

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, Lucknow BENCH

OA/TA/RA/CP/MA/PT 117/88 of 20.....

A. L. Gupta

Applicant(S)

Versus

Union

of India

Respondent(S)

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Certified that the file is complete in all respects.

B & C Weeld & disney

Signature of S.O.

Raj 11/1/92

Signature of Deal. Hand

19/6/20/16

Central Administrative Tribunal
Lucknow Bench

INDEX SHEET

Cause Title of 1993

Name of the Parties CA 117/82 Applicant
A.L. Gupta versus

Respondents.

CA 117/82

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Petition, Annexure,
CA

C. File

M.P. applications

(A1)

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 117/88 of 198

APPLICANT (s) Asharfi Lal Gupta

RESPONDENT (s) Union of India through Secretary, C.A. & J.
Director General Dept of S.C.C. Refs
New Delhi

Particulars to be examined

Endorsement as to result of Examination

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

yes.

yes.

(only two set application is filed)

yes

—

—

yes.

yes B.O. No. $\frac{DD}{4}$ 020479 dt. 2.6.0

yes.

yes.

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

Particulars to be ExaminedEndorsement as to result of Examination

- (c) Are the documents referred to in (a) above neatly typed in double space? *yes.*
8. Has the index of documents been filed and paging done properly? *yes.*
9. Have the chronological details of representation made and the outcome of such representations been indicated in the application? *yes.*
10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal? *No.*
11. Are the application/duplicate copy/spare copies signed? *yes.*
12. Are extra copies of the application with Annexures filed? *X*
- (a) Identical with the original?
- (b) Defective?
- (c) Wanting in Annexures
- Nos...../Pages Nos.....?
13. Have file size envelopes bearing full addresses, of the respondents been filed? *X/0*
14. Are the given addresses, the registered addresses?
15. Do the names of the parties stated in the copies tally with those indicated in the application? *NA*
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true? *ALL*
17. Are the facts of the case mentioned in item No. 6 of the application? *yes.*
- (a) Concise?
- (b) Under distinct heads?
- (c) Numbered consecutively?
- (d) Typed in double space on one side of the paper?
18. Have the particulars for interim order prayed for indicated with reasons? *yes.*
19. Whether all the remedies have been exhausted. *yes.*

Let case be listed on 28-10-88
Delur
 19/9/88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUDHIANA.

O.A./T.A. No. 117 1988

A. L. Gupta

Applicant(s)

Versus

U.O. 2

Respondent(s)

Sr.No.	Date	Orders
①	25/11/88	<p><u>Hon. D.S. Misra, Am.</u></p> <p>On the request of the learned counsel for the applicant Shri P. K. Khare the case is adjourned to 21-11-88.</p> <p style="text-align: right;">Am. ✓</p>
②	21-11-88	<p>No sitting. On the request of the learned counsel for the applicant the case is adjourned to 19-12-88 for admission.</p> <p style="text-align: right;">Am. ✓ 21/11</p>
③	19-12-88	<p>No sitting Ad Journed to 23/11/89.</p> <p style="text-align: right;">Am. ✓ 19/12</p>
④	23-1-89	<p>Hon D.S. Misra, AM Hon G.S. Sharma J.M.</p> <p>On the request of the learned counsel for the applicant the case is adjourned to 24-1-89.</p> <p style="text-align: right;">Am. ✓</p>

J.M

A.M

2

AS

O.A. No. 117/88(L)

9

Hon' Mr. Justice K. Nath, V.C.

Hon' Mr. K.J. Raman, A.M.

28/6/89

Shri P.K. Khare, learned counsel for the applicant and Shri D.S. Randhawa, learned counsel for the respondents are present.

Shri Randhawa on behalf of Opp.Ps. files a counter affidavit with an application to set aside the order dated 17/4/89 directing the case to proceed ex-parte. Sufficient cause is shown in the application. The ex-parte proceeding is set aside and the counter affidavit be taken on record. The applicant may file rejoinder, if any, within four weeks.

It is noticed that although ^{the} title of the application describes the respondent as Union of India through the Secretary, Director-General, in the particulars of respondents, there is no mention of Union of India. The learned counsel for the applicant says that he will make an application for impleading the Union of India as an Opposite Party.

List this case for orders in the matter of impleadment on 19-7-89.

A.M.

V.C.

(sns)

(11 to 15 as order 9-7-89 4/89)

10

19.7.89

No Sitting. Adj. to 10.9.89, for order.
C.M. Am. 195/89 (i) filed by the learned Counsel for the applicant for impleadment.

15

28.8.90

Hon. Mr. D.K. Agrawal, J.M.
Hon. Mr. K. G. Ganga, A.M.

19/7

On the report of Shri N.P. Pringstine, Counsel for the applicant the case is adj. to 1-11-90.

Case is submitted for order on C.M. Am. No. 195/89 (i) for impleadment of U.O. submitted for order.

13/9

16

1.11.90

Due to holiday Adj. to 20/12/90.

GA NO 117/88 (L)

6-8-92

D.R.

(A9)

Amendment

has ~~not~~ been
incorporated yet as
per ~~indication~~
the feasible Bureau
year 1991. Applicant
again desires adj.
Place before
the feasible Bureau
on 16-9-92
under

O.R.

No Amendment
has been incorporated
by applicant.

S.F.O.

15/9/92

16-9-92

Dr. Mr. Justice B.C. Srinivasan
Dr. Mr. K. Gopal Rao

Pick up documents

Dr.

Dr.

17-9-92

Ex ml - reached
12-11-92

Mr.

O.R.

No RA filed
S.F.O.

12-11-92

No signing of D. body
on 12-11-92

Dr.

13/11/92

M.P. 1106/92

has been filed.

S.F.O.

7/12/92

27

11

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 117 of 1988(L)

A.L. Gupta Applicant

Versus

Union of India & Others Respondents.

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

Hon'ble Mr. K. Opayya, Member (A)

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

Conserved

The applicant who is ^{at was} present working as ^{Scientist B-1} ~~Senior Technical Assistant~~ in the National Botanical Research Institute, has approached the tribunal praying that the order dated 26.10.1987 be quashed and the respondents be commanded to deem the applicant to be on promotion with effect from the date on which the applicant had become entitled to be promoted and award the costs of the petition.

2. The complaint of the applicant is that the assessment was not made in accordance with the procedure laid down under erstwhile by-laws 71(b) of C.S.I.R. for which the petitioner gave his consent in writing at the time of introduction of the New Recruitment and promotion Scheme. The identical case came up for consideration before us in registration O.A. No. 43 of 1988, Ram Shanker Saxena Vs. Director General Council of Scientific and Industrial Research, New Delhi and others in which the same ^{point} was raised and we have allowed the said application with the directions that " the respondents are directed to convene the review selection committee in this behalf which will consider the case of the applicant in the light of old by laws i.e. 71(b) and in case the applicant is found fully eligible for promotion, he shall be given notional promotion with

Contd...2/-

:: 2 ::

effect from the date others were promoted. The application is disposed of in the above terms. No order as to the cost." The same directions apply in this case also. The judgement of the said case shall be made part of this judgement also.


Member (A)
Vice-Chairman

Lucknow Dated 17.11.1992.

(RKA)

File today
fish
19/9

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH SITTING AT LUCKNOW.

Claim Petition No.

of 1988

Asharfi Lal Gupta

Petitioner

Versus

Scientific &
Director General/Industrial

Research New Delhi and another

Respondents

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL;
ALLAHABAD BENCH SITTING AT LUCKNOW.

Claim Petition No. _____ of 1988

Filed on _____

Asharfi Lal Gupta Petitioner
Versus

The Secretary of Union of India cum-
Director General Scientific and Industrial
Research Deptt. and another.

Respondents

I N D E X

Sl.No.	Particulars	pages
--------	-------------	-------

Application for stay/Interim
Relief

As shown in
column-8

1. Memo of petition - 1 to 18
2. Annexure-1 True copy of the letter inviting the recommendations of the respondent No.2. - 19
3. Annexure-2, True copy of the order communicated to the petitioner refusing the promotion. - 20
4. ~~Annexure-2, True copy of the order rejecting the appeal.~~
5. Annexure-3, True copy of the order dated 24th of May 1988 whereby the petitioner has been asked to be re-tested/interviewed. ~~Furnish Performance No. II for the subsequent~~ - 21
6. Other documents relied upon

i)

Asharfi

APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNAL ACT 1985

For use in Tribunals Office

Date of filing: :

Or

Date of receipt by
post :

Registration No. :

(Registrar)

(A13)

.2.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH AT LUCKNOW (ADDITIONAL BENCH
AT ALLAHABAD).

....

BETWEEN

Asharfi Lal Gupta
s/o Late Sri Ram Sunder Ram
H-3/6, Paper Mill colony
Nishatganj, Lucknow

And

Union of India through Secretary cum-
1. Director General, Department of Scientific
and Industrial Research, Rafi Marg, New
Delhi.

Application under Section 19 of
Central Administrative Tribunal
Act 1985

...

Details of the Application

1. Particulars of applicant

- 1) Name of the Applicant - ~~Asharfi Lal Gupta~~ Asharfi Lal Gupta
ii) Name of father - Late Sri Ram Sunder Ram
iii) Designation and Office - Ex. Scientist B-1
in which employed. National Botanical Research
Institute, Lucknow
iv) Office Address -
v) Address for service of all notices - H-3/6, Paper Mill colony
Nishatganj, Lucknow

2. Particulars of respondents:

- i) Name and address of respondent No.1 - Director General,
Council of Scientific & Industrial
Research, New Delhi
ii) Office address of respondent No.1 - ✓ Director General,
Council of Scientific & Industrial
Research,
Rafi Marg,
New Delhi

Asharfi

AM

.2.

- iii) Address for service for all notices. *Director General, Council of Scientific & Industrial Research, Rafi Marg, New Delhi*
- i) Name and address of respondent No.2 *The Director, National Botanical Research Institute, Rana Pratap Marg, Lucknow-226 001*
- ii) Office address of respondent No.2. *do*
- iii) Address for service of all notices. *do*

B- Particulars of the order against which application is made.

...

- i) Order No. *CSIR letter no. 9(2) A 0 B2 / 87-PL*
- ii) Date *26-10-1987*
- iii) Director (Staff) on behalf of D.G. CSIR New Delhi. *The Director, National Botanical Research Institute, Lucknow*
- iv) Subject in brief: *Promotion on assessment basis*

4. Jurisdiction of the Tribunal

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

5- Limitation

The applicant further declares that the application is within the limitation prescribed in Section 21(3) of the Administrative Tribunal Act, 1985 for the following sufficient reasons:

Akhil

6-1- That pursuant to the provisions of Societies Registration Act, 1860, the Council of Scientific and Industrial Research appears to have been constituted. This society, therefore, used to be called as Council of Scientific and Industrial Research. The Head Office used to be controlled and managed by the Director General, Council of Scientific and Industrial Research (hereinafter referred to as the CSIR), who is also Secretary of the Department of Scientific and Industrial Research, Government of India who used to maintain its office at CSIR HQ. at Delhi.

6- 2- That the Council of Scientific and Industrial Research Society maintains its Scientific institutions and its units at Lucknow by appointing its Directors, who used to be the Head of the various branches of the aforesaid institutions at Lucknow. It needs further clarifications that the society used to have Research institutions in different scientific fields and as such the institutions used to be maintained under the control of the relevant Director who are subordinate to the respondent No.1.

6- 3- That the Council of Scientific and Industrial Research Society, in fact, used to be controlled and managed by the Union of India and financial investments and expenditures used to be maintained by the Union of India itself. The CSIR, therefore, shall be

Ablewhite

deemed to be the State within the meaning of Article 12 of the Constitution.

6-4. That in relation to the procedure of appointment at different places of CSIR, the appointment of Directors and other officers of the Society used to be made by the Governing Body but the approval in respect thereto is obtained by the Government of India. The governing body, however, confer power on the Executive Council of its Units for appointment of Scientific and Technical Officers. In the instant case this discription has only been provided with the object to show ~~to~~ as to how the appointments of the petitioner has been made and to ~~what~~ extent they vest the authority with the respondents to control over the promotion and ~~reversion~~ in relation to the petitioner.

6-5. ~~That~~ it further needs to mention that the governing body has power with sanction of the Government of India to frame rules and bye-laws but if the rules require any amendment it may be in consistent with the original rules framed by the administration and the management of the society, then in such an event the approval is to be obtained by the Government of India.

6-6. That the governing body, therefore, is in fact, a head body of the society and as such it must have such power pursuant to which the functions of the society may be properly regulated but it should always be kept in mind that the said society should be deemed equivalent to the State within the meaning of Article

Ahluwalia

12 of the Constitution of India. This respectful submissions have only been made with the objectives to say before the Hon'ble Tribunal that the CSIR may adopt the rules which may be constitutional and it may not have authority that any of the officer to enact with their jurisdiction to put any person indiscriminately to the different employees at their discretion. The petitioner, therefore, submits that having regard to the nature of the CSIR it is believed that fundamental rights assured to the citizens is available and applicable to the employees of the CSIR.

6-7- That it needs a clarification that the Director General is deemed to be the highest officer and as such he is deemed to be the principal Executive Officer of the Society and other officers of the society including the Directors who are posted at different places including the National Laboratories and other officers who have been appointed in accordance with the rules and law.

6-8- That the Society, i.e. CSIR is maintaining its branches at Lucknow. These parts are only Industrial Toxicology Research Center, National Botanical Research Institute and other National Laboratories. The petitioner also with all respect submits that the appointments to the various posts are made by the Director of the specified laboratories referred to above. This authority, however, is conferred on the respondent No.2 upto the extent of Scientist Head 'E-2'. This fact is apparent on reading the Rules, Regulations and Bye-laws adopted by the CSIR.

Ahluwalia

A 18

- 6 -

6-10⁹ That as indicated above the petitioner stood appointed prior to the year 1981 in accordance with the then existing rules, regulations and bye-laws. But with effect from 1.2.1981 the CSIR introduced a new recruitment and ~~technical staff~~ ^{promotion scheme} ~~earstwhile~~ ^{bye-law} ~~rule~~, of course, was prospectively applicable amongst those persons who were to be appointed subsequently with effect from 1.2.1981 but the liberty was also extended to the then existing employees either to opt for newly constituted rules or to clarify themselves to be applicable pursuant to the rules existing prior to the commencement of the new rules. The petitioner, however, opted to be governed by the old assessment promotional rules, and as such they clarified that their promotions shall be governed by the then ~~rule~~ ^{bye-law} 71(b). ~~of earstwhile Bye-laws~~. It needs mention that on reading the aforesaid ~~rule~~ ^{bye-law} it is apparent that for the purposes of promotion the assessment is to be made having regard to the functionings of last five years and not otherwise. The petitioner for the satisfaction of this Hon'ble Tribunal quotes hereunder the aforesaid relevant provisions and the ~~rule~~ ^{bye-law} applicable to the petitioner:-

" 71(b). Notwithstanding anything contained in these Bye-laws:

(i) the cases of Senior Scientific Assistants and Senior Technical Assistants who complete five years of their service in these grades may be assessed for promotion to the next higher grade by a Committee consisting of the Director-General, Director and two experts for each Laboratory;

{xx}

Ahlwate

- 7 -

(ii) the merit of officers of the rank of a Junior Scientific Officer/Junior Technical Officer and Senior Scientific Officer Grade II/Senior Technical Officer Grade II engaged in scientific work may be assessed for promotion to the next higher grade, after every five years of the appointment of the officer concerned against that post. Such assessment will also be made after completing one year's service at the maximum of the scale of pay of his grade;

(iii) the merit of officers of the rank of Senior Scientific Officer Grade I/Senior Technical Officer Grade I engaged in scientific work may be assessed for promotion to the next higher grade after every five years of the appointment of the officer concerned against that post provided the said officer is at the maximum of the scale of pay of his grade for at least one year;

(iv) the assessment of the merit of officers arising under clauses (ii) & (iii) above shall be made by an expert Committee appointed, with the approval of the Vice-President, from amongst the members of the Executive Council and shall include three outside experts. The Committee may make recommendations for their promotion to the next higher grade for the approval of the competent authority;

(v) in the Central Secretariat of the Society, the assessment of officers arising under clause (i), (ii) and (iii) above shall be made by an expert Committee constituted by the Vice-President;

(vi) the pay of the officers in the higher grades shall be fixed according to rules; and

(vii) the promotion to the next higher grade will be by conversion of the post in the lower grade held by the officer."

Appendix

6 10.

That the aforesaid provision, therefore, clarifies

- 8 -

that the assessment of the merit should be in accordance with the provisions contained in the above Bye-law 71(b) and the recommendations ^{to} and the next higher grade officer is also to be deemed to be a relevant consideration for the purposes of promotion. In the instant case the petitioner with all respect submits that in regard to his functioning the respondent No.2 is deemed to be the highest officer who controls the discharge of duties by the petitioner. The petitioner is confident that not only of the last five years but for more than that period his functionings have been found to be meritorious and as such the respondent No.2 always recommended the promotions of the petitioner to the higher grade ~~but inferior to the respondent No.2~~. In short it would be very appropriate to say so that the functioning of the petitioner is firstly looked after by such officer to whom he is subordinate and lastly the functioning is controlled by the Director, i.e. respondent No.2. The whole functioning therefore, remains at Lucknow under the control of the respondent No.2. The petitioner has been really fortunate to all praises in regard to his functionings and always believed that he will be entitled for promotions. But having regard to the applicability of the said Rules the matter was expected to be looked into by the promotional authority but in fact, no such examination is made to this effect and by maintaining the silence the petitioner is deemed unfit for promotion. But terms of the opinion is also not shown to the petitioner. The petitioner will also show that he preferred an appeal and also put in challenge the view taken by the said authority having right to make

Ashwini

appropriate orders for promotions. But it is really unfortunate that the appeal too used to be dismissed without assigning any reason. It is, therefore, really unfortunate for the petitioner to submit before this Hon'ble Tribunal that the concerned authority had never examined the petitioner for the purposes of promotion. But on the assumption that such authority has independent jurisdiction to make a silent order, passes an order against the petitioner who is deemed unfit and the terms are checked without reasons.

6-12- That, in fact, when the petitioner became eligible for promotion to the next higher grade of the post of Technical Officer then the Respondent No.1 through his letter dated 6th June, 1987 directed the respondent No.2 to intimate their eligible staff about the proposed assessment for the purposes of promotions in July, 1987. The said letter of respondent No.1 specifically provided that the assessment will be on the basis of opinion furnished in proforma II of the report and work as contained in his annual confidential report for each year. The letter further provided that in case the concerned employee is not recommended for promotion from the date of his eligibility then in that event he will be considered for subsequent changes. It is, therefore, clarified that if there exists an adverse entry and no recommendation is made then the person shall only call the authority when this term is withdrawn or cancelled and the right is left open to such person for the purposes of promotion on the basis of next existing adverse entry. The copy of

Ashwanti

the aforesaid letter which invited the recommendations by the respondent No.2 is being annexed herewith as Annexure-1 to this petition.

6 12 That as indicated earlier the petitioner had already completed his functioning as the employee for five years then in that event the recommendations were expected to be made by the respondent No.2 ^{to respondent No.1.} The petitioner, therefore, is confident that the recommendations made by the respondent No.2 and as such the petitioner was invited for an interview before the said committee, and there can be no presumption that there existed any adverse entry.

6-13 That the petitioner, thus, put in appearance before the assessment committee on ~~23.7.87~~ and 27.7.87 but it needs clarification and respectful submissions that there existed no written or oral examination pursuant to the Scientific and Technical Work etc. But the committee only examined the papers appears to have been sent by the respondent No.2. The petitioner with all respect submits, of course, these papers contained recommendations made by the respondent No.2 and the praises appear to have been afforded by the respondent No.2. But for no reasons disclosed till to-day the petitioner has been found to be unfit for promotion. As such the promotion of the petitioner has been refused. The communication thus was conveyed to the petitioner through the respondent No.2. The copy of the aforesaid order is being annexed herewith as

Shankar

Annexure-2 to this petition.

6-16 That the petitioner feeling aggrieved preferred an appeal and put in challenge the view taken by the said assessment committee. The petitioner, therefore, respectfully submitted that there existed no material before the said committee which may take an opinion from those officers who have regularly examined and checked the functioning of the petitioner for a period of five years as prescribed under the rules and with all responsibility made the recommendations in favour of the petitioner. This appeal was also kept pending and no date was fixed or provided pursuant to which the hearing could be provided to the petitioner. It, however, needs mention that the appeal has been dismissed with a small order which does not contain any positive reason. ~~The copy of the said order is also annexed herewith as Annexure-2 to this petition.~~

6-15 ~~That on reading the aforesaid order, it is therefore, apparent~~ That the functioning of the assessment committee has not been properly tested by the appellate authority. It further needs mention that no opportunity was extended by which the petitioner may put his reason to show that the view taken by the assessment committee was not based on any material. It is, therefore, really unfortunate that though the negative orders have been passed but no opportunity has been extended by providing the rule of natural justice.

6-16 That apart from respectful submissions as

Submitted

(A24)

- 12 -

above, the p titioners also submits before this Hon'ble Tribunal that the functioning of the assessment committee shall be deemed to be void and unconstitutional in the event the limit of the assessment committee cannot be proscribed or controlled within the rules. The potitioner, in fact submits that in the event the assessment authority has a power to make an order relating to the terms and then the principle is to be adopted pursuant to which the result can be tested in the event the p titioner is ultimately found fit for promotion. The p titioner, therefore, in short submits that if the view of the assessment committee is deemed to be uncontrolled or regulated to any limit or to any certain xtent, then in that event the assessment authority shall always have a privilege to make the promotion of any one and to ~~xxxxxx~~ refuse the promotion of any other. The p titioner has already submitted that the rules nowhere prescribe the proper method of functioning of such body, therefore, the functioning of this assessment committee, to that extent will be deemed to be unconstitutional and no right had been conferred to the p titioners though he is entitled to consitutional right enshrined under Article 14 and 16 of the Constitution. It is really unfortunate that though the p titioner's services have always been found to be fit and the recommendations too have ~~xxxxxx~~ been made by the respondent No.2 but the negative view has been taken by the assessment committee without any positive reasonings. The p titioner also submits that when the question arises as to what extent the p titioner is found to be unfit then the material is deemed

Ahluwalia

INSTITUTE OF BOTANY - National Science
Institute, Bangalore

1. BIOGRAPH OF CANDIDATE

Name

Designation and Trade

A. Gupta

Scientist B.E. (Botany)
Technical Officer B.

Qualifications

(Please also indicate complete
details of Technical / Professional
courses attended passed and
certificates ~~and~~ obtained)

Technical Training received
and specialised skills acquired:

~~Science~~
Ethnobotany, Taxonomy
and Herbarium

(i) Academic
High School

(ii) Technical Training
received in specialised
skills acquired

Please see

~~ANNEXURE-I~~
ANNEXURE-I
(Page - 16)

Date of Birth

1.2.1928

Date of last promotion & scale

24.2.1981 - Scale

700-40-900-DB-400

1200-50-1300

2. JOB ASSIGNED DURING PERIOD
UNDER REVIEW

Prepared ^{details} botanical drawings / illustrations of scientific
taxonomic value of flowering plants - including
cultivated, medicinal and other plants of economic importance.

Please see ANNEXURE-II

3. SELF ASSESSMENT (ONE PARAGRAPH) (Page 17-20)

Please see ANNEXURE-III (Page - 21)

A. Gupta

4. GROUP LEADERS' ASSESSMENT (Job performance and
personality)

Signature of Candidates

5. DIRECTOR'S ASSESSMENT

Signature of Group Leader

A. Gupta

Minu / Varma
Amal

Signature of Director

Copy of the CSIR Letter No.9(2)-AO Be/17-P dated 25th October, 1987 from the Joint Secretary (Admin.), addressed to the Director, National Botanical Research Institute, Lucknow.

.....

Subject: Assessment of Scientific/Technical staff under erstwhile Bys-Law 71(b).

Sir,

I am directed to state that the undermentioned staff were assessed upto date indicated against each by the Expert Committee in July, 1987. They have not been recommended for assessment promotion:-

S.No.	Name	Designation	Date upto which assessed
1.	Shri K.B.Saraswat	Scientist-BI	2.9.1986
2.	Shri A.L.Gupta,	Scientist-BI	24.2.87
3.	Shri R.K.Tandon	T.O.-B	24.2.86

The above members of staff may be suitably informed.

Yours faithfully,

Sd/-

(K.S.R.RAO)
Under Secretary

NATIONAL BOTANICAL RESEARCH INSTITUTE, LUCKNOW.
(Council of Scientific & Industrial Research)

No.F.2/19/87-EI

Dated 19th November, 1987.

Copy forwarded to the following for information:

- | | | |
|----|------------------------------------|---------------------------|
| 1. | Shri K.B.Saraswat,
Scientist-BI | } Through Sectional Head. |
| 2. | Shri A.L.Gupta,
Scientist-BI | |
| 3. | Shri R.K.Tandon,
T.O.-B | |

ADMINISTRATIVE OFFICER

19/11

NO. 100/19/87

Ahluwalia

Alister
V.L. Vasudeva
Anand

24/11/87

INSTITUTIONAL RESEARCH, LUCKNOW.
 Council of Scientific & Industrial Research,

No.F.2/19/87-LI

Lucknow, dated the 13th May, 1986.

CITIZEN'S PETITION

Subject: Grievances of Sd/- Shri R.H. Pandey, Tech. Officer B and
 A.L. Gupta, Tech. Officer B, NBRI, Lucknow - Assessment
 under Eye-law 71(b).

Authority: CSIR letter No.1/28/87-GSC dated 22.3.1986.

With reference to their representations dated 17.12.87
 & 20.1.88, respectively to the Convener, Central Grievance Committee,
 CSIR, New Delhi, regarding assessment under the provisions Eye-law
 71 (b), at the centralised system, the Committee has observed
 as under :

" The Committee noted that the Assessment Committees
 in all these cases were constituted as approved by the Governing
 Body and the assessment was done properly. Hence, the above
 officers should have no cause for grievance."

[Signature]
 (DEEPA KUMAR)
 SECTION OFFICER

Shri A.L. Gupta,
 Ex- ~~Tech. Officer B~~, Scientist B-I
 NBRI, Lucknow.

Through: Concerned Sectional Head.

[Signature]

[Signature]
 11/5/86
 KMS

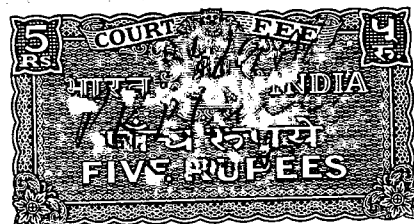
A34

व अदालत श्रीमान *Before Central District Judge Patna*
Alld at Luck महोदय

पादी मुद्दै
प्रतिवादी (मुद्दाअलेह)

का

वकालतनामा



Ashraf Lal Gupta

वादी (मुद्दै)

Director, Rural Scientific & Industrial Research, Patna

प्रतिवादी (मुद्दाअलेह)

ने मुकद्दमा

सन् १६

पेशी की ता०

१६

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ऊपर लिखे मुकद्दमे में अपनी ओर से श्री पी० के० खरे

एडवोकेट महोदय
वकील

फो अपना वकील नियुक्त करके प्रतिज्ञा इकरार करता हूं और लिखे देता हूं
इस मुकद्दमे में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी
व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या
हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या
इकबाल दावा तथा अपील व बिगरानी हमारी ओर से हमारे या अपने हस्ताक्षर
से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें
या हमारी या बिपक्षी (फरीकसानी) का दाखिल किया रुपयाअपने या हमारे
हस्ताक्षर युक्त [दस्तखती] रसीद से लेवें या पंच नियुक्त करें-वकील महोदय
द्वारा की गई यह सब कार्यवाही हमको स्वीकार है और होगी इसलिए यह
वकालतनामा लिख दिया कि प्रमाण रहै और समय पर काम आवे।

Ashraf Lal Gupta
हस्ताक्षर

साक्षी [गवाह]

साक्षी [गवाह]

दिनांक

12/6

सहीना

Signature

सन् १६

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*Accepted
LLK Sharma
Attorney*

ABS

In the Hon'ble Central Administrative Tribunal,
Circuit Bench, Lucknow.

Application No. of 1989

Union of India and others Applicants

in re:

O.A. No. 117 of 1989

Asharfi Lal Gupta Applicant

Versus

Union of India and others ... Respondents

Application for setting aside the order
to proceed ex parte.

The applicants above-named respectfully submit as
under :-

1. That the last date of hearing of the case was
fixed for 17-4-89 but the Respondents - the present
applicants or their Counsel was not aware of it.

It was only yesterday that the Respondents through
their Counsel could know that the last date of hearing
was 17-4-89 and the case had been ordered to proceed
ex parte and the next date of hearing was fixed for
to-day, the 28th June, 1989.

2. That there was no deliberate absence on the
part of the Respondents and their Counsel.

3. That the Reply / Counter Affidavit on behalf of
the Respondents is ready to be filed.

[Signature]

contd...2

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- 2 -

4. That it is necessary in the interest of justice to set aside the order dated 17-4-89 to proceed exparte.

Wherefore, it is humbly prayed that the order dated 17-4-89 may kindly be set aside, the Counter Affidavit may kindly be taken on the record of the case and the opportunity of hearing be provided to the Respondent according to law.

Lucknow

Dated: 28-6-1989


(D.S. RANDHAWA) Advocate
Counsel for Respondents

D. S. RANDHAWA
SENIOR STANDING COUNSEL,
CENTRAL GOVT.
ALLAHABAD HIGH COURT
LUCKNOW BENCH.

A37

In the Hon'ble Additional Bench at Allahabad
Central Administrative Tribunal
Circuit Bench,
Lucknow.

C.A. No. 117 of 1988 (L)

Asharfi Lal Gupta Petitioner

Versus

Union of India through the
Secretary, Director-General,
Department of Scientific & Industrial
Research, Rafi Marg,
New Delhi and others Respondents.

Counter Affidavit on behalf of Respondents

I, R.N. Wahal, aged about 56 years, son of late
Shri I.W. Wahal, resident of N.B.R.I., Rana Pratap Marg,
Lucknow, do hereby solemnly affirm and state as under :-

- 1) That the deponent is Controller of Administration
in National Botanical Research Institute, Rana
Pratap Marg, Lucknow and he has been authorised
to affirm this Affidavit on behalf of the
Respondents.
- 2) That the deponent has read and understood the
contents of the application under Section 19
of the Central Administrative Tribunal Act, 1985
and he is well conversant with the facts of the
case deposed hereinafter.
- 3) That the contents of paras 1 to 4 of the
application being the matter of record, need
no reply.
- 4) That the position stated in para 5 of the

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application is not admitted and it is submitted that the application is beyond limitation of one year from the date of the final order dated 19-11-1987 and that no cause has been shown for filing the application beyond the prescribed period of limitation and as such, the delay is not liable to be condoned.

- 5) That in reply to the contents of paras 6.1 to 6.8 being introductory to the Council of Scientific and Industrial Research, need no reply except that the question whether the Council of Scientific and Industrial Research is a state within the meaning of Article 12 of the Constitution of India may be subjected to judicial scrutiny.
- 6) That in reply to the contents of para 6.9 relates to the appointment of Assessment Rules. A copy of the circular No.9(2)/86-PL, dated April 10, 1986, of C.S.I.R., New Delhi addressed to the Heads of all National Laboratories/Institutes on the subject of Assessment of merit for promotion to the next higher grade under the erstwhile Bye-Law No.71(b) is filed herewith as Annexure No.C-1. The aforesaid circular contains revised Bye-Law 71(b) which stipulates that the cases of Scientific and Technical Personnel not possessing B.Sc./three years Diploma in Engineering or equivalent for assessment beyond the grade of Rs.550-900 will be processed at the centralized system by the C.S.I.R. In this regard, it is submitted that under the erstwhile Bye-Law 71(b) which was introduced with effect from 1-1-1966, assessment promotion was provided to eligible ~~permanent~~ personnel after the completion of certain years of service and there was no restriction of qualification. As a result, person



Invoked

A39

who were not even Matriculate rose to Senior Scientific/ Technical positions by virtue of periodical assessment promotion.

To rectify this anomalous situation, a Committee was appointed to review the Scheme of assessment under Bye-Law 71(b). The recommendations of this Committee were ratified by the Governing Body of the C.S.I.R.

The centralized system has been evolved to ensure, uniformity in promotions for under qualified categories of Staff. A true copy of the item 4 of the Agenda of the Governing Body meeting held on 5-11-1985 (106th meeting) about the Scheme of Assessment is filed herewith as Annexure No.C-2.

- 7) That the contents and contentions of para 6.10 relating to A.L. Gupta's Assessment at New Delhi are not admitted. The Assessment was done in accordance with the amended Bye-Law 71(b) by a Selection Committee constituted by the C.S.I.R. Further, it is submitted that the representation dated 20-1-1988, as submitted by the applicant, Shri A.L. Gupta was duly considered by the central Grievance Committee. The Grievance Committee observed that the assessment was done properly by the Assessment Committee which had been approved by the Governing Body and there was no cause for grievance. Accordingly, the representation was rejected.
- 8) That with regard to contents of paras 6.11 to 6.13 regarding interview in which the applicant also appeared, it is submitted that the assessment of the merit of the applicant was made by a Selection Committee properly constituted under Bye-Laws.
- 9) That the contentions raised in paras 6.14 to 6.16 are not admitted.



T. Mohan

- 10) That the contentions as raised in paras 6.17 to 6.18 are also not sustainable and it is submitted that if the applicant had any objection with regard to the constitution of the Assessment Committee or its deliberations at New Delhi, he should have challenged the same before appearing in the interview and not after the results were declared. By the way, it may be mentioned that if he had been selected, he would obviously not have raised any such objections. This shows that the applicant had accepted the constitution of the Assessment Committee and the criteria of its assessment at the time of appearing in the interview, but as a matter of after thought, he has raised frivolous objections. Now, he is estopped from doing so when he has not been found suitable for promotion by that Committee.
- 11) That the contentions raised in para 6.19 are denied and it is submitted that the entire exercise of constitution of Selection Committee, holding of interview and declaration of results was done by the Council of Scientific and Industrial Research, New Delhi. The National Botanical Research Institute had only to work as an intermediary between the C.S.I.R., New Delhi and the candidates.
- 12) That in reply to the contents of para 7 of the applicant, it is submitted that the applicant is not entitled to the relief sought in this para.
- 13) That with regard to the grounds of the relief mentioned in para 7 of the application, the deponent has been advised to state that the grounds are not sustainable as there is no legal or constitutional infirmity in the action taken by the respondents.



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- 12) That in reply to the contents of para 8 of the application, it is submitted that there being no prima facie case in favour of the applicant, he is not entitled to any interim Stay order or any order for interim relief.
- 15) That the position stated in para 9 of the application is not admitted and this may be subjected to strict judicial scrutiny.
- 16) That the contents of para 10 to 13 of the application being the matter of record, need no reply.
- 17) That the deponent has been advised to state that the applicant is not entitled to any relief prayed for in the present writ petition, which is devoid of any merit and is liable to be dismissed with costs.

T. M. Shah
Deponent.

Dated: June 27, 1989.

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 and the contents of paras 3 to 16 are true to my knowledge derived from the official records and the contents of para 17 of this affidavit are believed by me to be true on the basis of legal advice. No part of this affidavit is false and nothing material has been concealed. So help me God.

Dated: June 27, 1989.

T. M. Shah
Deponent.

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

D. S. Randhawa
(D. S. Randhawa)
Advocate.

Solemnly affirmed before me on 27.6.89 at 1.15 P.M. by the deponent Shri *R. M. Shah* who is identified by Shri D. S. Randhawa, Advocate, High Court, Lucknow Bench, Lucknow.

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

R. M. Shah
27-6-89

R. M. Shah
D. S. Randhawa
Advocate
22/12/85
27-6-89

No.9(2)/86-PL

New Delhi-1, the

April, 1986.

From:

Joint Secretary(Administration),
Council of Scientific & Industrial Research.

To:

Heads of all National Labs./Instts.

Subject:- Assessment of merit for promotion to the next
higher grade under erstwhile Bye-law 71 (b).

Sir,

I am directed to state that the matter regarding assessment under erstwhile Bye-law 71 (b) has been reviewed. It has accordingly been decided that the assessment cases of the following categories of personnel may be processed by the Labs./Instts., as per existing instructions/guidelines on the subject:-

- i) Scientific/Technical personnel possessing qualifications of M.Sc./B.E. or equivalent;
- ii) Scientific/Technical personnel having B.Sc./ 3 Years Diploma in Engineering or equivalent upto the grade of Rs.1100-1600;
- iii) Scientific/Technical personnel from the grade of Rs.425-700 to the grade of Rs.550-900 irrespective of educational qualifications.

Cases of Scientific and Technical personnel in the following categories will be processed at the centralised system by the CSIR:-

- i) Scientific and Technical personnel not possessing M.Sc./B.E. or equivalent qualifications but possessing B.Sc./3 Years Diploma in Engineering or equivalent for assessment promotion beyond the grade of Rs.1100-1600;
- ii) Scientific and Technical personnel not possessing B.Sc./3 Years Diploma in Engineering or equivalent for assessment beyond the grade of Rs.550-900.

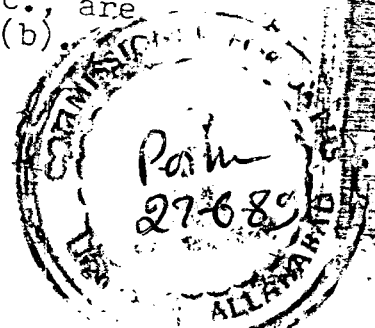
You are requested kindly to send details in respect of cases of assessment which have become due upto 31st March, 1986 in the enclosed proforma duly supported by individual particulars and recommended by the Director in separate enclosed proforma.

It may please be noted that as per the existing instructions the staff having Scientific and Technical designations and engaged in Stores, Purchase, Civil Engineering, Dispensaries etc., are not eligible for assessment under erstwhile Bye-law 71 (b).

Yours faithfully,

(LAKHBIR SINGH)
DEPUTY SECRETARY

Encl. as above.



C-II
A43

Item No. 4: Implementation of the decision taken by the Governing Body on the scheme of assessment promotion under erstwhile Bye-law 71(b).

1. The question of laying down uniform personnel policy for all categories of staff had been under consideration of CSIR for quite some time. As a first step towards giving incentives to scientific/technical staff to move upwards irrespective of the fact whether vacancies were available or not, the assessment and promotion scheme was introduced with effect from 1.1.1966. The erstwhile bye-law 71(b) of CSIR lays down the procedure for this assessment scheme. A copy of the said Bye-law is attached (Annexure 4.1).
2. The scheme was further rationalised as a result of the deliberations of Core/Varadarajan/Valluri/Thyagarajan Committees set up for the purpose. The New Recruitment and Assessment Scheme which was approved by the G.B. at its meeting held on 25.12.1980 and by the President, CSIR, covered all categories of scientific and technical staff (including class 'D').
3. The new scheme is applicable to (i) new appointees to scientific and technical posts; and (ii) those who have categorically opted, or are deemed to have opted to be covered by this scheme. The scheme provides minimum academic qualifications and experience for recruitment and lays down certain percentage restriction for assessment promotion.
4. Those employees who have specifically opted for continuing in the earlier system are still governed by the erstwhile Bye-law 71(b).
5. During the course of implementation of the assessment cases governed by the old scheme, certain anomalies have been noticed inasmuch as quite a number of persons not adequately qualified were elevated to higher grades under the scheme governed by erstwhile bye-law 71(b). It also came to the notice of DGSIR that quite a number of technical staff possessing the qualifications below high school level and in some cases even below primary school level were being assessed or had become due for assessment promotion to the pay scales as high as Rs.700-1300 under the old scheme.
6. The Governing Body in its 104th meeting held on 2.4.1985 took note of these facts and observed as follows:-

"The members expressed concern over the position as brought out in the agenda note. It was decided that Drs.A.P.Mitra, L.K.Doraiswamy and JS(A) may go into the problems regarding the qualifications possessed by the employees under the Old Bye-law 71(b) and give their recommendations within a month's time".
7. In pursuance of the above decision of the Governing Body, the Committee set up for the purpose met on 24.4.1985 and recommended that having regard to the need to effect minimum changes in the existing bye-law and thus avoid any legal, administrative and other related problems, the existing eligibility norms as prescribed may be retained without altering any provisions of the bye-laws, subject to certain criteria regarding the assessment procedure as noted below:-

Initiated by Joint Secretary (Adm.)

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a). For those who do not possess B.Sc./Dip in Engg. or equivalent qualification, the procedure for assessment should be as follows:-

- i) For promotion upto Rs.550-900 grade the assessment will continue to be made at the laboratory level;
- ii) For promotion to higher grades the selection procedure should be centralised. Each laboratory may make its specific recommendations for each candidate on a prescribed proforma (copy attached-Annexure 4.2). All these recommendations may be considered by a Central Committee of the CSIR to be appointed by the DG. The consideration would be trade/discipline-wise;
- iii) The above procedure would ensure uniformity in the promotions for underqualified categories of staff and at the same time it would not deny promotion to those who have been doing very good work but do not possess the qualifications.

b) i) Those who possess the requisite qualifications (B.Sc./Dip in Engg. or equivalent) or higher qualifications may be considered for assessment for promotion upto the grade of Rs.1100-1600 by the laboratory system as is now being done;

ii) For promotion beyond Rs.1100-1600 grade, including those possessing the above qualifications, the assessment may be done on a centralised system in the CSIR.

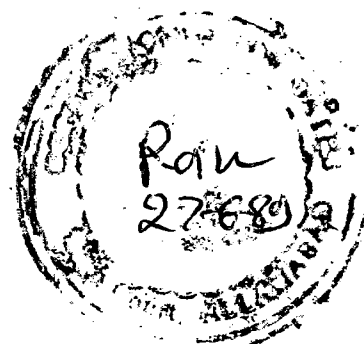
8. The Governing Body accepted the above recommendations (in its 105th meeting held on 28.6.1985).

9. It will be seen from above that the Committee had recommended that the consideration of such cases in the CSIR headquarters may be trade/discipline-wise. This may pose some practical problems inasmuch as it may not be possible to assemble all the persons from all the Labs./Instts. at the same time for assessment. It is considered that convening of assessment committees laboratory-wise would be more practicable, expeditious and convenient, since the Director or his nominee could also be a member, which would not be possible if the cases of all labs/institutes are clubbed together trade/discipline-wise in respect of all the labs./institutes.

10. As per extant instructions, the expert committees are constituted in the manner as the selection committee under the relevant bye-laws. The constitution of selection/expert committees is to be approved by the E.C. of the laboratory concerned under the approved revised system. However, the expert committee meant for labs./institutes will now be constituted with the approval of DG. In some cases the number of experts to be included in the assessment committees may be more than as prescribed in the bye-laws. These committees will have to be constituted with the approval of DGSIR as has been done for the headquarters staff instead of Executive Committees of Labs./institutes. Legal Adviser has been consulted in the matter, who has opined that there is no objection to the constitution of assessment committees by the DG in the manner suggested above.

11. The assessments as per above procedure would be done strictly in accordance with appropriate guidelines to be issued by the Director-General.

12. It is estimated that in the event of implementation of the above decision of the G.B., about 1400 cases will have to be handled at the



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CSIR headquarters. For assessment of these cases, even according to a very conservative view the meetings of the Assessments Committees will average between 80 to 100 in a year. Apart from arranging the meetings, preparatory work for convening these meetings will be involved. This includes; (i) scrutiny of proposals received from the labs./instts.; (ii) constitution of expert committees; (iii) obtaining confidential reports and pay particulars; (iv) writing letters to the experts on the Assessment Committees and letters to the employees for personal discussion/interview with the Committees; (v) payment of TA to experts; (vi) processing of recommendations by the expert committees for approval by competent authority; (vii) communication of recommendations to the respective labs./instts. for issue of promotion orders; (viii) dealing with representations received, if any, from the staff who may not be recommended for promotion by the expert committees; (ix) dealing with references from the labs./instts. for recognition of certain qualifications or their equivalence to the recognised qualifications, if necessary in consultation with Ministries of Education, Labour etc. This will require additional infrastructure by way of additional manpower which according to the minimum requirements will work out as under:-

- | | | | |
|----|------------------|---|---|
| 1. | Assistants | - | 2 |
| 2. | Jr. Stenographer | - | 1 |
| 3. | LDC (Typist) | - | 2 |

13. Governing Body is requested kindly to approve:

- i) considering the cases laboratory-wise instead of trade/discipline-wise; and
- ii) creation of above posts, for the time being.

~~T. M. S. S.~~



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अदालत श्रीमान CAT, Circuit Bench, Lucknow महोदय
बादी (मुद्दी) का वकालतनामा
प्रतिवादी (मुद्दालेह)

Order 117 of 1988

Astafil Lal Gupta

बादी (मुद्दी)

वनाम

Union of India

प्रतिवादी (मुद्दालेह)

नं० मुकद्दमा सन् १९ पेशी की ता० १९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से
D. S. RAJAWA
SENIOR STANDING COUNSEL,
CENTRAL GOVT.
ALLAHABAD HIGH COURT
LUCKNOW BENCH

एडवोकेट
वकील महोदय

नाम अदालत
नं० मुकद्दमा
नाम फाइल

को अपना वकील नियुक्त करके (इकरार) करता हूँ और लिख देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दोबा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या मारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें। वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूँगा। अगर मुकद्दमा घटमा पैरबी में मेरे एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख

है कि प्रमाण रहे और समय पर काम आने।

साक्षी (गवाह) (Signature)

साक्षी (गवाह)

27-8-89 दिनांक

महीना

हस्ताक्षर
निदेशक,
राष्ट्रीय वनस्पति अनुसंधान संस्थान
लखनऊ (भारत)
Director,
National Botanical Research Institute
Lucknow (India)

(Signature)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW.

C.A. Application No. 195 of 1989 (L) /

In re

X A. No. 117 of 1988 (L)

Asharfi Lal Gupta Applicant

V.

Director General Scientific and Industrial Research, New Delhi
and another Opposite parties

Application for implement.

The petitioner above named respectfully submits that for the facts and circumstances stated in the accompanying affidavit it is expedient and necessary in the interest of justice that Union of India through the Secretary, Department of Scientific and Industrial Research in the Ministry of Science and Technology, New Delhi is impleaded as opposite party No. 3 in the aforesaid claim petition.

Wherefore, it is respectfully prayed that Union of India, through the Secretary, Department of Scientific and Industrial Research in Ministry of Science and Technology, New Delhi may kindly be impleaded as opposite party No. 3 in the aforesaid claim petition.

N. P. Srivastava
(N.P. Srivastava)
Advocate

Counsel for the petitioner

[Handwritten signature]
Lucknow
Dated July 19, 1989.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

Circuit Bench, Lucknow

Affidavit

in re

C.M. Application No.

In re

No. 117 of 1988 (L)

Asharfi Lal GuptaPetitioner

V.

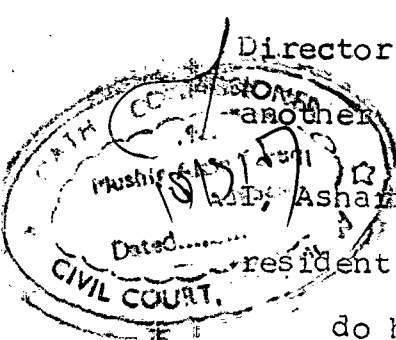
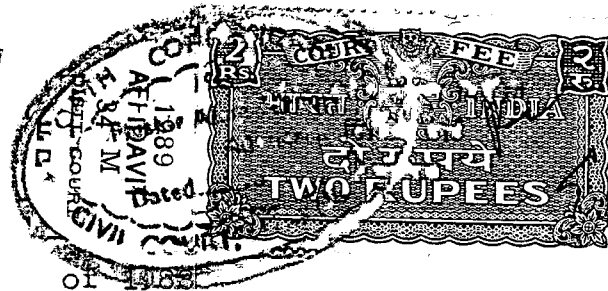
Director General, Scientific and Industrial Research and
anotherOpposite parties.

Asharfi Lal Gupta S/o Ram Sunder Ram, aged about 62 years
resident of H 3/6 Paper Mill Colony, Nishatganj, Lucknow

do hereby solemnly affirm on oath as under:

1. That the deponent is applicant in the above mentioned Claim Petition and is fully conversant with the facts deposed hereunder:
2. That the Council of Scientific and Industrial Research was constituted by the Govt. of India for the purposes of fastering Industrial Research in the country.
3. That the expenditure relating to activities of the Scientific and Industrial Research are met from the central revenues.
4. That the Union of India, Ministry of Science and Technology exercise ultimate administrative control over the administration of the affairs of the Scientific and Industrial Research ^{and Secretary} in the Ministry of Science and Technology, Govt. of India is also Director General, Council of Scientific and Industrial Research.

Asharfi



5. That in view of the facts mentioned above it would be in the interest of justice to implead the Union of India in the above mentioned claim petition as a necessary party.

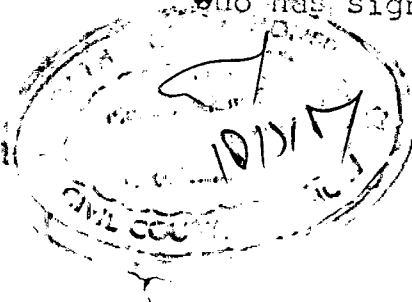
Asharfi
Deponent

Verification

I Asharfi Lal Gupta, deponent named above do hereby verify the contents of paras 1 to 5 of this affidavit which are to the best of my knowledge and belief true and correct and nothing material has been concealed. So help me God.

Asharfi
Deponent.

I identify in above named deponent Shri Asharfi Lal Gupta who has signed in my presence.



Shri R. K. Srivastava

(R.K. Srivastava)
Advocate.

solemnly affirmed before me in office
 at 2-32/174 *Asharfi Lal Gupta*
 who is identified to me
 as Shri ...
 I have satisfied myself
 that the contents of this affidavit
 are true and explained by ...
 10/11/17

GUSHIK ALAM PARI
 Civil Court ...

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW

BENCH : LUCKNOW.

General Administrative Tribunal
 Circuit Bench, Lucknow
 Date of Filing ... 4.12.92
 Date of Receipt by Post ...

M.P. No 1106/92
 ORIGINAL APPLICATION NO. 117 OF 1988 (L).

Deputy Registrar

A.L. Gupta

_____ Appellant.

V/s.

Union of India and others

_____ Respondents.

Decided on 17.11.1992.

In View of the facts mentioned in the enclosed application, this Hon'ble Tribunal be pleased to order substitution of the words "was working as Scientist B-1" for the words "is at present working as Senior Technical Assistant" occurring in the opening sentence of this Hon'ble Tribunal's Judgement dated 17.11.1992 in the interest of justice.

Lucknow

Dated 3.12.1992

M. N. Vastava

(N.P. SRI VASTAVA)
 ADVOCATE

COUNSEL FOR THE APPELLANT.

F.T.
 4-12-92
 @

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL :

: LUCKNOW BENCH :

LUCKNOW

ORIGINAL APPLICATION NO. 117 OF 1988 (L).

M-P- No- 1106/92

A.L.Gupta

Applicant.

Versus

Union of India and others & Respondents.

Decided on 17.11.1992.

APPLICATION FOR AMENDMENT OF THE JUDGEMENT

The Applicant-Appellant respectfully begs to state as under:-

1. That the Applicant was working as Scientist ^{B-I} ~~Dr.~~, in the National Botanical Research Institute, Lucknow.
2. That the Applicant retired from the above post on 31.10.1988.
3. That the First sentence of the Judgement needs to be amended accordingly.

P R A Y E R

WHEREFORE, It is prayed that the Hon'ble Tribunal may please to order that for the words "is at present working as Senior Technical Assistant" occurring in the opening sentence of the Judgement (copy enclosed) the words "Was working as Scientist B-I be substituted".

Lucknow

Dated: 3.12.1992

A.L.Gupta

APPLICANT

Contd...2/-

—3 (2) :—

VERIFICATION

I, the above-named Applicant do hereby
verify that the contents of paras no. 1 to 3
of this application are true and correct to the
best of my knowledge and belief, and that I have
not suppressed any material and facts.
Signed and verified on this 3rd day of Dec.
1992 at Lucknow.
Lucknow

Dated: 3.12. 1992

Sh. L. Singh
APPLICANT.

(SUPREME COURT

~~CRIMINAL~~/CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 3540 OF 1992

No. 1
~~XX~~

AND

of 199
~~XXXX~~

INTERLOCUTORY APPLICATION NO. 2

(Application for stay by Notice of Motion with a prayer for
ex parte Order)

Comptroller & Auditor General of India
& Anr.

Appellant
Petitioner

Versus

Shri Om Parkash Khare & Anr.

Respondent

ORDER DISMISSING SLP AND VACATING STAY

18th day of February, 1994

S.N. Terdal

Advocate on Record for the petitioners

Compared with

SHRI

ASHOK K. SRIVASTAVA

No. of folios

Advocate on Record for

the Respondent No. 1

STAMPED BY THE CLERK

2/2/94
5/3/94

IN THE SUPREME COURT OF INDIA

~~CERTIFICATE~~ CIVIL APPELLATE JURISDICTION

500325

Assist

Sup

T of India

1992

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 3540 OF 1992
 (Petition under Article 136 of the Constitution of India from the Judgment and Order dated 13th September, 1992 of the Central Administrative Tribunal, Bench at Allahabad, Lucknow in Registration Original Application No. 117 of 1988).

AND

INTERLOCUTORY APPLICATION NO. 2
 (Application for stay)

1. Comptroller & Auditor General of India
10, Bahadur Shah Zafar Marg, New Delhi-110002.
2. Principal Accountant General (A&E)
Sarojani Naidu Marg, Uttar Pradesh, Allahabad-211001.

.... Petitioners

Versus

1. Shri Om Parkash Khare,
Accounts Officer
17/16, Kasturba Gandhi Marg
Allahabad (U.P.)
2. Shri Sahob Deen
Section Officer
Office of the Accountant
General (A&E) II, Uttar Pradesh
Lucknow.

.... Respondent

.... Proforma Respondents

18TH FEBRUARY, 1994

CORAM:

HON'BLE MR. JUSTICE
HON'BLE MR. JUSTICEM.M. PUNCHHI
B.P. JEEVAN REDDY

For the Petitioners

Mrs. Kitty Kumarmangalam, Advocate
Mr. A.K. Sharma, Advocate.
Mr. S.N. Verdal, Advocate.

For the Respondents

Mr. A.N. Sinha, Advocate.
Mr. Anil Sharma, Advocate.
Mr. A.K. Srivastava, Advocate.

THE PETITION FOR SPECIAL LEAVE TO APPEAL AND THE APPLICATION
~~FOR CONDONATION OF DELAY IN FILING SPECIAL LEAVE PETITION AND~~
 FOR STAY above-mentioned being called on for hearing before this
 Court on the 18th day of February, 1994, UPON hearing counsel
 for the petitioner(s) herein THIS COURT DOETH ORDER THAT Petition

SUPREME COURT

CRIMINAL/CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NO. 1

(Application for condonation of delay in filing in Special Leave Petition)

Not

WITH

of 1990

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 3540 OF 1989

INTERLOCUTORY APPLICATION NO. 2

(Application for stay by Notice of Motion with prayer for an ex parte Order)

~~Ex parte~~

Comptroller & Auditor General of India &
Anr. Versus

~~Appellant~~
~~Petitioners~~

Shri Om Prakash Khare & Anr.

Respondents

ORDER DIRECTING ISSUE OF SHOW CAUSE NOTICE
AND GRANTING EX PARTE STAY

Dated the 27th day of February, 1990

S.N. Tordal

Date on Record for

the Petitioners

Compare with

SHRI

of folios

Advocate on Record for

STAMPED IN MY PRESENCE

CS
9/3/94

OA 117/88
ALLD
Sup. C 52
(54)

IN THE SUPREME COURT OF INDIA

~~CRIMINAL~~/CIVIL APPELLATE JURISDICTION

500323

INTERLOCUTORY APPLICATION NO. 1

(Application for condonation of delay in filing the Special Leave Petition)

Not

WITH

mt

xx92

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 3540 OF 1992
(Petition under Article 136 of the Constitution of India from the Judgment and Order dated 13th September, 1991 of Central Administrative Tribunal, Bench at Allahabad, in Registration Original Application No. 117 of 1988).

AND

INTERLOCUTORY APPLICATION NO. 2

(Application for stay by Notice of Motion with a prayer for an ex parte Order)

1. Comptroller & Auditor General of India
10, Bahadur Shah Zafar Marg, New Delhi-110002.
2. Principal Accountant General (A&E),
Sarojani Nagdu Marg, Uttar Pradesh, Allahabad -211001.

Versus

1. Shri Om Parkash Khare,
Accounts Officer
17/16, Kasturba Gandhi Marg
Allahabad (U.P.)
2. Shri Saheb Deen
Section Officer
Office of the Accountant
General (A&E) II, Uttar Pradesh
Allahabad

Certified to be true petitioners

Assistant Registrar
.....199
Supreme Court of India

... Respondent

... Proforma-
Respondent

27TH FEBRUARY, 1992

CORAM:

HON'BLE MR. JUSTICE
HON'BLE MR. JUSTICE
HON'BLE MR. JUSTICE

H.M. PUNCHHI
S. MOHAN
G.N. RAY

For the Petitioners : Mr. V.C. Mahajan, Sr. Advocate.
(Mr. Kitty Kumarmangalam, Advocate.
and Mr. S.N. Terdal, Advocate. with him

THE PETITION FOR SPECIAL LEAVE TO APPEAL AND THE
APPLICATIONS FOR CONDONATION OF DELAY IN FILING SPECIAL LEAVE
PETITION AND FOR STAY above-mentioned being called on for
hearing before this Court on the 27th day of February, 1992,
UPON hearing counsel for the petitioners herein THIS COURT
while directing issue of Notice to the Respondents herein to

All communications should
be addressed to the Registrar,
Supreme Court by designation
NOT by name
Telegraphic address :-
"SUPREMECO"

No.

53

SUPREME COURT
INDIA

D.No. 664/92/XI

Dated New Delhi, the 28th February, 1994 19xx

FROM

SH. H.S. KAICKER, B.A., LL.B.,
ASSISTANT REGISTRAR

TO
✓ THE ADDITIONAL REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT ALLAHABAD (LUCKNOW) (U.P.)

INTERLOCUTORY APPLICATION NO. 1

(Application for condonation of delay in filing Special Leave Petition)

WITH

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 3540 OF 1992

AND

INTERLOCUTORY APPLICATION NO. 2

(Application for stay)

Comptroller & Auditor General of India & Anr.

... Petitioners

Versus

Shri Cm Parkash Khare & Anr.

... Respondents

Sir,

I am directed to forward herewith for your information, record and necessary action a Certified copy of the Order of this Court dated 27th February, 1992 and 18th February, 1994 passed in the matter above-mentioned.

Please acknowledge receipt.

Yours faithfully,

(ASSISTANT REGISTRAR)

Mr Raza

21-3-94