

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

CAUSE TITLE C.A. 95/1988 OF .....

NAME OF THE PARTIES Taswant Singh .....

Applicant

Versus

G.O.I. 2008 .....

Respondent

Part A, B & C

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CERTIFICATE

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

B/C decided and destroyed

Dated 24-5-12

Counter Signed .....

Section Officer / In charge

Signature of the  
Dealing Assistant

DB. Prondion  
Filed on 23.8.88  
23/8

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

23-A, Thornhill Road, Allahabad-211001

Registration No.

BA 95 of 1988

APPLICANT (s)

JASWANT SINGH

RESPONDENT(s)

U. O. Indus Colliers

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent ?

Yes

2. (a) Is the application in the prescribed form ?

Yes

(b) Is the application in paper book form ?

Yes

(c) Have six complete sets of the application been filed ?

Only 2 Sets filed

3. (a) Is the appeal in time ?

Yes

(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 ?

Yes

5. Is the application accompanied by B. D. /Postal-Order for Rs. 50/-

Yes

DD 823286  
23.8.88  
Rs 50/-

6. Has the certified copy/copies of the order (s) against which the application is made been filed ?

Yes

7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?

Yes

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

(By Advocate)

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 ? *NA.*
12. Are extra copies of the application with Annexures filed ? *NA*
- (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 ? *No*
14. Are the given addresses, the registered addresses ? *Yes*
15. Do the names of the parties stated in the copies tally with those indicated in the application ? *Yes*
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? *NA*
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 ? *NA*
19. Whether all the remedies have been exhausted. *Yes*

Let case be listed on 25.04.11.

*Adm*  
24/07  
*Devin*  
23-888

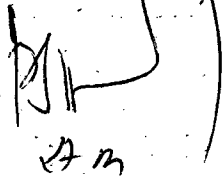
95/906

104-20

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

---

The application is accordingly  
dismissed without any order as to  
cost.

  
D.M.

J.M.

O.A. 95 of 00 (1)

Daswant Singh — vs — D.O &

ORDER SHEET

Hon. A. John, A.M.  
Hon. G.S. Sharma, J.M.

Admit. issue notices  
one month for C.A. 15 days thereafter for R.A.

Sd/-  
J.M.

Sd/-  
A.M.

hsh.

OR  
Notices for Respondents No 1 to 4  
received of Sri V.K. Choudhry, Govt Counsel.

hsh.  
20/11

No one is present for parties. List  
filed before DRS on 21.11.00

hsh.  
(DRS)

(3) 21.11.00

No sitting. Adjourned to  
19.12.00 for filing reply at  
the request for counsel for  
respondents.

hsh.  
21/11

(4) 19.12.00

No sitting. Adjourned  
to 22.12.00.

hsh.

(5) 22/12/00

No sitting. Adjourned to  
24.1.01.

hsh.  
24/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
A L L A H A B A D  
\*\*\*\*\*

CIRCUIT BENCH LUCKNOW

SA  
TA. NO. 95 \_\_\_\_\_ 1981 (L).

DATE OF DECISION 4.9.0.

Taswant Singh PETITIONER

\_\_\_\_\_  
Advocate for the  
Petitioner (s)

VERSUS

UOI & others RESPONDENT

\_\_\_\_\_  
Advocate for the  
Respondent (s)

COUNSEL :

The Hon'ble Mr. D.K. Agrawal, JM

The Hon'ble Mr. P.S. Hakeeb Mohammed, Am

1. Whether Reporters of local papers may be allowed to see the Judgement ? ✓
2. To be referred to the Reporter or not ? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✓
4. Whether to be circulated to other Benches ? ✓

\*\*\*\*\*

*D.K. Agrawal*

Central Administrative Tribunal, Allahabad.

CIRCUIT BENCH, LUCKNOW.

\*\*\*\*\*

Registration O.A.95 of 1988 (L)

Jaswant Singh

....

Applicant

Vs.

Union of India and others.....

Respondent s.

Hon. D.K.Agrawal, JM

Hon. P.S.Habeeb Mohammad, AM

(By Hon'ble D.K.Agrawal, JM)

This Application u/s.19 of the Administrative Tribunals Act XIII of 1985 has been filed with a prayer that the Applicant be promoted from the post of Upper Division Clerk to the post of Office Superintendent Gr.II on corps basis.

2. The Applicant has approached us for a direction in the form of a mandamus directing the Respondents to appoint more Office Superintendents Gr.II merely on the ground that Dev Nath Committee recommended the ratio 1:12 for Office Superintendent-Clerks. The Applicant alleges that in view of the strength of the Clerks, there should have been 12 posts of Office Superintendent while the Respondents have appointed 4 only. Therefore, a direction has been sought against the Respondents to create more posts of Office Superintendent. The contention of the Respondents is that the recommendation of Dev Nath Committee has been implemented in the offices where 12 or more Clerks are working. However, they have pleaded that it is not possible to do so in an office or unit where only 2 or 3 Clerks are working.

*Dr. Agrawal*

The Respondents admit that they can create 12 posts of Office Superintendent but their contention is that it is not administratively expedient to do so.

3. We have heard learned counsel for the parties and perused record. We have also noted with concern that the Applicant's position in the order of seniority is at sl.no. 12. No person junior to him has yet been promoted as Office Superintendent. Therefore, the Applicant presumably can have no grievance. We do not consider it proper to give any direction to the Respondents to create more posts of Office Superintendent, notwithstanding, whether they require or not. It is for the Respondents to find out how many posts of Superintendents are needed to supervise the work of the Clerks in an office. The norms have been laid down for creation of the posts of Office Superintendent. The Respondents will take account of it in due course of time according to the administrative exigencies. We are of opinion that it is not the function of the Tribunal to judge if more posts of Office Superintendents should or should not be created. It is for the competent authority to do so. We have also noted that no prejudice has been caused to the Applicant inasmuch as no junior to him has yet been promoted as Office Superintendent. There has been no averment to the effect that the Applicant is being superseded by any junior. Therefore, we do not consider it proper to interfere. We are <sup>of</sup> opinion that the Application is liable to be dismissed.

4. The Application is accordingly dismissed without any order as to costs.

MEMBER (A)

*[Signature]*

18/4/1990

Dated: 18<sup>th</sup> April, 1990  
kkb

*[Signature]*

MEMBER (J) 18.4.90



Filed today  
25/8/88

IN THE CENTRAL JUDICIAL MAGISTRATES COURT  
AT DELHI

Registration No. 95 of 1988. (47)

JAGMOHAN SINGH S/O  
JAGMOHAN SINGH

- Applicant

Versus

MINISTRY OF INDIA NO. 11/88

- Respondents

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<u>Sr. No.</u>	<u>Subject</u>	<u>Marked</u> <u>as Annexure Nos.</u>	<u>Page Nos.</u>
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5.	True copy of No 1 Military Training Battalion AIC Centre and School letter No 940455/111B/Civ dated 01 Jun 88	4	19
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7.	True copy of No 1 Military Training Battalion AIC Centre and School letter No 940455/111B/Civ dated 24 Jun 88.	6	21

LEARNER

Dated :- August 1988.

*Jaswant*  
APPLICANT

Notes for  
25/8/88

*S. S. Singh*  
"23/8"

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL ACT 1985  
FOR USE IN TRIBUNAL'S OFFICE

Date of Filing

23-0-08.

CI

Date of Receipt  
by post

Registration No

95/0041

Signature

Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH LUCKNOW

BETWEEN

JASANT SINGH SON OF SHRI DHAN SINGH

- Applicant

AND

UNION OF INDIA AND OTHERS

- Respondents

*Jaswant Singh*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH, LUCKNOW

10

DETAILS OF APPLICATION

- (i) Particulars of the applicant - Shri JASWANT SINGH
- (ii) Name of father - Shri UDHAN SINGH
- (iii) Designation and Office - Upper Division Civilian Clerk.  
Employed in Army Medical Corps  
Centre and School LUCKNOW-226 002.
- (iv) Office address - No 1 Military Training Battalion,  
Army Medical Corps Centre and  
School, LUCKNOW - 226 002.
- (iv) Address for serving of all notices. - Same as above.

2. Particulars of the respondents.

- (1) Name and / or designation of the respondents.
- 1. Union of India through the  
Secretary, Govt of India,  
Ministry of Defence, NEW DELHI
  2. The Director General Medical  
Services (ADM).  
ARMY HEADQUARTERS  
Medical Directorate,  
DELHI PC NEW DELHI - 11
  3. The Commandant  
Army Medical Corps Centre and  
School, LUCKNOW-2
  4. The Commanding Officer  
No 1 Military Training  
Battalion, Army Medical Corps  
Centre and School  
LUCKNOW-2

Contd ..... 3/-

Jaswant Singh

(iii) Address for service of all notices - Same as above for all. *X*

3. Particulars of the order against - The application is against the  
which application is made. following orders:-

- (i) Order no 1. The Commanding Officer, No 1 Military  
Training Battalion, Army Medical Corps  
(ii) Date Centre and School, Lucknow-2, letter  
(iii) Passed by No 940455/11TB/Civ dated 01 Jun 1988  
(Annexure No 4).
2. Director General Medical Services (Army)  
AEW D III, letter No 12361/III/DGMS 3 (B)  
dated 05 Dec 88, a copy of which has not  
been supplied to the applicant by the  
opposite party No 3 vide their letter  
No 940455/11TB/Civ dated 24.6.88  
(Annexure 6).
- (iv) Subject in brief - By the impugned order dated 1.6.88 opposite  
party No 4, at the instance of opposite  
party No 3, acting under the authority of  
letter no 12361/III/DGMS 3 (B) dated  
05 Dec 88 (Referred to in Annexure 4)  
turned down finally the applicant's request  
for promotion.

At the instance of opposite party No 3,  
opposite party No 4 refused to accede to  
the applicant's request for a copy of  
letter No 12361/III/DGMS 3 (B) dated  
05 Dec 88 (Referred to in Annexure 4).

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.

Contd ..... 4/-

*Jaswant*

5. Limitation :

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

6. FACTS OF THE CASE

1. That the applicant was appointed as a Civilian Lower Division Clerk on 09.3.1959 in the Office of Corps of Military Police FAIZABAD. He was subsequently transferred in the same rank to the Office of Commandant Army Medical Corps Centre and School Lucknow (hereinafter referred to as AMC Centre and School Lucknow) and joined his duties in the new Office with effect from 27 July 1959. He was confirmed as Lower Division Clerk from 01 April 1962 and was promoted to the post of Upper Division Clerk from 01 December 1969.
2. That the Office of AMC Centre and School Lucknow in which the applicant is presently serving is directly administered by the opposite party No 2, who is also the Appointing Authority of the applicant.
3. That opposite party No 3 is the Head of Office and opposite party No 4 is the Immediate Superior Officer of the applicant.
4. That under the administrative control of the opposite party No 2, in addition to AMC Centre and School Lucknow, there are several other medical establishments such as Military/Command Hospitals and Station Health Organisations located at various stations in India in which Civilian Clerks designated as Upper / Lower Division are working. Clerical Supervisors designated as Office Superintendent Grade II and Grade I are at present authorised and posted in AMC Centre and School Lucknow only.

Contd ..... 5/-

*Sarwan*

5. That the present strength of Civilian Clerks i.e. Office Superintendents, Upper / Lower Division Clerks of AMC Centre and School and other medical establishments is as under:-

	<u>Office Supdts</u>		<u>UDC</u>	<u>LDC</u>	<u>Total</u>
	<u>Gde I</u>	<u>Gde II</u>			
AMC Centre and School Lucknow.	-	4	23	21	48
Other medical Establishments.	-	-	(*)	164	164
			Total		212

(\*) DC/LDC

6. That by virtue of his seniority and other qualifications the applicant is eligible for promotion to the post of Office Supdt Grade II.

7. That till 1 December 1969, the channel of promotion of various grades of Civilian Clerks working in the Army Medical Corps Establishments including AMC Centre and School Lucknow was as under:-

- |  |  |
|--|--|
| (a) Lower Division Clerk to Selection Grade LDC  |  |
| (b) Lower Division Clerk to Upper Division Clerk | In the ratio of 3 : 8 based on seniority-cum-fitness.    |
| (c) Upper Division Clerk to Office Supdt Gde II  | In the ratio of 1 : 12 subject to selection-cum-fitness. |
| (d) Office Supdt Gde II to Office Supdt Gde I    | In the ratio of 1 : 4 subject to certain conditions.     |

8. That promotion from Lower Division Clerks to Selection Grade Clerk and from Selection Grade Clerks to Upper Division Clerk were carried out by the Head of Department (opposite party No 2) on Corps basis i.e. the total number of Civilian Clerks of various Army Medical Corps Establishments including AMC Centre and School Lucknow were taken together for the purpose of applying

Contd ..... 6/-

*Sarwanth*

X/11

the ratio of 3 : 8 while the promotions from Upper Division Clerks to Office Supdt Clk II were carried out by applying the ratio of 1 : 12 to each office. Thus Office Supdt Grade II were authorised and posted in MC Centre and School only where the ratio of 1 : 12 could be applied and in no other medical Establishment because it did not have the minimum number of Upper / Lower Division Clerks (6 or more) for applying the ratio of 1 : 12.

9. That on 15 December 1969, Govt of India, Ministry of Defence issued letter No 11 (14)/69/3 (Civ-I) dated 15 December 1969, notifying the decisions taken by them on the recommendations of a Committee known as Devnath Committee on Clerical Supervisors. A true copy of the said letter is annexed herewith and marked as annexure 1.

10. That the main recommendations of Devnath Committee on Clerical Supervisors which were accepted by the Government as per their letter No 11 (14)/69/3 (Civ-I) dated 15 December 1969 (Annexure 1) were, inter alia, as under:-

- "(i) Revise the existing ratio of UDC : LDC from 3 : 8 to 4 : 8.
- (ii) Abolish the Selection Grade of LDCs.
- (iii) Fix the ratio between Supervisors and Clerks on the basis of 1 : 12 on a Corps / Command / Service basis."

11. That the Govt decisions mentioned at (i) to (iii) of para 10 above were promptly implemented by the affected Corps/ Commands of the Army except the Army Medical Corps headed by the opposite party No 2.

Contd ..... 7/-

Forwarded

12. That for some unknown reasons, the opposite party No 2 implemented Government decisions mentioned at serials (i) and (ii) only, ignoring completely the decision at serial (iii) in regard to application of the ratio of 1 : 12 between Supervisors and Clerks on Corps basis. Had this ratio been applied then on Corps basis, the strength of Office Grade II, would have risen to about 17 or so.

13. That as late as 28 Jun 1986, the opposite party No 3 issued a general notification through the medium of Welfare Committee Meeting Proceedings that it had referred to Govt the question of implementation of Dev Nath Committee Report regarding promotions of Upper Division Clerks to Office Supdt Grade II on Corps basis but decision was awaited. A true copy of page No 1 of the proceedings is annexed herewith and marked as annexure 2).

14. That being eligible for promotion to the post of Office Supdt Grade II, the applicant submitted an application dated 05 May 88 to the opposite party No 2 through the opposite party No 3 and 4 requesting that his case for promotion be considered favourably. A true copy of this application is annexed herewith and marked as Annexure 3).

15. That the opposite party No 3 purporting to be acting on a letter No 12361/DGHS 3 (B) dated 05 December 1986 (referred to in annexure 4) informed the applicant through the opposite party No 4 that the applicant's request for promotion had not been agreed to by the opposite party No 2. In this connection a true copy of letter No 940455/112B/Civ dated 01 Jun 88 of opposite party No 4 is annexed to his application and marked as annexure 4.

Contd ..... 8/-

*Jaswant*



16. That the applicant then applied to the opposite party No 3 through the opposite party No 4 for a copy of letter No 12361/DGMS 3 (B) dated 05 December 1986 issued by the opposite party No 2 and quoted as authority in letter No 940455/111TB/Civ dated 01 Jun 88 (Annexure 4), so that he could seek the redressal of his grievances through this Hon'ble Court. A true copy of the application dated 06 Jun 1988 is annexed herewith and marked as Annexure No 5).

17. That in reply to the applicant's request referred to in the preceding paragraph, the opposite party No 3 informed him through the opposite party No 4 that a copy of letter No 12361/DGMS 3 (B) dated 05 December 1986 issued by opposite party No 2 could not be supplied. No reasons were made known to the applicant. A true copy of letter No 940455/111TB/Civ dated 24 Jun 88 is annexed herewith and marked as Annexure 6).

7. RELIEFS SOUGHT

1. In view of the facts mentioned in para 6 above, the applicant prays for the following reliefs:-

- (a) That a direction or order be issued directing the respondents No 1 to 3 to consider the promotion of the applicant from Upper Division Clerk to Office Supdt Grade II on Corps basis in terms of Sub Para (iii) of para 1 of Govt of India, Ministry of Defence letter No 11 (14)/69/D (Civ-I) dated 15 December 1969. (Annexure 1)

Contd ..... 9/-

*Daswani*

(b) That any other suitable order or direction as the Hon'ble Court may consider appropriate be issued to the respondents No 1 to 3.

(c) That the respondents be directed to pay to the applicant the cost of the suit.

REASONS FOR AWARD

1. Because the opposite party No 2 has failed to implement the fixation of ratio of 1 : 12 between Clerks and Supervisors on Corps basis and has deliberately and arbitrarily kept the case under consideration for more than 18 years.
2. Because the conduct of the opposite party No 1 in <sup>and</sup> ensuring implementation of its order (Annexure 1) by opposite party No 2 and of opposite party No 2 in keeping the case under consideration for more than 18 years amounts to denial of justice and hard earned promotion to the applicant.
3. Because the applicant's request for promotion to the post of Office Supdt Grade II has been summarily and arbitrarily turned down by the opposite parties No 2 and 3.
4. Because the conduct of opposite party No 2 in not implementing the fixation of ratio of 1 : 12 between Clerks and Supervisors in respect of the Civilian Clerks of Army Medical Corps only amounts to discrimination in as much as other Corps of the Indian Army serving under opposite party No 1 and similarly placed as the Army Medical Corps have with the consent and concurrence of opposite party No 1 and in terms of letter at annexure No 1

Contd ..... 10/-

*Jaswant*

implemented the fixation of revised ratio of 1 : 12 between the Clerks and Supervisors on Corps basis. Such a discrimination is violative of Article 16 of the Constitution of India.

5. Because no authority or power has been conferred by any agency on opposite party No 2 to implement only that part of the decision of opposite party No 1 as is contained in sub para (i) and (ii) of para 1 of the letter No 11 (14)/69/D (Civ-I) dated 15 Dec 1969 (Annexure 1) and to ignore altogether the implementation of the decision contained in sub para (iii) *ibid*.

6. Because the order passed by the opposite party No 3 on the applicant's application dated 05 May 88 (Annexure 3) is not a speaking order and is therefore violative of natural justice.

7. Because under the direction of opposite parties Nos 1 and 2, the post of Selection Grade LDCs has already been abolished, resulting in reduction of promotional avenues of Civilian Clerks of the Army Medical Corps.

8. Because the opposite party No 2 has already implemented the revised ratio of 4 : 8 between Upper Division Clerks and Lower Division Clerks on a Corps basis in the Army Medical Corps in compliance with the decision contained in sub para (i) of para 1 of Govt of India, Ministry of Defence letter No 11 (14)/69/D (Civ-I) dated 15 December 1969 (Annexure 1).

Contd ..... 11/-

*Annexure 1*

~~11~~

There could, therefore, be no valid reason for opposite party No 2 seeking any order/clarification in this regard from opposite party no 1 as indicated in Annexure 2.

8. INTERIM ORDER, IF GRANTED WILL :

Pending final decision on the application, the applicant seeks issue of the following orders :-

- NIL -

(Give here the nature of the interim order prayed for with reasons).

9. Detail of the remedies exhausted :

The applicant declares that he has availed of all the remedies available to him under the relevant service rules, etc.

(Give here chronologically the details of representations made and the outcome of such representation).

- (a) The applicant in the first instance applied in writing (Annexure 3) requesting the opposite party No 3 to take up his case for promotion to Office Supdt Grade II with the opposite party No 2. However, without referring the case to opposite party No 2, the opposite party No 3 informed the applicant through the opposite party No 4 (Annexure 4) that his request had not been agreed to by

Contd ..... 12/-

*Sanjay*

8/10

the opposite party No 2. In this connection the opposite party No 3 relied on letter No 12361/III/DGMS 3 (B) dated 05 Dec 86 issued by the opposite party No 2 (Referred to in Annexure 4).

(b) The applicant then applied to the opposite party No 3 through the opposite party No 4 (Annexure 5) for a copy of letter No 12361/III/DGMS 3 (B) dated 05 Dec 86 so that he could seek the redressal of his grievances through this Hon'ble Court.

(c) Opposite party No 3 has flatly turned down without assigning any reason the applicant's request for a copy of letter No 12361/III/DGMS 3 (B) dated 05 Dec 86 issued by the opposite party No 2.

10. Matter not pending with any other Court etc :

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

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

1. Name of the Bank on which drawn
2. Demand draft No

CR

Contd ..... 13/-

*Assurance*

X  
ht

1. Number of Indian Postal order(s)  $\frac{DP}{4}$  8 23286
2. Name of the issuing Post Office. G.P.O. Lucknow
3. Date of issue of Postal order(s) 23.8.1988
4. Post Office at which payable. G.P.O. Allahabad

12. Details of Index :

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

13. List of enclosures.

(a) Postal orders Nos

- (i)  $\frac{DP}{4}$  8 23286 for Rs 50/-
- (ii)
- (iii)

(b) Vakalat nama

Count ..... 14/-

*Enclosed*


In verification :

I, Jaswant Singh son of Shri Udham Singh, aged about 48 years working as Upper Division Clerk in A.C Centre and School Lucknow, resident of 142 Diamond Dairy Colony, Udaiganj, Lucknow, do hereby verify that the contents of paragraphs 1 to 13 of this application are true to my personal knowledge and belief and that I have not suppressed any material facts.

Lucknow

Dated :-

August 1988

  
(Jaswant Singh)

To

The Registrar  
The Central Administrative Tribunal,  
Additional Bench, LUCKNOW

IN THE CASE OF ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH LUCKNOW

Registration No \_\_\_\_\_ of \_\_\_\_\_

J. SINGH SINGH SON OF SHRI UDAY SINGH - Applicant

Vs

UNION OF INDIA AND OTHERS - Respondents

Copy of Govt of India, Ministry of Defence letter No 11 (14)/69/D  
(Civ-I) dated 15 December 1969.

Subject :- Devnath Committee Report on 'Clerical Supervisors' -  
Implementation of JCM Decisions reached on the recommendations  
contained in the

Sir,

I am directed to convey the sanction of the President to the following measures in the various Defence Establishments (Excluding Ordnance Factories) as a result of the recommendations made by the Devnath Committee on Clerical Supervisors which were discussed at the Departmental Council (JCM) of the Ministry of Defence held on 18/19.11.1969:-

- (i) Revise the existing ratio of UDC : LDC from 3 : 8 to 4 : 8.
- (ii) Abolish the Selection Grade of LDCs.
- (iii) Fix the ratio between Supervisors and Clerks on the basis of 1 : 12 on a Corps/Command/Service basis.
- (iv) Raise the qualification of entry into Service of LDCs to Higher Secondary or equivalent and introduce an entrance examination for Clerks and a promotion examination for UDCs for filling up posts of Supervisors.

2. The implementation of the decision regarding Supervisors/Clerical ratio mentioned at (iii) above will be worked out under existing arrangements, i.e. the ratio will be applied to the authorised clerical supervisory strength in the various existing grades of Clerical Supervisors taken together on the one hand, and the total strength of the Clerical base under their supervision on the other.

NOTE I - "The ratio of one Supervisor (including Assistant-in-Charge) for 12 Clerks will be worked out for the Establishments of Naval Headquarters and M.C.S. From the newly worked out strength of Supervisors, the existing strength of Superintendents (Clerical) will be deducted. The balance will represent the authorised strength of Assistant-in-Charge under the new ratio.

Contd ..... 2/-



NOTE 2 . The new ratio of one supervisor for 12 clerks will not apply to the Naval Pay Office Bombay where the existing position will continue."

3. Pending implementation of the recommendation at item (iv) of para 2, which would require working out the necessary details of examination etc in consultation with the concerned authorities, the present system of entry and promotion will continue.

4. 175 additional posts of UDCs sanctioned for the A.C.C. vide this Ministry's letter no F.7 (4)/68/61445/D (Lab)/D(JCI)/III/D (0-II) dated the 25th August, 1969, in lieu of similar posts of LDCs, over and above the number of UDCs posts admissible under the ratio 3 : 8 would be continued, after the revision of the ratio to 4 : 8, as UDC supernumerary, over and above the strength under the ratio of 4 : 8, in lieu of an equivalent number of LDCs, subject to their abolition in 5 years, according to the following stages:-

Date from which sanction for 175 extra UDC posts will be operative	Number of extra posts of UDCs
25.8.1969	175
31.12.1969	140
31.12.1971	105
31.12.1972	70
31.12.1973	35
31.12.1974	-NIL-

5. The date of implementation of the recommendations mentioned in clauses (i), (ii) and (iii) of para 1 will be 1.12.1969. The date of implementation of recommendation (iv) will be determined in due course.

6. These orders issue with the concurrence of Ministry of Finance (Defence) vide u.o. No 297/S/IB of 1969.

'Certified true copy'

*GS Shukla*

*GS Shukla*

LUCKNOW

August 1988

(US SHUKLA)  
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CHANDIGARH BENCH, LUCKNOW

Annexure No. 2

Registration No. \_\_\_\_\_ of \_\_\_\_\_

JASWANT SINGH SON OF SHRI UDAY SINGH

Applicant

VS

UNITA OF INDIA AND OTHERS

Respondents  
COPY OF PAGE No. 1

PROCEEDINGS OF THE CHANDIGARH BENCH TRIBUNAL HEARD ON 28 JUN 1988. IN CONFERENCE HALL OF THE CHANDIGARH

Official Representatives

Lt Gen TM Anuja - Commandant  
Col Surjeet Singh - Col Adm  
Lt Col RSN Swamy - Centre II

PART - I

Official Representatives

Shri Ram Bai - UDC  
Shri Chandi Ram - Cook (absent)  
Shri Shyam Lal - Safaiwal

1. Minutes of the Post Welfare Committee meeting were read out by the Col Adm.

PART - II

2. Points raised by Shri Ram Bai

(a) Implementation of Dev Nath Committee Report regarding promotion of UDCs to Office Supt Cde II in Adm.

The case was taken up with the Govt, but no decision has been given by them. In this connection please refer to Army HQ letter No 12361/II/UDGS 3(B) dated 05 Sep 85. Reminder has been issued vide letter No 102/17/Civ dated 30 Jun 85.

(b) Grant of Special Pay of Rs 35/- pm to 10% on strength to UDCs.

It has been indicated by Army HQ that special pay of Rs 35/- is granted to UDC upto the limit of 10% of the authorised strength of UDC and at present special pay has already been granted to all the eligible UDCs of Adm vide Army HQ No B/72008/UDGS/3(B) dated 10 Dec 85. Special pay of Rs 35/- granted to UDC is automatically disallowed on promotion to Office Supt. So far none of the Supt is in receipt of special pay.

(c) Supply of monthly pay slips to Civs

Due to shortage of staff the Pay slips could not be prepared since last two

Certified true copy

LUCKNOW

August 1988.

(US-ST/Adm)  
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH, LUCKNOW

Annexure No 3

Registration No \_\_\_\_\_ of \_\_\_\_\_

JASWANT SINGH SON OF SRI UDHAM SINGH - Applicant

Vs

UNION OF INDIA AND OTHERS - Respondents

COPY

UDC JASWANT SINGH

AHC Centre and School  
No 1 Mil Trg Bn  
Lucknow-2

The Commandant  
A H C Centre and School  
Lucknow-2

05 May 88

Through : CO No 1 Mil Trg Bn

Re : Promotion to the post of O/S Gde II

Sir,

1. Respectfully I submit as under:-
2. That I was appointed as LDC wef 09 Mar 59 and was promoted to the post of UDC wef 1.12.1969.
3. That in terms of Dev Nath Committee recommendations contained in CPAC 17/70, I am eligible for the promotion to the post of Office Supdt Gde II on Corps basis.
4. I, therefore, request your goodself that a case be taken up on my behalf with the Medical Directorate Army HQ for considering my case for promotion to the post of Office Supdt Gde II favourably.
5. Thanking you in-anticipation.

Yours faithfully,

Sd/xxxxxxxxxx  
(UDC JASWANT SINGH)

-----  
'Certified true copy'

LUCKNOW

23 August 1988

-----  
(US SHUKLA)  
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH, LUCKNOW

Annexure No 4

Registration No \_\_\_\_\_ of \_\_\_\_\_

JASWANT SINGH SON OF SHRI UDHAM SINGH - Applicant

Vs

UNION OF INDIA AND OTHERS - Respondents

COPY

Tele Mil - 273

AMC Centre and School  
No 1 Mil Trg Bn  
Lucknow-2

940455/1MHB/Civ

01 Jun 88

UDC Jaswant Singh  
No 1 Mil Trg Bn  
AMC Centre and School  
Lucknow-2

GRIEVANCES CIVILIANS : PROMOTION OF UDC TO THE  
POST OF OFFICE SUPDT ON CORPS BASIS - AMC

1. Refer to your application dated 05 May 88.
2. Your request for promotion from UDC to Office Supdt on Corps basis had not been agreed to by Army HQ as per their letter No 12361/III/DG IS 3 (B) dated 05 Dec 86 as intimated by Centre HQ letter No 1602/42/Civ dated 21 May 88.

Sd/xxxxx  
(Raj Kumar)  
Capt  
Adjt

-----  
'Certified true copy'

LUCKNOW

23 August 1988.

*U S Shukla*  
(U S Shukla)  
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH LUCKNOW

Annexure No. 5

Registration No \_\_\_\_\_ of \_\_\_\_\_

JASWANT SINGH SON OF SHRI UDHAM SINGH - Applicant

VS

UNION OF INDIA AND OTHERS - Respondents

COPY

UDC JASWANT SINGH

AMC Centre and School  
No 1 Mil Trg Bn  
Lucknow-2

The Commandant  
A M C Centre and School  
Lucknow

03 Jun 88

Through : No 1 Mil Trg Bn.

Re : Promotion to the post of O/S Gd II

Sir,

1. Refer to your HQ letter No 1002/42/Civ dated 21 May 88 quoted in No 1 Mil Trg Bn letter No 940455/11TB/Civ dated 01 Jun 88.
2. I intend to file a civil suit in the Central Administrative Tribunal in connection with denial of my promotion to the post of Office Supdt Grade II and as such request your goodself to kindly provide me a copy of Army HQ letter No 12361/III/OG 13 3 (B) dated 05 Dec 86.

Yours faithfully,

Sd/xxxxxxxxxxxxxx  
(UDC JASWANT SINGH)

-----  
'Certified true copy'

LUCKNOW-2

23 August 1988.

-----  
(U S Shukla)  
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH, LUCKNOW

Annexure No 6

Registration No \_\_\_\_\_ of \_\_\_\_\_

JAS VANT SINGH Son of SHRI UDHAN SINGH - Applicant

Vs

UNION OF INDIA AND OTHERS - Respondents

COPY

Tele Mil - 273

AMC Centre and School  
No 1 Mil Trg Bn  
Lucknow-2

940455/1MTB/Civ

24 Jun 88

Sh Jaswant Singh UDC  
No 1 Mil Trg Bn

RE : PETITION TO AILE POST OF O/S CIE - II

1. Refer to your application dated 03 Jun 88.
2. It has been intimated by HQ vide their letter No 1602/58/Civ dated 22 Jun 88 that copy of Army Headquarters letter No 12361/III/OGMS-3(B) dated 05 Dec 86 cannot be supplied to you.

Sd/xxxx  
(Raj Kumar)  
Adjt  
for Offg Comdg Offr

'Certified true copy'

*U S Shukla*

LUCKNOW

23 August 1988.

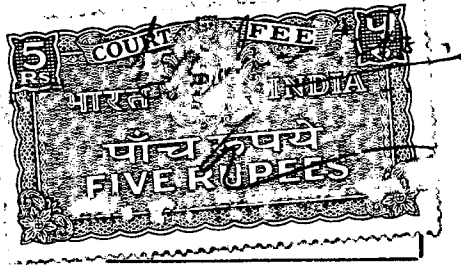
*U S Shukla*

(U S Shukla)  
Advocate

पञ्जाब अधीनस्थ  
[वादी] अपीलान्त  
प्रतिवादी [रिप्लायेंट]

*Central Administrative Tribunal*  
*Additional Bench, Lucknow*  
*Taswant Singh*  
*Union of India & Ors*

बकालतनामा



पाणी (अपीलान्त)

पनाम

प्रतिवादी (रिप्लायेंट)

नं० मुकद्दमा सन् पेणी की सा० १० ई०  
उपर लिखे मुकद्दमा में अपनी ओर से श्री *U. S. Shukla*

वकील  
महोदय  
एडवोकेट

पनाम  
मुकद्दमा नं०  
पनाम करीफिम

जो अपना वकील नियुक्त करके प्रतिज्ञा (इफरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेरवी व जवाब देही व प्रश्नोंत्तर करें या कोई फामज याखिल करें या लौटावें या हमारी ओर से छिगरी चारी करावे और रुपया बसूल करें या मुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से याखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया चखा करें या हमारी चिपक्षी (फरीकसानी) का याखिल जिया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (बस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वष सव कार्यवाही हमको सयंथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूँ कि मैं हर पेणी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पेरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह पनामनामा लिख दिया प्रमाण रहे और समय पर पाम आये।

*Accepted*  
*U. S. Shukla*  
*Advocate*

हस्ताक्षर

साजो (जवाह)

साजो (जवाह)

23. 8. 1988.

दिनांक

पहीना

सं० १०

१०

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

O.A. No.95 of 88(L)



Jaswant Singh .. Applicant

Versus

Union of India and others .. Respondents.

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS.

I, Major SS Randhawa aged about 45 years son of Shri Faaja Singh Randhawa at present working as MTO, AMC Centre & School, Lucknow in the office of the Respondent no.4 do hereby solemnly affirm and state as under:-

1. That the deponent is Respondent no.4 in the above noted application and as such he is fully conversant with the facts of the case. He has read and understood the contents of the application and he has been authorised on behalf of other Respondents also and he is in position to file parawise reply as herein under:-

2. That the contents of para 1 of the application need no comments.

3. That the contents of para 2 of the application need no reply.





4. That the contents of para 3 of the application are incorrect as stated and in reply it is stated that the applicant is quite junior to be considered for promotion to the post of Office Supdt Gde.II as such he cannot be granted promotion. A copy of Director General, Medical Services(Army) New Delhi letter No.12361/III/DG MS-3(B) dated 05 Dec 86 has been supplied to the applicant by the AMC Centre & school vide letter No.1617/Court Cases/166/Civ dated 27 Aug. 88. The communication regarding the applicant cannot be granted for promotion, has already been conveyed to him vide letter No.1602/42/Civ dated 21 May 88.

5. That the contents of para 4 of the application are correct except the fact that no Grade.I Office Supdt is held under the jurisdiction of Respondents no.2 or 3.

6. That the contents of para 5 of the application need no comments.

FACTS OF THE CASE 6(1)

7. That the contents of para/6 of the application are incorrect as stated, hence ~~concern~~ need no comments.

8. That the contents of para 6(2) of the application need no comments.

9. That the contents of para 6(3) of the application need no comments.



10. That the contents of para 6(4) of the application are not disputed.

11. That the contents of para 6(5) of the application need no comments.

12. That the contents of para 6(6) of the application are incorrect, as stated hence denied.

13. That the contents of para 6(7) ~~xxx(11)~~ of the application need no comments.

14. That the contents of para 6(8) of the application need no comments.

15. That the contents of para 6(9) of the application need no comments.

16. That the contents of para 6(10) of the application need no comments.

17. That the contents of para 6(11) of the application need no comments.

18. That the contents of para 6(12) of the application ~~may~~ are incorrect as stated and in reply it is stated that the Govt of India's decision on the basis of Dev Nath Committee indicated that where there are 12 or more than 12 LDC/UDCs are working, one Office Supdt Gde II will be promoted



Unit the office Supdt is not required as such the formula do not apply.

10. That the contents of para 6(13) of the application are not disputed except the point has been raised by the clerical staff earlier but Govt. has clarified that it is not feasible to post Office Supdt wherever less than 12 clerks are posted.

20. That the contents of para 6(14) of the application are incorrect as stated and in reply it is stated that the promotion is based on vacancies basis and there are only four vacancies. He will be considered for promotion on his turn only.

21. That the contents of para 6(15) of the application need no comments.

22. That the contents of para 6(16) of the application are incorrect as stated hence denied and in reply it is stated that the applicant has then supplied with a copy of reply vide AMC Centre and School, Lucknow letter No.1617/Court Cases/166/Civ dated 23 Aug 88.

22. That the contents of para 6(17) of the application are incorrect as stated hence denied.



RELIEF SOUGHT

23. That in reply to the contents of para 7(a) of the application it is submitted that the relief sought by the applicant in para 1 of page-8 is not agreed to as there is no vacancy at present. Only 4 Office Supdts. are authorised as per scale laid down under the rules. The promotion is granted as per seniority and eligibility. UDC Jaswant Singh at present is quite junior. He will be promoted at his turn.

24. That ~~the application~~ in reply to the contents of application 7(b) of the application it is submitted that the application is liable to be dismissed as not maintainable in the eyes of law, with cost.

GROUND'S FOR THE RELIEF.

25. That ~~the~~ in reply to the contents of para-1 of the grounds for the relief, it is submitted that the Respondents have implemented the fixation of ratio of clerks and supervisory staff wherever applicable. Before the award there was only two office Supdt in AMC Centre & School, Lucknow but after the implementation of award this strength has been increased to four. Thus the authorities have fully implemented the award and decision of the Govt of India.

26. That the contents of para 2 of the application at page 9 are incorrect, hence denied in view of the reply given against para-1 of the relief sought.



27. That the contents of para 3 of the application at page.9 ~~are~~ are incorrect as stated, hence denied in view of the reply given against para-1 of the reliefs sought.

28. That the contents of para 4 of the application at page.9 are incorrect as stated hence denied in view of the reply given against para-1 above.

29. That the contents of para 5 on page 10 of the application is incorrect as such denied, and in reply it is stated that the decision of Respondent no.2 has been based on the decision of Govt of India, Ministry of Defence (Finance) as such cannot be called not confirmed.

30. That the contents of para 6 on page 10 of the application are incorrect as stated, hence denied.

31. That the contents of para 7 of the application at page 10 are incorrect hence denied.

32. That the contents of para 8 & 9 at page 11 of the application need no comments.

33. That the contents of para 10 & 11 of the application at page 12 need no comments.

34. That the contents of para 12 onwards of the application are formal and need no comments.



35. That in view of the facts and circumstances stated above the application filed by the applicant is liable to be dismissed with cost to the Respondents.

  
Deponent.

Lucknow,

Dated: 30/9/89

Verification.

I, the deponent above named do hereby verify that the contents of paragraphs 1 to 3 are true to my personal knowledge, those of paragraphs 4 to 28 + 30 to 34 are believed to be true on the basis of record while those of paragraphs 29 and 35 are also believed by me to be true on the basis of legal advice. Verified this 30 day of 1989 at the court compound at Lucknow.

  
Deponent.

Lucknow,

Dated: 31/3/89

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

  
(VK CHAUDHARI)

Addl Standing Counsel for Central Govt  
Counsel for the Respondents.

Solemnly affirmed before me on 31-3-89 at 11-15 am/pm by the deponent who is identified by Shri VK Chaudhari, Advocate, Lucknow.

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

Oath Commissioner.



*Per [Signature]*  
26/12/85  
31-3-89

Tele Mil - 273

AMC Centre & School  
No 1 Mil Trg Bn  
Lucknow-2

040455/1MTB/Civ

29 Aug 88

Shri Jaswant Singh UDC  
No 1 Mil Trg Bn

GRIEVANCES CIVILIANS : REPORT OF UDC TO THE POST  
OF OFFICE SUPERINTENDENT ON CIVIL BASIS : AMC

1. Refer to your application dated 03 Jan 88
2. A copy of Army Headquarters letter No 12361/III/PG HS-3(B) dated 05 Dec 86 addressed to AMC Centre and School Lucknow is enclosed herewith as desired by you.

(Banjit Singh)  
Lieut  
Mjt  
for Comd Officer

Copy of Army HQ letter No 12361/III/PG HS-3(B) dated 05 Dec 86,  
addressed to AMC Centre and School Lucknow.

GRIEVANCES CIVILIANS : REPORT OF UDC TO THE POST  
OF OFFICE SUPERINTENDENT ON CIVIL BASIS : AMC

1. Reference your letter No 1602/10/Civ dated 20 Oct 86.
2. The case has been examined and considered at this HQ in consultation with Ministries of Finance and Defence, who have not agreed to the proposal.

11/XXXX  
(1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100)

Director of Medical Services (11-3) III  
Britey Chikitsa Sam (10th Mahanidosh)  
For Dir Gen of Medical Services (Army)

CTC  
Shukla  
Advocate  
16.4.90

FF 39/5/89  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH

LUCKNOW

Application No 95 (L) of 1988

JASWANT SINGH

- Applicant

VS

UNION OF INDIA AND  
OTHERS

- Respondents

I N D E X

Ser No	Particulars of papers	Page No
1.	Rejoinder Affidavit	1 to 9
2.	Annexure No R-1	10 to 11
3.	Annexure No R-2	12
4.	Annexure No R-3	13 to 14

LUCKNOW

May 89

Shukla  
(Counsel for the petitioner)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH

LUCKNOW

Original application No 95 (L) of 1988

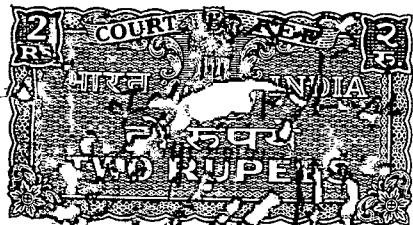
Jaswant Singh

- Applicant

Vs

Union of India and  
others

- Respondents



REJOINDER AFFIDAVIT

I, Jaswant Singh son of Shri Udham Singh, aged about 48 years, resident of 142 Diamond Dairy Colony, Udaiganj, Lucknow do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the applicant in the above noted case and has read and understood the contents of the Counter Affidavit filed on behalf of Respondent Nos 1, 2 and 3. He is therefore well conversant with the facts deposed to hereunder.

2. That the contents of paragraph 1 of the Counter Affidavit do not call for any reply except that the Respondent is not fully conversant with the facts of the case and has submitted evasive replies to the specific averments made in the claim petition.

That the contents of paragraph 2 of the Counter Affidavit need no reply.

4. That the contents of paragraph 3 of the Counter Affidavit need no reply.

Contd ..... 2/-

*Jaswant Singh*

*On 10/11/88 Kumar  
to H. Singh on record  
& put up before  
Hon'ble Court  
on date fixed  
P/S  
h/s*

5. That as regards the contents of paragraph 4 of the Counter Affidavit only this much is admitted that copy of the Director General Medical Services (Army) letter No 12361/III/DGMS 3 (B) dated 03 Dec 86, received by the deponent on 29 Aug 88. Rest of the averments are denied.
6. That the contents of paragraph No 5 of the Counter Affidavit need no reply.
7. That the contents of paragraph No 6 of the Counter Affidavit need no reply.
8. That the contents of paragraph 7 of the Counter Affidavit need no reply.
9. That the contents of paragraph 8 of the Counter Affidavit need no reply.
10. That the contents of paragraph 9 of the Counter Affidavit need no reply.
11. That the contents of paragraph 10 of the Counter Affidavit need no reply.
12. That the contents of paragraph 11 of the Counter Affidavit call for no reply.
13. That the contents of para 12 of the Counter Affidavit are denied and in reply it is stated that the deponent is eligible for promotion if the ratio of 1 : 12 were to be applied on Corps basis (As per annexure I to the application) on the present total clerical strength of the Army Medical Corps that is 208, there should be 17 Office Supdts Grade II out of which four are already posted in the Office of Army Medical Corps Centre and School Lucknow only. In the seniority Roster of Upper Division Clerks circulated by the Respondent No 2, the deponent's name appears at serial No 12 whereas 13 posts would be available for filling on Corps basis. A copy of the said seniority Roster is annexed as Annexure R-I to this Rejoinder Affidavit.

Contd ..... 3/-

A/S

14. That the contents of paragraph 13 of the Counter Affidavit need no reply.

15. That the contents of paragraph 14 of the Counter Affidavit need no reply.

16. That the contents of paragraph 15 of the Counter Affidavit need no reply.

17. That the contents of paragraph 16 of the Counter Affidavit need no reply.

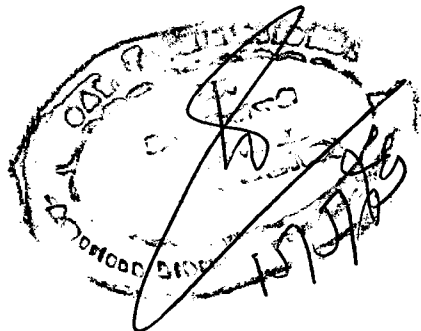
18. That the contents of paragraph 17 of the Counter Affidavit need no reply.

19. That the contents of paragraph 18 of the Counter Affidavit are emphatically denied as stated and those of paragraph 6 (12) on page 7 of the claim petition are re-affirmed. It is further submitted that the Respondents have not properly understood the contents of Govt letter dated 15 Dec 1969 filed at Annexure No I of the application, Sub - paras (i) to (iii) of para 1 of this letter lay down three specific directions : namely :-

- (i) Revise the existing ratio of UDC : LDC from 3 : 8 to 4 : 8.
- (ii) Abolish the Selection Grade of LDC.
- (iii) Fix the ratio between Supervisors and Clerks on the basis of 1 : 12 on Corps / Command / Service basis.

It may be stated that in the Army, Corps / Command / Service are the names of Headquarters of a group of sub units scattered all over India where civilian clerks are posted in small numbers ranging between 1 to 4. For example the Army Medical Corps consists of Military Hospitals and Health

Contd .... 4/-



Sasmanat

84

Units located in various Cantonments in India including Army Medical Corps Centre and School which is located at Lucknow. Similarly a Command HQ is made up of Areas, Sub Areas, Station Headquarters located in different stations of a particular zone where civilian Clerks are employed. The term "Service" denotes Army Units other than Corps / Command such as Military Engineering Service, Ordnance Factories etc. What the Govt letter dated 15 Dec 1989 cited above lays down in para 1 (iii) is that the ratio of 1 : 12 should be applied to the total clerical base of a Corps / Command / Service organisation. If this ratio were to be applied to the clerical strength of the Army Medical Corps as a whole i.e. 208 clerks then the number of clerical supervisors (Office Supdt Grade II) would work out to 17. In this connection para 6 (5) on page 5 of the claim petition also refers.

The contention of the Respondents that Office work would collapse if clerical supervisors were to be posted in Office where less than 12 clerks are employed is far from truth and reality for the following reasons:-

(a) In the Office of the Respondent No 3 i.e. Army Medical Corps Centre and School itself Shri IS Negi UDC was promoted as Office Supdt Grade II on 13 Mar 1987. From that date till first week of April 1988 i.e. for about 13 months Shri IS Negi worked in Administrative Branch with only one clerk under him to supervise and from the first week of April 1988 to date Shri IS Negi has been working as Incharge of Postal Section where there are only two clerks working under him.

Contd .....5/-

*Saswathi*

(b) Shri US Shukla UDC (since retired) also of Army Medical Corps Centre and School Lucknow was promoted to the post of Office Supdt Grade II on 26 Oct 1970. From that date to 12 May 1975 i.e. for about 4½ years, he worked single handed at HQ Central Command (Medical Branch) Lucknow on attachment duty.

(c) Other Corps / Command / Services under the control of Respondent No 1 have been allowed to work out and employ clerical supervisors by applying the ratio of 1 : 12 on Corps / Command / Service basis, even though they are supervising the work of only 1 or 2 clerks. Details of some of Corps / Command are given in annexure No R-2 to this Rejoinder Affidavit and the details of deployment of clerical supervisors are shown in Annexure No R-3 of this Rejoinder Affidavit. Thus the Respondent No 1 has meted out discriminatory treatment to the civilian clerks of the Army Medical Corps including the deponent in violation of Article 16 of the Constitution of India.

As regards the Charter of Duties of clerks submitted by the Respondents, it is submitted that this is a self-made and imaginary document which has not been produced in support of the averment made in the Counter Affidavit.

That the contents of paragraph 19 of the Counter Affidavit are denied and those of paragraph 6 (13) on page 7 of the claim petition are re-affirmed. As submitted in detail in the preceding paragraph other Corps / Command

Contd ..... 6/-

A/16

under the control of Respondent No 1 have already implemented the provisions contained in para 1 (i) to (iii) of Govt letter dated 15 Dec 1969 (Filed at Annexure No 1 of the claim petition) by applying the ratio of 1 : 12 for the purpose of arriving at the number of clerical supervisors vis a vis total authorised clerical strength and have also ordered promotions accordingly as shown in Annexure Nos R-2 and R-3 to this Rejoinder Affidavit.

21. That the contents of paragraph 20 of the Counter Affidavit are denied and in reply it is submitted that there should be 17 and not 4 vacancies and the deponent's name in the seniority Roster of UDCs filed at Annexure No R-1 of this Rejoinder Affidavit is at serial No 12.

22. That the contents of paragraph 21 of the Counter Affidavit need no comments.

23. That the contents of paragraph 22 of the Counter Affidavit are denied as stated and in reply it is submitted that letter No 1617/Court cases/166/Civ dated 23 Aug 1988 alongwith a copy of impugned letter No 12361/III/DGMS 3(B) dated 05 Dec 1986 was supplied to the deponent only on 29 Aug 1988 i.e. more than 2 months after having initially refused in writing to supply the same vide Annexure No 6 of the claim petition.

24. That the contents of paragraph No 23 of the Counter Affidavit are denied as stated and those of para 7 (a) on page No 8 of the claim petition are re-affirmed.

25. That in reply to the contents of paragraph 24 of the Counter Affidavit it is submitted that the claim petition is legally sustainable and deserves to be allowed with cost on merits.

Contd .....7/-

*Sanjay*

XX

26. That the contents of paragraph No 25 of the Counter Affidavit are denied and in reply it is stated that the Respondents No 1 and 2 have implemented the provisions of Govt letter dated 15 Dec 1969 in a particular office only and not on Corps basis.

27. That the contents of paragraph No 26 of the Counter Affidavit are denied and those of para 2 on page 9 of the claim petition are re-affirmed.

28. That the contents of para 27 of the Counter Affidavit are denied and those of para 3 on page 9 of the claim petition are re-affirmed.

29. That the contents of para 28 of the Counter Affidavit are denied and in reply it is submitted that as already stated in para 11 on page 6 of the claim petition, Respondent No 1 has already allowed other Corps / Command i.e. Defence Security Corps and HQ Central Command etc to apply the ratio of 1 : 12 between clerical Supervisors and clerks as indicated in Annexure Nos R-2 and R-3 to this Rejoinder Affidavit. Hence this is a clear case of discrimination against the civilian clerks of Army Medical Corps which is violative of Article 16 of the Constitution of India.

30. That the contents of paragraph 29 of the Counter Affidavit are denied and those of paragraph 5 on page 10 of the claim petition are re-affirmed.

31. That the contents of paragraph 30 of the Counter Affidavit are denied and those of paragraph 6 on page 10 of the claim petition are re-affirmed.

Contd ..... 8/-

X/8

32. That the contents of paragraph No 31 of the Counter Affidavit are denied and those of para 7 on page 10 of the claim petition are re-affirmed.

33. That the contents of paragraph No 32 of the Counter Affidavit need no reply.

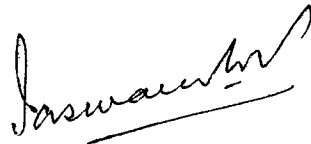
34. That the contents of paragraph No 33 of the Counter Affidavit need no reply.

35. That the contents of paragraph No 34 of the Counter Affidavit need no comments.

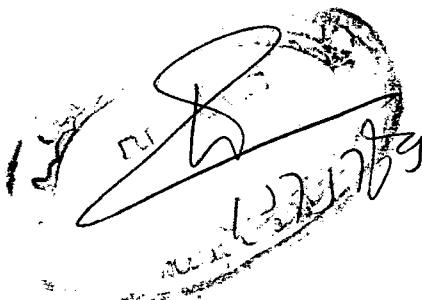
36. That in reply to the contents of paragraph No 35 of the Counter Affidavit, it is stated that the claim petition deserves to be allowed on merits with costs in favour of the deponent.

IUCKNOW

15 May 1989.



\_\_\_\_\_  
(Deponent)





Verification

29

I, the deponent above named do hereby verify that the contents of paragraph 1 are true to my personal knowledge and those of paragraphs 2 to 36 are believed to be true on the basis of legal advice. Verified this 15<sup>th</sup> day of May 1989 at the Court Compound at Lucknow.

LUCKNOW

15<sup>th</sup> May 1989

*Jaswanth*  
(Deponent)

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

*Shukla*  
(US Shukla) Advocate  
Counsel for the Deponent

Solemnly affirmed before me on 15.5.89 at 11.30 hrs by the deponent who is identified by Shri US Shukla Advocate Lucknow.

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

Oath Commissioner.

*12/5/89*  
*Shukla*  
*Advocate*  
*15/5/89*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH - LUCKNOW

O.A. NO 95 (I) of 1988

JASWANT SINGH

Applicant

Vs

UNION OF INDIA AND  
OTHERS

Respondents

ANNEXURE B-I

SENIORITY ROSTER OF UDC IN AMC CENTRA AND SCHCOL AND OTHER MEDICAL UNITS, EXCEPT RECORDS OFFICE AMC

Srl No	Name	Unit	Date of birth	Edn Qlfn	Details of apptt to various posts and Grade	SC/ST	Date of QP	Date of posting of Regular post in AMC	Date of confirmation	Remarks
1	2	3	4	5	6	7	8	9	10	11
1.	Sh Prem Sagar SHC Gurdaspur	SHC Gurdaspur	15.8.31	Matric	15.11.52 CSM 8.8.58 IDC	-	1.7.56 CSM	08.8.58	1.4.62 LDC 1.8.68 UDC	
2.	" Abdul Rahim SHC Khan	SHC Fatehgarh	10.1.32	"	2.12.57 LDC 6.11.63 UDC	-	1.7.61	18.10.58	1.4.62 LDC 1.4.71 UDC	
3.	" Indar Raj - Khana	SHC Sangor	15.8.30	"	15.2.58 LDC 5.11.63 UDC	-	1.7.61	17.8.58	1.4.62 LDC 1.4.71 UDC	Transferred to Pension Est.
4.	" Sita Ram - Jaiswal	SHC - Sangor	15.8.30	"	19.8.43 LDC 22.4.66 UDC 1.4.67 LDC 16.4.68 UDC	-	30.4.49	24.4.64	24.4.64 LDC 1.4.71 UDC	-do-
5.	" T Prabhakaran	"	27.1.38	"	1.10.57 SMT 10.2.66 LDC 17.5.68 UDC	-	1.7.61	10.2.66 SMT	10.2.66 LDC 1.4.71 UDC	
6.	" B Krishnan MH Golconda	"	15.7.32	"	20.2.58 LDC 21.6.68 UDC	SC		23.1.61	12.9.58 LDC 19.10.71 UDC	

Contd ..... 11/-  
Pawar

1	2	3	4	5	6	7	8	9	10	11
7.	Sh K Rajan	SHO Aurangabad	15.2.36	Matric	20.2.58 LDC 17.5.68 UDC	-	1.7.61	1.10.58	1.4.62 LDC 30.10.71 UDC	✓
8.	" Sajjan Singh	SHO Roorkhee	05.3.36	Pa	21.2.58 LDC 17.5.68 UDC	-	1.7.61	27.9.58	1.4.62 LDC 1.4.72 UDC	
9.	" PA Narayanan	SHO Bangalore	15.12.34	FA	24.2.58 CSM 28.8.58 LDC 1.11.68 UDC	-	1.7.61	28.8.58	1.4.62 LDC 1.4.72 UDC	
10.	" JN-Chakraborty	SHO Kunraghat	01.10.29	Matric	20.2.58 LDC 30.5.68 UDC	-	1.7.61	26.10.58	1.4.62 LDC 1.4.73 UDC	Transferred to Pension Establishment
11.	" Ram Gopal	SHO Jaipur	29.9.40	Inter SI Dip	11.3.58 LDC 18.4.69 UDC	-	1.7.61	19.8.58	1.4.62 LDC 1.4.73 UDC	
12.	" Manak-Chand	AMC-C&S	6.3.36	Matric	14.3.58 LDC 18.4.69 UDC	-	1.7.61	27.9.58	1.4.62 LDC 1.4.73 UDC	- do -
13.	" SP Datta	SHO Puno	20.7.36	Matric	1.7.58 LDC 23.8.69 UDC	-	1.7.61	14.8.58	1.4.62 LDC 1.4.73 UDC	
14.	" BB Gaikwad	SHO Kirkoo	17.7.33	SSC	1.12.58 SMT SC 16.1.65 LDC 1.12.69 UDC 20.8.78 Office Supdt 3.10.78 UDC	-	1.7.62	16.1.65	1.4.65 LDC 1.4.65 UDC	
15.	" Madhansudan SH (WC)	Singh Chandigarh	15.8.38	Matric	13.12.58 LDC 1.12.69 UDC	-	1.7.62 SMT	13.6.69	1.4.62 LDC 1.4.73 UDC	
16.	" Jasmant Singh	AMC C&S	09.9.40	"	9.3.59 LDC 1.12.69 UDC	-	1.7.62	27.7.59	1.4.62 LDC 1.4.73 UDC	

*(Signature)*  
1.17.58

*Advocate*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH - LUCKNOW

O.A. No 95 (I) of 1988

JASWANT SINGH

Applicant

Vs

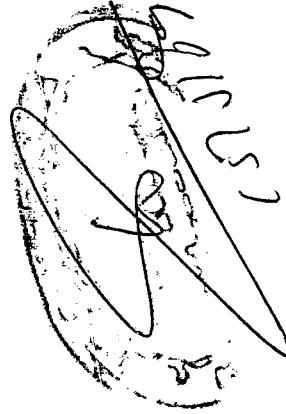
UNION OF INDIA AND  
OTHERS

Respondents

ANNEXURE R-2

CHART SHOWING THE DETAILS OF CORPS / COMMANDS UNDER THE CONTROL OF MINISTRY OF DEFENCE  
WHO HAVE IMPLEMENTED THE PROVISIONS OF GOVT OF INDIA MINISTRY OF DEFENCE LETTER  
No 11 (14)/60/D (Civ-I) dated 15 DECEMBER 1969 BY APPLYING THE RATIO OF 1 : 12 BETWEEN  
CLERKS AND OFFICE SUPDTS

<u>Srl No</u>	<u>Name of Corps / Command</u>	<u>Total Strength of Clerks</u>	<u>No of Office Supdts authorised on the basis of Ratio of 1 : 12</u>
1.	Defence Security Corps	248	21
2.	HQ Central Command	54	04
3.	Army Medical Corps	208	04 (Authorised in AMC Centre and School Lucknow only).





IN THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH - LUCKNOW

O.A. No 95 (I) OF 1988

JASWANT SINGH

- Applicant

Vs

UNION OF INDIA AND OTHERS

- Respondents

ANNEXURE R-3

CHART SHOWING THE DEPLOYMENT OF CLERICAL SUPERVISORS OF SOME OF THE CORPS/COMMAND UNDER

THE CONTROL OF GOVT OF INDIA MINISTRY OF DEFENCE

Srl No	Name of the Corps / Command	Total Clerical Base	No of Clerical Supervisors Held	Name of Office	DETAILS OF DEPLOYMENT
--------	-----------------------------	---------------------	---------------------------------	----------------	-----------------------

1. Defence Security Corps

248

21

HQ Central Command	2	1
HQ Northern Command	2	1
HQ Western Command	2	1
HQ Southern Command	2	1
HQ Eastern Command	2	1
In 16 Group Headquarters	32 (2 in each Gp)	16 (1 in each Gp)

Total 42 (\*) 21

(\*) Note :- The remaining 206 Clerks are posted in various platoons all over India @ 1 each or so.

*Jaswant Singh*

Contd ..... /-

ANNEXURE R-3

Srl No Name of the Corps / Command Total Clerical Base No of Clerical Supervisors Held

DETAILS OF DEPLOYMENT

Name of Office

No of Clerks and Clerical Supervisors posted

Clerks Clerical Supervisors (o/s Grade II)

2. HQ Central Command Lucknow 54 4

HQ Central Command 'A' Branch

2

1

HQ Central Command 'Q' Branch

2

1

HQ UP Area Bareilly

2

1

HQ Central Command MISC CELL

6

1

3. AMC Centre and School Lucknow

208

3

Postal Section Centre Headquarters

2

1

E & D SECTION C/O No 1 Tech Trg Bn

6

1

Civilian Section Centre Headquarters

7

1

*Forwards*

*[Signature]*

रजिस्ट्री

\*क वीमा

पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ

क्रमांक/No.

\*Received a Registered Insured

Received NO. 32349 ino 1845/188

Letter/Postcard/Packet/Parcel

पाने वाले का नाम  
Addressed to (name)

Govt of India, Ministry of Defence  
New Delhi

बीमा का मूल्य (रुपयों में)  
Insured for Rspees

वितरण की तिथि/Date of delivery.....19

\*अनाहतरूप को दाट दिया जाए ।

\*Scot out the matter not required.

फिल्टर दिया वस्तुओं के लिए  
For Insured articles only

पाने वाले के हस्ताक्षर/Signature of addressee

27/11

रजिस्ट्री

\*एक बीमा

पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ

क्रमांक/No.

\*Received a Registered Insured

Review No. 32390 in O.S. 95/88  
Letter/Postcard/Packet/Parcel

The J. G. Medical Service (P.S.)

पाने वाले का नाम  
Addressed to (name)

Army HQ, Medical, Director

244 10 1000 3000 - 11

बीमे का मूल्य (रुपयों में)

Insured for Rupees

वितरण की तारीख/Date of delivery..... 19

\*अनादर/हम को काट दिया जाए।

\*Score out the matter not required.

फैमिली एंड वस्तुओं के लिए

For Insured articles only

पाने वाले के हस्ताक्षर/Signature of addressee



IN THE COURT OF ADMINISTRATIVE TRIBUNAL  
LONDON, ENGLAND, LONDON

Ref. CAT/LKC/2011/

3851 70 5854

20/1/93

Dated:

Registration No

Applicant

Pursue

Please take notice that the applicant above named has  
presented an application a copy of ~~petition~~ thereof is  
registered herewith which has been registered in this Tribunal  
on the 16 day of January 1993 show cause as to why the  
petition should be granted. Counter may be filed within 14  
days. Rejoinder, if any, to be filed within 14 weeks  
hereafter.

If, no appearance is made on your behalf, you  
please do by some one duly authorised to Act and plead  
on your behalf in the said application, it will be heard  
and decided in your absence. Given by hand and the seal  
of the Tribunal this 16 day of January 1993

For By Registrar.

Encl.

Copy of petition

CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH, 2-RANA PRATAP MARG, MOTI MAHAL, LUCKNOW.  
\*\*\*\*\*

252  
15-2-99

FORM NO. 9. R.A. 323/90  
ORIGINAL APPLICATION NO. 95/88 OF 1988.

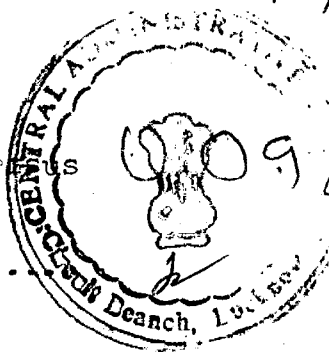
APPLICANT(S)

Jaswant Singh

RESPONDENT(S).

BY ADVOCATE SHRI .....

Verus



BY ADVOCATE/CENTRAL  
GOVT. STANDING COUN-  
SEL/GOVT. PLEADER...

To,

Jaswant Singh S/o Sri Udham Singh R/o  
142 Diamond Dairy Colony, Udaigany,  
Lucknow.

Whereas an application filed by the above named applicant(s) under section 19 of the administrative Tribunal Act, 1985 as in the copy annexed hereunto has been registered and upon preliminary hearing the Tribunal has admitted the application. Sri M. Dubey is stated to have expired you appear in person or engage another Counsel.

Notice is hereby given to you that if you wish to contest the application, you may file, your reply alongwith the documents in support thereof and after serving copy of the same on the applicant or his Legal Practitioner within 30 days of receipt of the notice, before this Tribunal, either in person or through a Legal Practitioner/Representing Officer appointed by you in this behalf. In default, the said application may be heard and decided in an your absence on or after that date without any further notice.

List on 8-3-99.

Issued under my hand and the seal of the Tribunal this the day of ..... 11th February ..... 1999.....

Encl:

BY ORDER OF THE TRIBUNAL  
REGISTRAR

RN)

9/2/99

1/57

Application

Reserved

Central Administrative Tribunal, Allahabad.  
CIRCUIT BENCH, LUCKNOW.  
\*\*\*\*\*

Registration O.A.95 of 1988 (L)

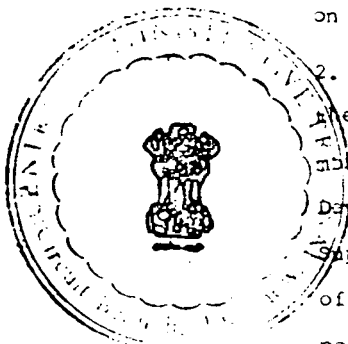
Jaswant Singh ..... Applicant  
Vs.

Union of India and others..... Respondent s.

Hon. D.K.Agrawal, JM  
Hon. P.S.Habeeb Mohammed, JM

(By Hon'ble D.K.Agrawal, JM)

This Application u/s.19 of the Administrative Tribunals Act XIII of 1985 has been filed with a prayer that the Applicant be promoted from the post of Upper Division Clerk to the post of Office Superintendent Gr.II on corps basis.



2. The Applicant has approached us for a direction in the form of a mandamus directing the Respondents to appoint more Office Superintendents Gr.II merely on the ground that Dev Nath Committee recommended the ratio 1:12 for Office Superintendent-Clerks. The Applicant alleges that in view of the strength of the Clerks, there should have been 12 posts of Office Superintendent while the Respondents have appointed 4 only. Therefore, a direction has been sought against the Respondents to create more posts of Office Superintendent. The contention of the Respondents is that the recommendation of Dev Nath Committee has been implemented in the offices where 12 or more Clerks are working. However, they have pleaded that it is not possible to do so in an office or unit where only 2 or 3 Clerks are working.

The Respondents admit that they can create 12 posts of Office Superintendent but their contention is that it is not administratively expedient to do so.

3. We have heard learned counsel for the parties and perused record. We have also noted with concern that the Applicant's position in the order of seniority is at sl.no. 12. No person junior to him has yet been promoted as Office Superintendent. Therefore, the Applicant presumably can have no grievance. We do not consider it proper to give any direction to the Respondents to create more posts of Office Superintendent, notwithstanding, whether they require or not. It is for the Respondents to find out how many posts of Superintendents are needed to supervise the work of the Clerks in an office. The norms have been laid down for creation of the posts of Office Superintendent. The Respondents will take account of it in due course of time according to the administrative exigencies. We are of opinion that it is not the function of the Tribunal to judge if more posts of Office Superintendents should or should not be created. It is for the competent authority to do so. We have also noted that no prejudice has been caused to the Applicant inasmuch as no junior to him has yet been promoted as Office Superintendent. There has been no averment to the effect that the Applicant is being superseded by any junior. Therefore, we do not consider it proper to interfere. We are of opinion that the Application is liable to be dismissed.

4. The Application is accordingly dismissed without any order as to costs.

MEMBER (A)

Dated: 18<sup>th</sup> April, 1990  
kkb

MEMBER (J) 18.4.90

Attested  
True copy

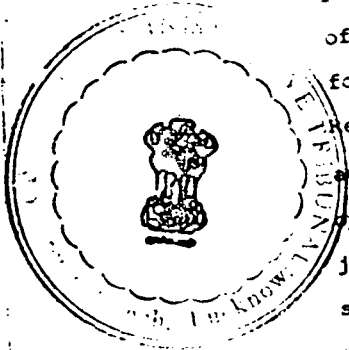
Deputy Registrar

Central Ad

ive Tribunal

Lucknow B. Ach,

LUCKNOW



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH, LUCKNOW

Regarding M.P. No. 201/91/4,  
Review Application no. 323 of 1990

In re-  
O.A. No. 95 of 1988

Decided on 18.4.90

Jaswant Singh

... Applicant

Versus

Union of India & others

... Respondents.

- - - - -

The humble applicant respectfully submits as  
under :-

1. That the applicant has proffered a review application dated May 10, 1990, against the order/judgement dated 18.4.90 passed in JA No. 95 of 1988. The said application has been registered as Review Application no. 323 of 1990.
2. That the aforesaid review application was filed on 10.5.1990 and although more than eleven months have passed, it has not come up for hearing.
3. That the consideration of the review application has already been much delayed and it would be expedient in the interest of justice that it is taken up for consideration at the earliest.

It is, therefore, most respectfully prayed that the review application no. 323 of 1990 in re - JA no. 95 of 1988 decided on 18.4.91, be listed for hearing at the earliest.

LUCKNOW

Dated : 15.4.91

M. Dubeey  
Counsel for Applicant

B. SOLOMON  
ADVOCATE

⑦

Phone: 63864

General Ganj  
Thakurganj  
Hardoi Road  
Lucknow

In the Central Administrative Tribunal at Allahabad  
Circuit Bench, Lucknow. #10  
Rev No 323/90 In O.A. No 95/88.

Jaswant Singh — Applicant

Union of India & others<sup>vs</sup> — Respondents.

In the case above noted it is submitted  
that the Counsel for the applicant is  
lying in bed for the last three days  
due to high blood pressure and he is  
not able to attend this Tribunal  
today also.

The case listed at 5.00 PM may  
kindly be adjourned to some other  
date and oblige.

5.00 PM

Dt. 4/10/94.

B. Solomon  
Adv.

To.

The Secretary  
Lucknow Bench of the  
C - A - T,

Sir

Reg - (1) Contd 1407-92  
Suresh Kumar

(2) Review no 53-93  
Prabhat Kumar

Kindly request the  
Honble Bench to adjourn  
the above noted cases  
as I shall remain out  
of station with personal work.

  
4-10-9  
Counsel for Petitioner

Phone 63864

B. SOLOMON  
ADVOCATE

General Ganj  
Thakurganj  
Hardoi Road  
Lucknow

(5/1) Mr. Bench Secretary,  
C.A.T. Lucknow.

Please request before their  
honourship to adjourn Case listed at  
Sl No 51, as the applicant has  
fractured his leg and oblige.

Sl No. 51?

Dt. 26/5/94.

B. Solomon  
Adv.

Counsel for Applicant.