेरे कार्य से संतुष्ट होकर शासन ने पत्र सं० ई-१/सी०सफ़०/ य००५०/७२/२३१३ दिनांक 1-६-१९७२ से मुझे "वकीलरकार" के पद पर नियुक्ति दिया था । तब से मैं "वकीलरकार" के पद पर मुख्यरूप से कार्य कर रहा हूँ ।

"ज्ञानक कायालिय द्वारा मुझे" वकीलरकार ग्रेड दृतीय सम्बोधित करने पर मैंने आपत्ति की थी कि पर मुझे कायालिय द्वारा बताया गया था कि "वकीलरकार" तथा वकीलरकार ग्रेड दृतीय एक ही पद हैं फिर भी मेरे द्वारा आपत्ति करने पर कायालिय द्वारा मुझार करके मुझे "वकीलरकार" कर दिया गया था ।

जब भी कायालिय द्वारा मुझे "वकीलरकार ग्रेड दृतीय सम्बोधित किया गया" मैंने उत्तीर्ण आपात्ति की, जिस पर मुझे वही सम्भाया जाता रहा कि "वकीलरकार" तथा वकीलरकार ग्रेड दृतीय एक ही पद है तथा वकीलरकार ग्रेड पुर्ख व वही तरकार ग्रेड दृतीय अलग-अलग पद है फिर भी मेरी आपत्ति पर कायालिय द्वारा मुझार करके "वकीलरकार" कर दिया जाता रहा है । इस सम्बन्ध में मुझसे भी यह कहा गया कि यदि आपलोकोई दिवें हैं तो आप स्वर्य "वकीलरकार" ही लिखता रहा हूँ क्यों किमीरी नियुक्ति" वकीलरकार" के ही पद पर हुह ही । तथा इस पर कायालिय द्वारा अभी तक कोई आपत्ति नहीं की गयी है ।

अब मुझे मालूम हुआ है कि "वकीलरकार" तथा वकीलरकार ग्रेड दृतीय एक पद है तथा वकीलरकार ग्रेड दृतीय निम्न कोटि का पद है वेतन निधरिण के समय भी मुझे "वकीलरकार" पद का वेतनमान न देकर "वकीलरकार ग्रेड दृतीय" के वेतनमान में सम्मोजित किया गया है जो पूर्णतयः गलत है तथा मेरे साथ किया गया अन्याय है और मेरा जातिक शासीपाण करने का घड़यन्त्र है ।

अतः आपसे असुरोध है कि मुझे मेरे पद "वकीलरकार" का वेतनमान नियुक्ति तिथि से देने का आदेश धर्थीशीकु जारी करने की ज्ञान करें तथा उसके

पैज दो पर २/...  
पी०टी०ओ० ...

क्र० २०.५.०८

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फलस्वरूप हुई बकाया धनराशि का भुगतान यथा शीघ्र करने की दृष्टा करें और  
भविष्य में दक्षिणकार ग्रेड त्रृतीय के स्थान पर सूक्ष्म वर्षी तरकार ही सम्भवित  
करने की दृष्टा करें वर्षीकार ग्रेड त्रृतीय अन्वेषण ते सुकृत विक्षी भी अदेश/पत्र  
को स्वीकार न करने के लिये में जाध्य हैं।

निम्न तिथि से वेतनवान में सुधार तरकारी अधिसूची में प्रारम्भीय है।

111 1-6-72 से 35-2-95 के स्थान पर 110-3-131-4-143-इ०वी०-४०  
171 इ०वी०-४-175-5-180

121 1-1-73 से 210-4-250-इ०वी०-५-270 के स्थान पर 260-6-290  
इ०वी०-६-326-४-366 इ०वी०-४-390-10-400

131 1-1-86 से 800-15-1010इ०वी०-२०-1150 के स्थान पर 950-20-  
1150इ०वी०-२५-1500

दिनांक :- 26-3-83

आपका विश्वास पत्र

नंदे लाल  
दक्षिणकार  
मध्यगण मण्डल प्रथम,  
लखनऊ।

प्रतिलिपि :-

111 श्रीमान श्रीकृष्ण श्रीभिन्ना मध्यगण्डल वाराणसी को हा  
प्तार्थी के ताप किये रात नाम वर्षी तरकार ग्रेड त्रृतीय की वरिष्ठता  
दूषी ते पृथक्कर दिया जाय।

121 श्रीमान श्रीकृष्ण के श्रीभिन्ना मध्यगण्डल त्रृतीय वाराणसी को इस  
प्रार्थना के ताप किये 4-2-1981 से 30-4-1987 तक उनके अधीनस्थ  
दायरत था अतः सम्बन्धित अधिक लिये गयियक कार्यवाही करें।

आपका विश्वास पत्र

नंदे लाल  
दक्षिणकार  
मध्यगण मण्डल प्रथम  
लखनऊ।

A.M.P.

Date 20.5.08

भारत सरकार  
केन्द्रीय जल आयोग  
मध्य प्रीग मण्डल - पृथम  
जलसंरक्षण भवन, प्रतापगढ़, अलीगढ़  
लखनऊ-226020

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कायालिय अदादा

निम्नलिखित कार्य प्रभारित कर्मचारियों का स्थानान्तरण उनके नाम के सामने दर्शा ये गये स्थल पर किया जाता है। यह जादरा तत्काल प्रभावी होगा।  
छमाक नाम व पद कर्मचारी भविष्य का कार्य स्थल टिप्पणी

1- श्री बालूलाल गेह सदायक ।	पलियाकला	जहाँगीराबाद	नियमित में ।
2- श्री रमेश प्रसाद गेह सदायक	जहाँगीराबाद	स्थ	नियमित में ।
3- श्री मनोलाल वर्क सरकार	मराठीय कायालिय छलदाना	उपमण्डल पूनित में ।	रिक्त पद के विरुद्ध
4- श्री गोपालराम गुजर ।	लयोध्या	बी0के0घाट	पूनित में ।
5- श्री हरीभोज उपाध्याय, गोद	बलरामपुर	बन्दुदीपघाट	नियमित में ।
6- श्री अमृक राम गुप्ता, अलसी	बन्दुदीपघाट	तवाघाट	नियमित में ।
7- श्री केकेपत्रिल नाविक ।	उपमण्डल गाँडा ।	बी0के0घाट	पूनित में ।
8- श्री रामबल-। नालिक पन्न श्री रामलुमार	बरोध्या	बी0के0घाट	रिक्त पद के विरुद्ध
9- श्री बार०इल० कुर्यादी, गोद	मण्डलीय कायालिय लयनऊ	बागेश्वर	पूनित में ।
10- श्री रामलुम नालिक ।	बी0के0घाट	बरोध्या	नियमित में ।
11- श्री शीराम नाविल	निपासा	मुहुरुवाघाट	नियमित में ।
12- श्री अयोध्या प्रसाद एलिनद्विज नाविक	बरोध्या	बरोध्या	नियमित में ।

नोट- पत्र प्राप्त होने के एक सप्ताह के अन्दर कार्य मुक्त करना अनिवार्य है ।

राम भरन  
संक्षिप्तानी अभियन्ता ।

दि ० ५.५.८८

पक्षीक : ई-१/म०ग०म०-१/लय०/८८/ १९०३-१०

निम्न को सूचनार्थ एवं जावशयकार्थ-वारी :-

१- सदायकसंभियन्ता/सदायक अधिकारीभियन्ता, छलचानी/मार्गिला/  
मण्डलीय कायालिय/बिरामरा/प्रसादिला/ तस्मै ।

२- लेखास्त्रभाग, भागलीय कायालिय, लयनऊ ।  
३- प्रत्येक कर्मचारी द्वारा सदायक अभियन्ता/सदायक अधिकारीभियन्ता ।

४- व्यक्तिगत प्रावधानी ।

राम भरन  
संक्षिप्तानी अभियन्ता ।

A.M.T.

21.5.88

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

O.A. No.637 of 1988(A)

Nanhey Lal

... Applicant

Versus

Union of India & others .. Opp. parties.

*Reply*

COUNTER AFFIDAVIT ON BEHALF OF OPP. PARTIES

I, S.N. Lal

aged

about 50 years, son of Late Sri Hanilal  
at present posted as Executive Engineer,

Middle Ganga Division No.1, Central Water Commission,

Lucknow do hereby solemnly affirm and state as

under:-

2. That the deponent is the opposite  
party no.3 in the above named case and as such  
he is well conversant with the facts of the  
case.

3. That the deponent has read and  
understood the contents of application ~~fax~~  
filed by the petitioner as well as the reply  
given ~~taxtka~~ given hereunder:

4. That the contents of para 1 to 3(iii)  
of the application need no comments.

5. That in reply to the contents of para 3(iv) of the application it is submitted that there is no existing vacancy of Work Sarkar Grade III in division office (H.O.) . There is a existing vacancy of Work Sarkar Gr.II at Haldwani Sub Division under this division. The posting of all work charged staff are made to the name of Middle Ganga Division -I, Lucknow but the further posting are made by Division to its Sub-division wherever vacancy and work exist, Shri Naehe Lal the applicant was transferred to Middle Ganga Division-I, Lucknow from Varanasi and his services were utilised at Divisional office, due to shortage of staff like Junior Computer who comes under regular establishment.

*Shyam Lal*

The regular vacancy were filled up by the head office, New Delhi. So he was transferred from Lucknow to Haldwani where the services of work Sarkar were actually required. So using the word of harassment is quite baseless.

6. That the contents of para 4 of the application need no comments.

7. That in reply to the contents of para 5 of the application it is submitted that the

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services of work-charged staff are totally based on works so that where the necessity of work arised, they are posted there or may be retrenched if work is not available irrespective of their representation or request.

8. That in reply to the contents of para 6 of the application work-charged staff specially groupD Staff are posted in remote areas at sites. If they request for leave, the same are granted to them whether it may be medical or earned leave to meet their exigencies are as per Government rules.

9. That in reply to the contents of para 7 of the application it is submitted that whatever might be the case at Varanasi Division where he has already worked and was allowed to work under this division (H.O) also till the vacancy of Jr. Computers were not filled. As soon as the Jr. Computers joined this Division, his service were not required at the Division level and thus he was posted to Haldwani Sub-division (H.O) instead of any remote areas. The Haldwani place has every

*Shyam Nandlal*

type of facilities and well connected by Railways as well as highways with Lucknow. He can look after his problems by taking of proper leaves which will be granted to him without any difficulty from this end.

10. That the contents of para 8 of the application are incorrect and in reply it is submitted that there is no transfer and posting for group 'D' work-charged staff of C.W.C. Their services are based on work only where the work will be available they may be posted there irrespective of their personal problems.

11. That in reply to the contents of para-9 of the application there are 12 other work-charged staff under that panel and moreover there are 2 charged assistants also who come under Group-C work-charged staff. They have been posted to more remote and hill areas in the interest of Govt work. They have already joined their duties. Now this transfer order is in malafide intention for the petition. He has posted in Government interest there.

*Shyam Lal Chauhan*

12. That in reply to the contents of para 10 of the application it is submitted that he was transferred to Haldwani Sub-Division to help the SDO and Junior Engineer (HO) , Haldwani because there was not any Sub-division clerk also there. At hill area flood season is started from May of every year. So his services were urgently required at that time as per requisition of the Assistant Engineer for work sarkar who are supposed to do clerical type work.

13. That the contents of para 11 of the application need no comments.

*Shyam Nandakumar*

14. That in reply to the contents of para 12 of the application it is submitted that the petitioner is not residing permanently at Lucknow. His permanent residence is about 35 KMs. away from Lucknow in village area as per his declaration given in his service book. It is not possible to attend the office daily from his village Behta by the petitioner except attending the office irregularly. Moreover, he was extended every available

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facilities during his tenure at Lucknow (H.O.). But due to non-availability of post at Lucknow he was transferred to Haldwani where his services were actually required.

15. That in reply to the contents of para 13 of the application it is submitted that transfer orders were issued in Govt interest and in bonafide intentions alongwith other 11 Nos. of work-charged staff transferring them to different places. His plea is baseless and as such the transfer order merit no malafide intention, as alleged by the applicant.

*Shyam Nadeem*  
16. That the contents of para 14 of the application are incorrect as stated.

17. The contents of para 15 of the application are incorrect as stated and in reply it is stated that if the work is not available to allot to the applicant, how can his appeal for retention at Lucknow is accepted.

18. That the contents of paras 16 & 17 of the application need no comments.

19. That in reply to the contents of para 18 of the application it is submitted that the petitioner was appointed with effect from 1.6.72 in the scale of Rs.85-95 and he was also given Quasi permanency from 16.12.75 in the revised scale of pay Rs.210-270 and he accepted the same without any reluctance and worked under the above scale till to the transfer date from Varanasi Division to Lucknow Division. He also worked at Lucknow Division in the same scale without any objection. Now it is very strange that he is challenging his appointment as work sarkar Gr.III after lapse of a period of 14 years and demanding the scale of Group -C scale in place of Group 'D'. The appointing officer has appointed him as work sarkar Gr.III in the above scale in his best of knowledge and belief, At that time why the petitioner accepted the appointment of work sarkar in the scale of Rs.85-95 which is for the post of Wrok Sarkar Gr.III.

20. That in reply to the contents of para 19 of the application it is submitted that the Fourth

Pay commission submitted his report in July 1986 and the petitioner got transfer order in May 1987 from Varanasi Division to Lucknow Division.

It is very much strange that he sent his representation to Varanasi Division after 1 year for his so called claims. His pay was fixed by Middle Ganga Division.III, Varanasi on 21.10.86 in the scale of Rs.800-1150 (revised) in the post of W/S. Gr.III. It is not understood why he accepted the revised pay scale of Work Sarkar Gr.III there and why he submitted representation in this regard from Lucknow on 20.3.1988 for claiming the scale of Work Sarkar Gr.II.

*Syamnababu*  
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21. That in reply to the contents of para 20 of the application it is submitted that the transfer order were issued in Govt interest and as well as in the interest of petitioner too irrespective of any appraisal and Maliceness.

Transfer order is not a sort of punishment. It is stated that Haldwani is not a cold and Hill area but a health resort area and has more suitable climate.

22. That the grounds sought by the applicant are not tenable in the eyes of law  
~~and the application~~

23. That in view of the facts and circumstances stated above, the application filed by the applicant is liable to be dismissed with costs.

*Shyam Narayan*  
Deponent.

Lucknow,

Dated: 24 Nov. 88

Verification

I, the above named deponent do hereby verify that the contents of paragraphs 1 and 2 of this affidavit are true to my personal knowledge and those of paragraphs 3 to 21 of this affidavit are believed to be true on the basis of official records and information gathered from the office and those of paragraphs

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-10-

22 to 23 are believed to be true on the basis of  
legal advice.

Signed and verified this  
on 24<sup>th</sup> day of November 1988 in the  
Court compound at Lucknow.

*Dhyan Nandan*

Deponent.

Lucknow

Dated: 24 Nov. 88

I identify the deponent, who had  
signed before me.

*VK*

(VK CHAUDHARI)

Advocate.

Lucknow,

Dated: 24 Nov. 88

Before the Hon'ble Central Administrative Tribunal,

Circuit Bench Lucknow.

O.A. No. 637/88.

Nanhey Lal.

...

Petitioner.

Versus,

Union of India and others.

... Oppo.-Partes

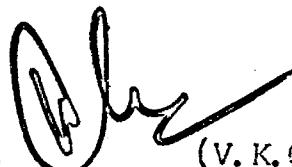
The Opposite-Parties in the above case ~~are~~  
beg to submit as under :-

1. That for the facts, circumstances and reasons  
disclosed in the accompanying affidavit it is  
expedient in the interest of justice that the  
application moved by the applicant for interim  
relief be rejected.

It is therefore most humbly prayed  
that the application moved by the petitioner for  
interim relief be very kindly rejected.

Lucknow; Dated;

Oct. 6th. 1988.



(V. K. Chaudhari)

Addl. Cen. Govt. Standing  
Counsel, High Court Lucknow.

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW  
O.A. No. 637 of 1988(T)

Nanhey Lal

... Petitioner

Versus

Union of India and others ... Opposite parties.

Counter Affidavit on behalf of Opposite Parties  
to the application for interim relief.

I, S.N. Lal, aged about 50 years,

son of Shri Hanilal (Lal),

at present posted as Asstt. Executive Engineer, Middle  
Ganges Division No. 1, Central Water Commission,

do hereby solemnly affirm and state

as under:

1. That the deponent is the opposite party  
No. 3 in the above named case and as such, he is  
well conversant with the facts of the case.

2. That the deponent has read and understood  
the contents of application for Interim Relief and  
affidavit filed by the petitioner in support  
thereof as well as the reply given to the  
said affidavit which is as follows:-

3. That the contents of para 1 and 2 of the  
affidavit filed in support of the application for  
interim relief herein after referred as Affidavit  
do not require any comments.

Shyan Nath Lal

4. That in reply to the contents of para 3 of the affidavit it is submitted that the said notices has not yet been received by the answering opposite parties.

5. That in reply to the contents of para 4 of the affidavit it is submitted that the Central Administrative Tribunal Allahabad was attended on 8.7.1988 as per information received from the Sr. Standing Counsel but the copy of the petition was not received by the office of the deponent from any end neither from the petitioner nor from the Advocate. On transfer of the case to Lucknow Bench, Lucknow the Court was attended by the office of the Deponent on 23.8.1988 but the petitioner as well as his advocate were not able to furnish the copy of the petition filed by the petitioner.

6. That in reply to the contents of para 5 of the affidavit, it is stated that the next date was fixed by the Hon'ble Court on 26.8.88 for allowing the amendment in the petition of petitioner. The Court was attended on 26.8.88 but the petitioner again failed in furnishing the copy of the petition.

7. That in reply to the contents of para 6 of the affidavit it is stated that despite of attending all the fixed dates as fixed by Hon'ble Tribunal, the copy of the petition could not be received by the deponent.

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Hence the counter affidavit could not be filed for want of the same. So ~~xxxx~~ the deponent is not responsible for the delay in filing the counter affidavit. It is only the fault of the petitioner only.

8. That in reply to the contents of para 7 of the affidavit it is stated that since the petitioner has already been relieved from the office of the deponent with effect from 14.4.1988 in the interest of Government work and has not joined his duties at his new place of posting so far. Hence question of paying his salary from April 88 and onward does not arise. In this connection it is pointed out that the transfer order of the petitioner alongwith 11 other officials were issued well in advance before starting the educational session so that transferred staff may not suffer to get admission in the educational institutions of their children but as soon as the petitioner heard the transfer order he left the office without any information and applied the medical leave and taking treatment under private medical practitioner in spite having the Central Government Health Scheme (CGHS) Card for getting treatment on very concessional rate which seems to be very strange.

*Copy to 10/88  
S. J. V. Venkatesh  
S. J. V. Venkatesh*

9. That in view of the above facts it is requested that the stay may not be given to the petitioner at this stage as his services are urgently required

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at the transferred place ie. Haldwani Sub-Division.

He has been appointed on work-charged establishment, the services of the persons who are appointed under W/C establishment depends on work only. On transfer from Varanasi his services were utilised in division office as there was shortage of Junior Computers who are in regular establishment for computing the technical data.

Due to closure of the Sone River Commission, Patna the vacancies of the Computers were filled by Head office, New Delhi. So his services is not required at Division level and transferred to the place at which services were urgently required in Government interest.

10. That the copies of application moved by the petitioner were served on the Counsel of the opposite parties only on 4.9.1988 and the opposite parties requires at least two months time for preparing and filing the counter affidavit to the main application which already expires on 4.11.1988. The opposite parties be allowed to at least one month for filing the replies/counter affidavit, ~~thenceforward~~ thereafter the application of the petitioner be heard and decided on merit.

11. That in view of the facts stated above, the application for interim relief is liable to be rejected.

*Shyam Lal*  
Deponent.

Lucknow,

Dated: 5th Oct. 1988.

(A5/16)

Verification.

I, the above named deponent do hereby verify that the contents of paragraph 1 and 2 of this affidavit are true to my personal knowledge and those of paragraphs 3 to ~~xx~~ <sup>X</sup> and 7 of this affidavit are believed to be true on the basis of official records and information gathered from the office and those of paragraphs 8 to 11 are believed to be true on the basis of legal advice.

Signed and verified this on 05th day of October 1988 in the premises of Court at Lucknow.

*Shyam Nandan*  
Deponent.

Lucknow,

Dated: 5-10-1988

I, identify the deponent, who had signed before me.

*VK*  
(VK CHAUDHARI)

Advocate.

Lucknow,

Dated: 5 Oct 88.

*Ex-982u*  
*5.30 pm.*

*S. N. Lal*,  
*V. K. Chaudhary*

*Tejal Kaur Sen*

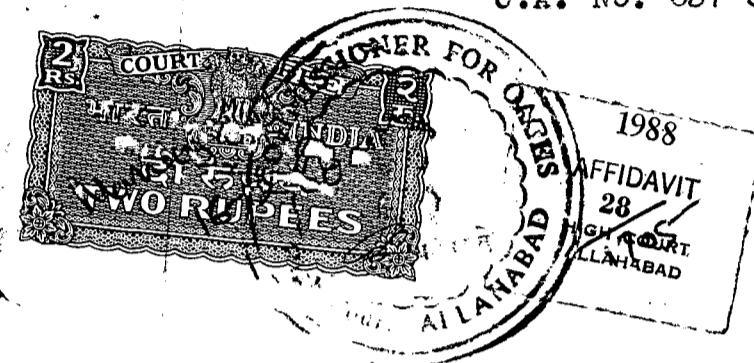
*5.10.88*

*Official*  
*Stamp*

Court SC. No 17  
filed today  
22/12

**KK KKK**  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT  
BENCH, L U C K N O W.

O.A. No. 637 of 1988 (A)



## Versus

REJOINDER AFFIDAVIT

I, Nanhey Lal aged about 42 years son of Late  
Shri Jaggu, resident of 545-Ka/57, Para, Rajaji Puram,  
Lucknow do hereby solemnly affirm and state on oath as  
under:-

- 1) That the deponent is the applicant in the above noted case and as such he is fully conversant with the facts of the case.
- 2) That the deponent has read and understood the contents of the Counter affidavit filed by the opposite parties as well as the reply given hereunder;



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( 2 )

3) That in reply to the contents of paragraphs 1 and 2 of the Counter affidavit, it is submitted that Shri S.N.Lal is not Executive Engineer but is an Assistant Executive Engineer hence he is not well conversant with the facts of the case.

4) That the contents of paragraphs 3 and 4 of the Counter affidavit need no reply.

5) That in reply to the contents of paragraph 5 of the counter affidavit, it is submitted that/ the opposite party no.3 has posted the petitioner/ applicant on the post of work sarkar in the Divisional Lab Lucknow on his transfer from Varanasi, and the petitioner was appointed on the post of work sarkar and upto till now is working on the same post. (i) There are separate pay-scales, grades and service conditions of junior computers and work sarkar. Junior computers come under regular Establishment, Whereas the work sarkars (petitioner) come under workcharged establishment. The Cadres of work sarkar and junior computer are quite different. (ii) Further Shri Santosh Kumar Bhattacharya junior computer was transferred from Bahrampore division to divisional lab Lucknow in the month of September, 1988, after a laps of



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( 3 )

five months from the date of issuing transfer order of petitioner, this prove the harassment of the opposite party. (iv) There is no any vacancy of work sarkar Grade II in Haldwani Sub-Division as such no any work sarkar grade II/ work sarkar has been posted there up-till now. Since the work sarkar of longest continuous stay (Shri Kaushal Kishore) is working in Lucknow Divisional Office he should be transferred first from Lucknow in compilation of transfer policy for CWC Employee clause 4(b) and petitioner (shortest stay) should not be transferred in compliance of above policy. This also prove harrasment of opposite parties.

A true copy of the transfer policy is being filed herewith as Annexure no. RA-1 to this affidavit.

(v) Shri Vijai Singh has joined Haldwani Sub-Division as Sub-Divisional clerk on 20.5.1988 but the transfer order has not been cancelled due to malafide intention. (vi) The services of work sarkar is not required at all in Haldwani Sub-Division as because the Collection and compilation work is not being done there, for which the petitioner is appointed due to water resources Sub-Division and not flood fore-casting Sub-Division at Haldwani. The requisition for such staff is a well planned action to harras the

Annexure no.  
R-A-1.



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(4)

petitioner. (vii) Shri K.C.Modak who joined this division on 17/12/1988 has not been posted at Haldwani as Sub-Divisional Clerk being not there since 1982 but the petitioner has targeted due to malafide intention, which was well planned. (viii) The petitioner has purchased house no. '545-Ka/57, Para, Lucknow under urban area in the name of his wife but the house came on disputes for which 2 nos Regular and one Miscellaneous suit is pending in Civil Courts for which petitioner ~~has~~ come on transfer from Varanasi and residing in it with family to prove the possession.

- 6) That the contents of paragraph 6 of the Counter affidavit need no reply.
- 7) That in reply to the contents of paragraph 7 of the counter affidavit, it is submitted that the petitioner was transferred from Varanasi to Lucknow in May, 1987 and other work charged staff Shri Babulal was posted in 6/7/1987 and after issuing the transfer order of petitioner, three other staff has been posted in Middle Ganga Div.,



*4/dec/86*

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( 5 )

Lucknow-I for work and they are continuing. The duties of the petitioner, are compiling the data which is still continued by the staff who come on transfer after issuing the transfer order of the petitioner which shows that there is a lot of work and necessity of work-charged staff.

8) That in reply to the contents of paragraph 8 of the Counter affidavit, it is totally denied. <sup>That</sup>

<sup>submitted,</sup> a lot of work charge-staff has been posted in Divisional Office and as well as in Sub-division office no any staff posted in remmot area of the petitioners cadre in this division (Middle Ganga Division I, Lucknow).

9) That in reply to the contents of paragraph 9 of the Counter affidavit, it is submitted that there

is no question of comparison of work sarkar with junior computor. The petitioner was originally appointed on the post of work sarkar in the year 1972 and has been serving continuously on the same post so far. The pay-scale, nature of work, duties and service condition of junior computor

~~are~~ are different from the work sarkar. Both the posts are of separate cadres. Their respective establishments are quite separate. Rest of the contents of this paragraph under reply are no



~~1/2/88~~

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admitted.

10) That in reply to the contents of paragraph 10 of the counter affidavit is incorrect and violative of transfer policy of Central Water Commission issued by Under Secretary Government of India Central Water Commission Office Memorandum no. A-49011-13 (A) -85-Establishment IV dated 27.5.1987 contained in Annexure no. ReA-1 to this affidavit.

11) That the contents of paragraph 11 of the counter affidavit are not admitted. It is further submitted that the transfer of 12 other work charge-staff and two charge assistant as stated by the respondent no. 3 was also done against the transfer policy and Shri K.K.Singh serial no. 7. However is still working in Ganga Sub- Division and not join as per order, other were interested due to their choice place and home town. The respondents has also amended their transfer order and posted some employee at places of their home town but the request of the petitioner dated 18.4.88 is still pending due to malafide intention of the respondents.

12) That the contents of paragraph 12 of the counter



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( 7 )

affidavit, it is submitted that the respondents has issued transfer order of the petitioner for the post of sub-divisional clerk to Haldwani Sub-division, it is also stated by the respondent in their paragraph 4 of the reply that the services of the petitioner is being utilized for the ~~post~~ junior computor the reply is already given in the concerned paragraph. The Hon'ble Tribunal is requested to direct the respondents to explain the designation and duties of the petitioner, thus the respondents have tried to mislead to this Hon'ble Tribunal.

- 13) That the contents of paragraph 13 of the Counter Affidavit need no reply.
- 14) That the contents of paragraph 14 of the Counter affidavit are denied. It is further submitted that the ancestral residence of the petitioner is situated in Behta Village District Lucknow, but the petitioner has changed his residence to Lucknow city and informed the respondents which was acknowledged by the respondents by issuing Central Government Health Scheme Identity Card and Rationing Card no. 142128 on the local address. The petitioner has all along attending the office regularly and performing his duties with devotion



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(8)

co-operation and to the satisfaction of the authority it is evident from the fact that neither any staff member nor any authority have complaint against the petitioner so far as such the question of attending the office late irregularly does not arise.



( 9 )

ciple of last come first go. The petitioner is quite a senior person as such he can not be ousted or ignored from his cadre.

- 18) That the contents of paragraph 18 of the Counter affidavit need no reply.
- 19) That in reply to the contents of paragraph 19 of the Counter Affidavit, it is submitted that the petitioner was appointed on the post of work sarkar but he was paid the salary of work sarkar of grade III for which there is higher pay-scale, when (on 26.3.1988) the petitioner claimed the salary of his post for which he was actually appointed and served the department, the respondent has issued the transfer order and pressed the ~~maxxar~~ petitioner to withdraw the claims of proper scale and given threatening for suspension etc.. and transferred as punishment. which is contained in annexure no. 4 and 5 to the application. However the petitioner has never accepted the appointment of ~~junior~~ computers as such he could not be posted against the post of junior computer.
- 20) That the contents of paragraph 20 of the counter affidavit, it is submitted that the application



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of claiming proper scale has been submitted to the all concerned authorities.

21) That ~~xx xpxkxx~~ the contents of paragraph ~~21~~ 21 of the Counter Affidavit are denied. It is submitted that the transfer order has issued against the policy of the Government hence it is neither in the interest of respondents nor the petitioner, the reply of the respondents that the Haldwani is not a cold and hill but a health resort area and suitable climate is totally wrong because the Haldwani is a famous hill and cold area and bad climate not suiting the petitioner.

22) That the contents of paragraph 22 of the Counter affidavit are denied.

23) That the contents of paragraph 23 of the Counter affidavit are denied. The deponent is advised to state that the application is liable to be allowed with costs. All the papers of the application are reiterated.



L  
Lucknow; dated:  
16-12, 1988.



L-T-D  
Deponent.

VERIFICATION

I, the above named deponent do hereby verify

( 11 )

that the contents of paragraphs 1 ~~and~~ 2 of this affidavit are true to my personal knowledge ~~and those~~ ~~of paragraphs 3 to 5 of this affidavit are believed to be true on the basis of official records and information gathered from the office and those of paragraphs 6 to 10 are believed to be true on the basis of legal advice.~~ No part of it is false and nothing material has been concealed, So help me God.

Signed and verified this  
on 16 day of December, 19

Lucknow; dated:

I identify the deponent, who  
has signed before me.

Mr. Dwnedi  
Advocate.

Lucknow; dated:  
16-12, 1988.



For the M/s  
Kaj Kumar Misra,  
MTI CONSOLIDATION  
High Court, Allahabad  
102 New Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW.  
O.A. No. 637 of 1988 (A)

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Nanhey Lal

Applicant.

Versus

Union of India and others

Opp. Parties.

ANNEXURE NO. R-A-1

No. A-49011/13(A)/85-Estt. IV

Government of India  
Central Water Commission.

303, Sewa Bhawan, R.K. Puram,  
New-Delhi-66.

Dated the 27th May, 1987.

OFFICE MEMORANDUM

Sub: Transfer policy for Central Water Commission.

The undersigned is directed to enclose a copy of the Transfer Policy in respect of C.W.C. employees, as approved by the Commission for information and guidance.

Sd. M.R.Single  
(M.R.Single)

Under Secretary,  
Central Water Commission

To,

1. PS to Chairman/Members/Chief Engineers, CWC.
2. All Directors/Superintending Engineers, CWC.
3. Director (Adm.)/Secretary, CWC/Under Secretaries/Accounts Officer/Senior Analyst/Dy. Director (Trg.), CWC
4. All Field Offices headed by Executive Engineers/Dy. Directors.
5. All Sections of the A & C Wing, CWC.



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( 2 )

CENTRAL WATER COMMISSION

TRANSFER POLICE FOR CWC EMPLOYEES

Need for the Policy

All appointments to Civil posts/services in the Central Water Commission carry a liability for transfer or posting to any part of the country and outside and this condition is invariably indicated in the offers of appointments made to the new entrants to Government Service. Notwithstanding this stipulation and its unconditional acceptance, orders of transfer/posting from the one station to another are by and large met with reluctance and concerted efforts are made for their evasion. Understandably, this reaction is due to considerable inconvenience, financial hardship and domestic considerations involved in shifting of an employee from one station to another, especially when transfer is to a place in a different State/remote area. In view of the nature of functions of CWC and the fact that a good number of posts on its establishment are meant for manning posts in the field formations, periodical transfers of its employees from one station to another is a normal feature of the requirements of service in CWC, for most of the employees. Inter-Unit transfers at the same station are also essential for valid administrative reasons and contingencies of work. It is, therefore, considered essential to evolve a rational transfer policy so as to ensure balancing the essential needs of the organisation and the interests of the employees. With these objectives and considerations in view, it has been decided that the following general principles and guidelines shall govern the posting and transfers of various categories of the employees of the CWC.



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Transfers for Administrative Reasons

2. Subject to exigencies of public service and administrative requirements, transfers from one station to another are to be kept to the minimum extent possible.
3. Group C & D personnel should not normally be transferred from one station to another except to meet the following inevitable contingencies :
  - a) When transfers become essential for purposes of adjusting surplus staff or making up deficiencies of staff.
  - b) On the request of employees on compassionate grounds or on mutual transfer request basis.
  - c) At the time of promotion, when the promotee cannot be adjusted locally for various administrative and other valid reasons.
  - d) For exigencies of service or administrative requirements.
4. When transfers from one station to another are inescapable for any of the aforesaid reasons, persons to be transferred should be in the following order :
  - a) Those who volunteer for transfer.
  - b) Persons with longest continuous stay at the place of their current posting should generally be transferred to fill a vacancy elsewhere. For this purpose persons available for that post from the list of the promotees should also be considered, on the same basis.
  - c) The period spent on deputation at that place should also be considered for purposes of counting the longest stay.



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- d) The period spent on a deputation outside the country will be treated as the period spent at Delhi for counting the period of stay at Delhi.
- e) For counting the stay at Delhi/Faridabad, the period will be counted after the return to Delhi/Faridabad from the date of the last posting outside Delhi/Faridabad.
- f) Posting to Faridabad before 1972 when HRA/CCA and other facilities were not available will not be counted as service at Delhi for the purpose of transfer/posting.

To minimise transfers at the junior level, staff recruitment in the lowest posts in the cadres of Tracers, Ferro-Printers, Jr. Draftsmen, Research Assistants, Jr. Computers, Stenographers, LDCs, Group IV employees, etc. shall be made by the field officers, on regional basis, through the Staff Selection Commission or through Employment Exchanges, as provided in the relevant recruitment rules.

6. Employees transferred to stations away from their home stations may be brought back, subject to exigencies of service and availability of vacancies after 3 years of posting at the stations outside the home State. In no case, the period of such a stay should exceed 5 years, unless voluntarily desired by the employee and also considered in the public interest. However, in case there are no vacancies to accommodate all such persons, a persons having the longest stay outside his home State shall be given first preference.

In case of Drawing Staff Group 'C' the service outside Home State, Delhi/Faridabad shall be restricted



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to years unless extension is desired on voluntary basis.

Added vide  
M.No.49011/  
3(A)/5-Estt.IV dt. 10.7.86.

7. Officers returning from foreign posting/service shall be posted in offices located outside Delhi/Faridabad for a minimum period of two years. This principle will be strictly adhered to. This condition will not apply to deputations within India. As a general procedure the services of CWC officials returning to the organisation on repatriation from foreign posting/service will be placed at the disposal of the field Chief Engineers who will issue further posting orders, under intimation to the head-office administration, keeping in view the preference if any, given by the officials (see para 10).

8. Employees dues for retirement on superannuation within a period of 3 years, before their superannuation, shall not ordinarily be transferred, but requests for transfers to places of their choice, if made, would be considered sympathetically. However, in the event of a person aged 54 years has to be sent out he shall be brought back to Delhi. after attaining the age of 55 years provided he so desires.

*16/12/86*  
In case of Group C Staff, the employees due for retirement on superannuation within a period of 5 years before their superannuation shall not ordinarily be transferred.

In the case of Head Draftsmen, they shall not be dislocated within three years of retirement on superannuation.

9. Officers deputed for training in specialised subjects should, on successful completion of the training,



( 6 )

be posted to a place/Unit, where experience/knowledge acquired during the training could be utilised best.

10. Officers due for transfer, including officers returning from foreign postings, should give their preference for places of posting, well in time, and the same would be considered subject to exigencies of work and administrative requirements, along with requests of other officers in the grade, entered in the Request Register, maintained for the purpose ( see para 15 ).

11. Rotational and other transfers as far as possible, will be ordered once a year in the months of March/April and compliance of these orders secured by May/June as this will cause the least disruption of the educational schedule of the school/college going wards of the employees.

12. Requests of CWC employees for posting to a station where the employee's spouse in Govt. service is posted, would be considered sympathetically and efforts will be made to the extent possible to accommodate the official at or near the place of posting of the spouse subject to the administrative conveniences. Such transfers may be treated as transfers on request on compassionate grounds.

Transfer Necessitated by conditions of Services

13. As per provisions of the Recruitment Rules of CWE (Group-A) Service, 60 percent of the total posts at the lowest level of the Service, i.e. Assistant Director/Asstt Executive Engineer, in CWC, are to be recruited through the Combined Engg. Services Examination conducted by UPSC. These officers are to be placed on probation for a period of 2 years, during which period they have to be given induction training. The Recruitment Rules provide that an



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officer of C.W.E.(Group-A) Service has to render field service of 2 years either in the grade of Dy.Director/Executive Engineer and/ or of Director/Superintending Engineer at the first available opportunity and in any case before they can be considered for promotion to the grade of Chief Engineer ( Level-II). Accordingly the following general principles should govern the postings/transfers of the aforesaid officers to CWC field formations:-

i) Officers having rendered no field service or inadequate field service in the respective grades, i.e. Dy.Director/Executive Engineer or Director/Superintending Engineer, would be transferred to field posts outside Delhi and Faridabad.

ii) For other administrative/rotational transfers/postings necessitated by exigencies of services, the guidelines/principles prescribed for such transfers/postings would apply.

14. Officers posted to fixed field units in pursuance of the requirement of field-service-posting, will be transferred back, on completion of the prescribed period of field service tenure, subject to exigencies of work. In any case the period of such field service shall not be less than 2 years nor exceed 5 years at each level. The instructions issued by Min. of Home Affairs, DPAR for the persons working in North Eastern Region with regard to transfer will also be kept in view.

#### Compassionate Transfers/Mutual Request Transfers

15. The following procedures will apply to transfers/postings on compassionate grounds :

( a ) Employees seeking posting/transfer on compassionate grounds should apply to the concerned Cadre/



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transfer controlling authority, through proper channel. No application for such transfers received from relative or sent by the employee direct, would be entertained.

( b ) Applications for transfers on compassionate grounds will be forwarded by the existing office of the applicant, with suitable recommendations, to the concerned Supdt. Engineer/Chief Engineer or CWC head Office, who can order the transfer.

( c ) On receipt, these applications will be entered in the Compassionate transfer register maintained for each grade/post separately, by the Unit responsible for processing/dealing such requests.

( d ) Requests for transfer on compassionate grounds, mutual request from all employees in a grade will be entered in the Compassionate transfer register, in the order of receipt of the request by the concerned Section and transfers/postings made according to inter-seniority of applications seeking transfer to the same station.

( e ) Consideration of applications for transfers on domestic/compassionate grounds, should be subject to verification by and satisfaction of the department of genuineness of the grounds indicated by the applicant. Applications on medical grounds should be accompanied by appropriate medical certificate from the authorised medical attendant (where authorised Medical Attendant available from a Civil Surgeon or a Medical Superintendent, Govt. Hospital) indicating the nature of illness and reasons justifying transfer of the individual.

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assionate grounds. Such requests would, however, not be accepted, if they violate the requirements of field service.

( g ) All transfers on mutual-transfer basis or on compassionate grounds will be ordered at the expense of the individual, except when such a transfer is ordered in respect of a person, who has crossed the age of 55 years, in which case the transfer would be treated as in the public interest (See para 8).

( i ) All requests for transfers shall be submitted in the prescribed proforma, a specimen copy of which is attached with this policy document.

#### Rotational Inter-Section / Unit Transfers

16. It is essential that an employee should have experience in more than one type of work. Long posting in Sensitive places should also be avoided. Accordingly-

a) No Technical Officer shall remain continuously in one Wing for more than 10 years, which period may be extended further for special reasons, by not more than two years on the recommendations of the Member concerned.

b) At the CWC head office most of the ministerial staff are in the A & C Wing and they belong to CSS/CSCS/ CSSS. There shall be periodical inter-sectional transfer (including Technical Dtes.), so that no one remains in the same Section/Dte. for more than 5 years.

17. Employees posted to sensitive places, such as work of secret/confidential nature or work involving procurement/handling of stores, award of contracts etc. should not ordinarily be retained on that work, for a



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period of more than three years.

Representations against Transfers/Postings.

18(a) Representation, if any, against the transfer/posting orders will be made through proper channel, by the affected individuals, within seven days of the receipt of posting orders. When the representation received through proper channel is considered and rejected at an appropriate level, the concerned individual will move without further delay, failing which he will be relieved/deemed to have been relieved by the competent authority.

(b) Bringing of outside influence by the employee to bear on the decision on his request for transfer should be discouraged. If the employee continues to bring such outside pressure, suitable action would be taken against him as per CCS (Conduct) Rules and Government instructions on the subject.

Female Employees

19. Subject to the provisions of para 20, female employees would be treated at par with male employees for transfers/postings.

20. Female employees would ordinarily not be posted to non-family stations, except on their own ~~request~~ or due to exigencies of work etc.

Authorities competent to order Internal Transfers.

21. Subject to transfers/postings ordered by the CWC head office administration, the local/internal transfers/postings shall be made by the following authorities:

- i) Members will be empowered to transfer locally any official upto the level of Directors within



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their own Wings.

ii) To have a systematic rotation of officers as between the field units, and the headquarters, the transfers/ postings in the case of Executive Engineers/Deputy Director will be decided by the Commission.

iii) The Chief Engineers and Superintending Engineers in charge of field formations may transfer officials upto the level of Asstt. Engineers within their jurisdictions after ascertaining the position of pendency of requests for transfer for a particular station.

iv) The Executive Engineers of field formation will also be authorised to effect transfers of all categories of staff except AEE/AE under their administrative jurisdiction, after ascertaining the pendency of requests for transfers for a particular station.

22. Transfers on compassionate grounds by the Chief Engineers/Superintending Engineers, will be as per general guidelines in this regard and they will also maintain requests registers separately for each grade (vide para 15).

23. Prompt intimation will be sent by the Chief Engineers and Superintending Engineers to the Head-Office Establishment Units regarding posting/transfer ordered by them and also about their implementation, for enabling completion of relevant records.

Appropriate Authorities for representation against transfers:

24. An officer one level higher to the one ordering transfers.

Relaxation/ Deviations

25. Transfers/postings in relaxation/deviation of the guidelines detailed above shall require the prior approval of the Chairman, CWC.

.....



File on 23/8/88  
Date 23/8/88

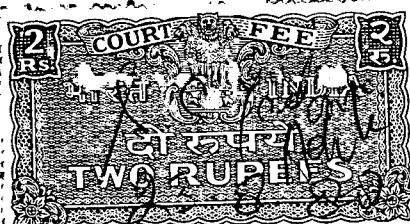
(A2)

Before the Central Administrative Tribunal, Lucknow Bench,

L u c k n o w

Co.Mo Application No.

/88



In re:

Registration Case No. 637 of 1988

(filed at Allahabad Bench  
Allahabad)

Nanhey Lal son of Late Jaggu, resident  
of 545 Ka/57, village-para, Rajajipuram,  
Lucknow.

... Petitioner

Versus

Union of India and others      Opposite-Parties.

APPLICATION FOR AMENDMENT

The above named petitioner begs to state  
as under:-

1. That the petitioner has filed a petition before this Hon'ble Court which requires certain amendment, due to fact that certain relevant facts were left in the earlier petition.

2. That the following amendment are necessary in the petition after paragraph 4 of the said petition and para 5 of earlier may be treated as paragraph 15.

(5) That the petitioner send various representation to the opposite party no.2 since 1981 for the transfer from Varanasi to Lucknow. A true copy of representation dated 31.3.1987 is being annexed herewith as Annexure No. VI.

(6) That the petitioner was transferred from Varanasi to Lucknow on his own request after considering his personal difficulties and problems. A true copy of the transfer order dated 29.4.1987 is being annexed herewith as Annexure No. VII.

(7) That on receiving the transfer order dated 4.4.1988 the petitioner preferred representation on 10.4.1988 to the opposite party no.2 stating therein that the petitioner's case was specially considered in transferring him from Varanasi to Lucknow on compassionate grounds to attend him on his pending cases before the local courts then he was transferred from Varanasi to Lucknow, but avoiding again the problems of petitioner the opposite party no.3 has transferred the petitioner once again to a very much far District which is

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not approachable to the petitioner to attend the court in pending cases. A true copy of representation is annexed herewith as Annexure No. VIII.

(8) That the impugned order dated 4.4.1988 is in violation of the transfer policy declared in the Central Water Commission memorandum dealing with transfer matter C.W.C. Employees.

(9) That according to section 3 clause 'b' the impugned order is based on malafide and whimsical because according to this provision, the petitioner was transferred from Varanasi to Lucknow on compassionate ground but violating this, the petitioner was again transferred in such a short time which is bad in law.

(10) That the petitioner is not a group 'D' employee and according to transfer policy of the Central Water Commission the petitioner cannot be transferred normally from one station to another except in certain exigencies as specified.

(11) That if there is any delay on the part of the petitioner in moving this petition, the same will be condoned in favour of justice, equity and a good conscience as that time the petitioner was confined to bed so this cannot be filed earlier. The petitioner is confined to bed and is on Medical

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leave since then

12. That the petitioner having his permanent residence at Lucknow and he is unable to bear the undue expenses. Besides that has been involved in duel establishment expenses beyond his means.

13. That the impugned order is in violation of the law of estoppel as well as principles of natural justice as the petitioner was transferred from Varanasi to Lucknow on compensationate ground as special case.

14. That the action of the opposite party is wholly unjustified and illegal.

3. That the above paragraphs Nos. 5 to 14 may be added in the interest of justice.

4. That in paragraph No. 7 of the original petition, the relief No. "P" may be kindly be deleted.

P R A Y E R

Therefore, it is most respectfully prayed that this Hon'ble Court may be pleased to allow above amendment to be incorporated in the interest of justice.

Lucknow Dated: 23. 8. 88.

J. C. Yadav  
Advocate  
Counsel for the Petitioner

Before the Central Administrative Tribunal, Lucknow Bench  
Lucknow.

Affidavit

In Support of :

Co.Mo Application No.

of 1988

In re:

Registration Case No. 637 of 1988.



Nanhey Lal

... Petitioner

Versus

Union of India and others .. Opposite-Parties.



I, Nanhey Lal, son of Late Sri Jaggu, aged about 11 years, resident of 545-Ka/57, Village Para, Rajajipuram, Lucknow, deponent do hereby solemnly affirm and state on oath as under:-

1. That the deponent is sole petitioner in the above described case, as such he is fully conversant with the facts of the case.
2. That the contents of paras 1, 2 and sub-paragraphs 5 to 14 of para 2 and contents of para 3 and 4 are true to my own knowledge.

Lucknow Dated: 23-8-88

Deponent.

VERIFICATION

I, the above named deponent do hereby verify that the contents of para 1 and 2 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed. So help me God.

Lucknow Dated: 23.8.88

Deponent.

I identify the deponent who has signed before me.

S.C. Yadav  
Advocate.



Solemnly affirmed before me on 23.8.1988  
at 11-15 A.M./P.M. by Sri Nanhey Lal the  
deponent who is identified by Sri S.C. Yadav  
Advocate, High Court, Allahabad.

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

A. N. Khanam  
A.N. KHANAM  
OATH COMMISSIONER  
High Court Allahabad  
Lucknow 226001 Lucknow  
No. .... 94/943  
Dated 23.8.88

Nanhey Lal — — petitioner

vs.  
Union of India & others — — opp. parties.

Annexure No. VI

आवास प्रार्थना-पत्र

सेवा में,

गार्धीकारा अभियंता,  
मध्य गंगा परिमण्डल,  
वाराणसी।

। द्वारा उचित माध्यम ।

विषय:- निजी खार्च पर स्थानांतरण हेतु प्रार्थना-पत्र ।

संदर्भ: मेरे प्रार्थना-पत्र दिनांक 22/9/81, 14/1/82, 10/4/85, 80/9/85, 11/12/86 एवं 15/1/87 तथा अधिकारी अभियंता, वाराणसी को सम्बोधित प्रार्थना-पत्र दिनांक 22/1/87 ।

महोदय, संदर्भित प्रार्थना-पत्रों के माध्यम से प्रार्थी ने अपने लहानऊ स्थानांतरण की प्रार्थना आपके पास भेजी है।

अत्यन्त दुष्टा के साथ कहना पड़ता है कि इतने प्रार्थना पत्रों के प्रेषित करने के पश्चात भी प्रार्थी का स्थानांतरण लहानऊ नहीं किया गया।

इस सम्बन्ध में प्रार्थी ने अनेकों बार परिमण्डलीय कार्यालय से सम्पर्क किया तो शीघ्र ही स्थानांतरण कर दिये जाने का आश्वासन मिला परन्तु आदेश आज तक नहीं प्राप्त हुआ।

प्रार्थी अपनी प्रार्थना लेकर आपसे भी व्यक्तिगत स्थ में कई बार मिल दुका है और आपने अप्रैल 1987 में स्थानांतरण आदेश जारी करने का आश्वासन दिया था।

श्रीमानजी इस समय प्रार्थी के भूमि विवाद सम्बन्धी तीन केस लहानऊ न्य यालयों में चल रहे हैं और अब प्रार्थी को उनकी पैरवी करना अति आवश्यक हो गया है।

अतः प्रार्थी को दिये गये आवश्यकासन के अनुसार प्रार्थी का स्थानांतरण लहानऊ में करने की कृपा करें ताकि प्रार्थी अपने मुकदमों की ठी से पैरवी कर सके।  
और मुकदमा जीत सके।

प्रार्थी,

सम्पन्नवाद ।

दिनांक: 31-3-87.



नन्हे लाल ।  
वक्त सरकार

मध्य गंगा छोटी सरयू उपमण्डल,  
वाराणसी

Nanhey Lal — — petitioner  
vs.  
Union of India — — opp. parties.

Annexure No. VII

भारत सरकार

केन्द्रीय जन आयोग

कार्यालय - अधीक्षण अभियन्ता,

मध्य गंगा परिमण्डल

बीड़ी/मायूरगंज

वाराणसी 221010

कार्यालय - आदेश

=====

श्रीनन्देलाल वर्क सरकार ग्रेड-3 को उनके निजी छार्चे पर मध्य गंगा मण्डल-तृतीय वाराणसी से मध्य पर गंगा मण्डल-प्रथम, लखनऊ में वर्क सरकार ग्रेड-2 के रिक्त पद के विस्त्र स्थानांतरित किया जाता है, जो तत्कालिक प्रभाव से लागू माना जायेगा।

श्री नन्देलाल कोई यात्रा भत्ता पर ज्वाइनिंग टाइम पाने के इकरार नहीं होगें।

₹0/-

। सु0 श्री0 सौहनी ।

पत्रांक 9/37/87-प्रश्ना/ 453-55 दिनांक 29-4-87

प्रतिलिपि सूचनार्थी एवं आवश्यक कार्यवाही देते प्रेषित :-

1= अधिकारी अभियन्ता मध्य गंगा मण्डल- तृतीय वाराणसी ।

2= अधिकारी अभियन्ता मध्य गंगा मण्डल -प्रथम, लखनऊ।

3= श्री नन्देलाल, वर्क सरकार ग्रेड-3। द्वारा अधिकारी अभियन्ता- मध्य गंगा मण्डल तृतीय वाराणसी ।

₹0: अपठनीय,

। सु0 श्री0 सौहनी ।

अधीक्षण अभियन्ता,  
मध्य गंगा परिमण्डल वाराणसी।



२३/४/८७

Nanhey Lal — vs — Union of India & others.

Annexure No. VIII

जागिर प्रति भेजी गयी

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सेवा में

श्रीमान् अधीक्षण अभियन्ता,  
मध्य गण परिषद्गळ,  
वाराणसी।

द्वारा: उचित माध्यम

विषय:- स्थानांतरण आदेश निरस्त कराने हेतु प्रार्थना-पत्र।

संदर्भ: केन्द्रीय जल आयोग का पत्रांक स-49011/13101/85-इष्ट चतुर्थ  
महोदय,

आपके कायलिय आदेश सं ९१३७१८७-प्रश्ना/४५३-५५ दिनांक २९/४/८७,  
के द्वारा प्रार्थी का स्थानांतरण वाराणसी से लडानऊ मण्डल प्रथम में निजीछार्चे  
पर अनेकों प्रार्थना-पत्रों के फल स्वस्थ मुकदमों की पैरवी के कारण विशेष स्थ. से  
हुआ था। वरन्तु अधिकासी अभियन्ता महोदय ने अपने कायलिय आदेश सं ५०९/म०  
ग० मं० -। लखा०/८८ १९०३-१० दिनांक ४-४-८८ के द्वारा स्थानांतरण हलदवानी  
मण्डल में कर दिया है। प्रतिलिपि संलग्न।

- १: श्रीमानजी प्रार्थी के भूमि विवाद सम्बन्धी लडानऊ दीवानी न्यायालय  
मेंभी भी यह रहे जिनकीपैरवी हेतु ही प्रार्थी ने।। माह पूर्व अपना स्थानांतरण  
अपने छार्चे से कराकर लडानऊ में कार्यभार ग्रहण किया था। लडानऊ से अन्यत्र  
रहकर मुकदमें की पैरवी बहुत छार्चीली होती है।
- २: पैरवी के साथ ही साथ मुकदमें में जीत के लिए कब्जा आवश्यक होता  
है बच्चों को मकान में छोड़कर अन्य स्थान पर जाने से उनकी सुरक्षा को गंभीर  
छातरा है।
- ३: प्रार्थी एक अल्पवेतन भोगी कर्मचारी है और लडानऊ जिले का स्थायी  
निवासी है यहां पर उसको थोड़ी छोती भी है जिससे कुछ तहारा भी मिल  
जाता है।

सन् १९७८ से १९७९ तक देहरादून में तैनात रहने के कारण प्रार्थी  
एलजी का रोगी हो गया है। प्र माणा-पत्र संलग्न। जिसके कारण उसे भाँति-  
भाँति के इष्ट आज भी हैं और बनारस के सेवा काल में काफी इलाज कराने पर  
भी पूर्ण स्थ से स्वस्थ न हो सका क्योंकि अल्पवेतन भोगी कर्मचारी होने के कारण  
कभी भी समुचित और लगातार इलाज न करा सका। लडानऊ में स्थित क०८०००-  
के अन्तर्गत अपना इलाज सुधार ल्य से करा सकता है क्योंकि इसके अन्तर्गत प्रार्थी  
की दवा इत्यादि का व्यय उपरोक्त योजना के द्वारा किया जायेगा।

अतः अति विनियुता के साथ प्रार्थना है कि उपरोक्त पर दया पूर्वक  
विचार करते हुए प्रार्थी का लडानऊ हलदवानी हुए स्थानांतरण को निरस्त करने  
की व्यवस्था करें जिससे प्रार्थी अपने भूमिविवादों की पैरवी सुविधा पूर्वक कर सके।  
मकान पर कब्जा सिद्ध करते हुए मुकदमा जीत सके तथा अपना निरन्तर समुचित  
इलाज भी करा प्रसक्ते।

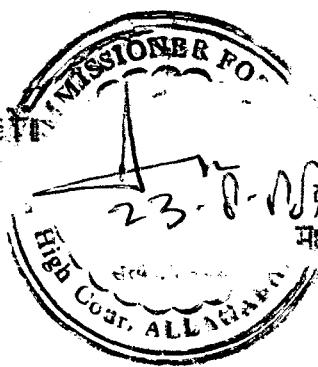
दिनांक:- १८-४-८८

संलग्नक:- आठ पूँछ

। विस्तृत विवरण कृपया पीछे देखें।

आपका विश्वासपात्र,

। नन्हे लाल ।



कर्क सरकार,  
मध्यगण मण्डल प्रथम,  
लखनऊ।

:- संग्रह फोटो प्रतियों का विवरण :-

क्रमांक	विवरण	पृष्ठ
1- पत्रांक 453-55 दिनांक 29-4-87		01
2- स्थानांतरण हेतु मेरे द्वारा दिया गया प्रार्थना-पत्र दिनांक: 31-3-87		02
3- अधिकासी अभियन्ता मध्य गंगा मण्डल तृतीय वाराणसी का पत्रांक 1246-87 दिनांक 2-4-87 जिसके द्वारा मेरा 31-3-87 का प्रार्थना-पत्र अनुसारित हुआ ।		03
4- अधिकासी अभियन्ता मध्य गंगा मण्डल प्रथम, लखनऊ के द्वारा जारी स्थानांतरण आदेश सं 1903-10 दिनांक 4-4-88		04
5- देहरादून के सरकारी अस्पताल द्वारा जारी मेडिकल प्रमाण-पत्र जिसके द्वारा मेरा स्थानांतरण देहरादून से हुआ था।		05
6- भूमि विवाद सम्बन्धी नक्लों की फोटो प्रतिया		6, 7,

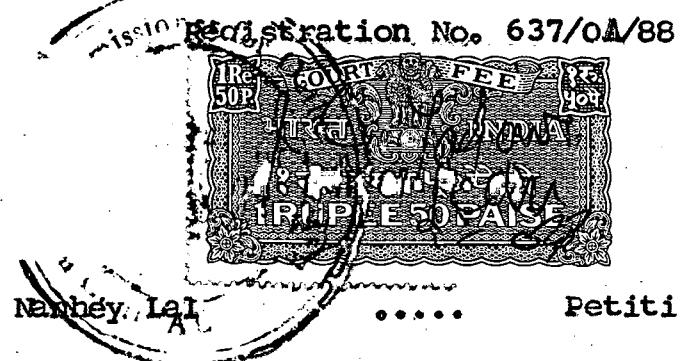
। नन्हे लाल ।  
वर्क सरकार  
मध्य गंगा मण्डल, -प्रथम,  
लखनऊ।



✓ द्वारा

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD;  
BENCH, ALLAHABAD

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Versus

Union of India & others      Opposite-Parties.

Application for Interim Relief

The above named petitioner begs to state  
as under:-

For the facts and circumstances mention  
in the accompanying affidavit, it is most respect-  
fully prayed that this Hon'ble Court may be pleased  
to stay the impugned transfer order dated 4.4.1988  
passed by opposite party no. 3, ~~may kindly be~~ till the disposal of this petition.

Lucknow Dated: 23.9.88.

*J. C. Yadava*  
Advocate  
Counsel for the Petitioner

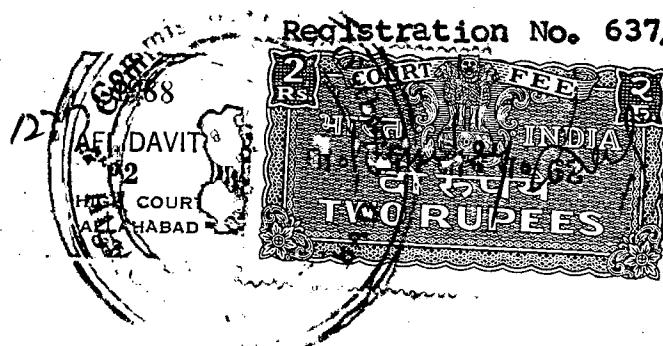
AS  
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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD  
BENCH, ALLAHABAD.

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Affidavit

In support of Application for Interim  
Relief.



Nanhey Lal

Petitioner

Versus

Union of India & others

Opposite-Parties.



I, Nanhey Lal, son of Sri Late Jaggu, aged about 41 years, r/o 545-Ka/57 Village-Para Rajaipur, Lucknow, deponent do hereby solemnly affirm and state on oath as under:-

1. That the deponent is sole petitioner in the above described case, as such he is fully conversant with the facts of the case.

2. That the above noted petition was filed

on 20.5.1988 before this Hon'ble Court in Allahabad.

3. That on 25.5.1988 this Hon'ble Court was pleased to issue notices against opposite parties.

4. That on 8.7.1988 the counsel for the petitioner moved an application for transfer of the above noted case to Lucknow Bench, Lucknow. The above noted case was transferred to Lucknow Bench, Lucknow and the date was fixed on 23.8.88. On the date ~~was~~ fixed an amendment application was moved on behalf of the petitioner in compliance of order dated 8.7.1988 passed by this Hon'ble Court.

5. That on 23.8.1988 the court was not sitting hence the date was fixed on 26.8.1988. On that date this Hon'ble Court was pleased to allow the amendment application filed by the petitioner.

6. That in this case notices were already issued to opposite parties, but again on 4.9.1988 the petitioner has served the notices to the counsel for opposite parties. In this case no counter affidavit has been filed till date by the opposite parties and the petitioner is suffering a great loss due to pendency of this petition.

7. That the petitioner is a very poor man and is working on class IV post. The petitioner is not getting any salary from opposite parties.

H.S.  
U.

from April 1988. The petitioner is on E.L. Medical leave from 4.4.1988 but transfer order was served on 18.4.1988 and still going on medical leave for treatment. The petitioner has already sent his medical certificate alongwith medical leave application to opposite party no.3.

8. That the petitioner will suffer irreparable loss and mental agony if the impugned transfer order dated 4.4.1988 ~~xxxxxxxx~~ is not stayed.

Lucknow Dated: 20.9.88

~~H.E.C.I.E.~~  
Deponent.

Verification.

I, the abovenamed deponent do hereby verify that the contents of paras 1 to 8 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed. So help me God.

Lucknow Dated: 20.9.88

~~H.E.C.I.E.~~  
Deponent.

I identify the deponent who has signed before me.

*S.C. Yadav*  
Advocate.

Solemnly affirmed before me on 20.9.1988 at 10.35 A.M./P.M. by Sri Nanhey Lal, the deponent who is identified by Sri *S.C. Yadav*, Advocate, High Court, Lucknow Bench, Lucknow.

I have satisfied myself after examining the deponent that he fully understands the contents of this affidavit which have readover and explained by me to him.

*S.R. Ahmad*  
S. R. AHMAD A.M.  
OATH COMMISSIONED  
High Court, Allahabad,  
Lucknow Bench  
No. 22-1272  
Date 20.9.88

## FIG. 1. THE CLOUDS OF THE EARTH AND THE SKIES OF THE HEAVENS

## 1. 1. 2. 3. 4. 5. 6. 7. 8. 9.

18 63

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T.C

J. C. Yedava.

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