

Central Administrative tribunal

Lucknow Bench

Cause Title - C.A. 1382/88-1993

Parties - S.S. "Srinivasan" ~~Solicitor~~

vs. R.S.U.S.

V.O.S. ~~other~~

Respondents

Part A.P.C.

Description of Documents

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B1C destroyed on 9-5-12

✓
S.C. (5)

27/1/88
(LKO)

Promotion etc

(A1)

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 1382 of 198

S. S. Srivastava

APPLICANT (s) U.C.I through the Secretary, Min. of Environment

RESPONDENT(s) M.O.I through the Secy. Min. of Environment

+ Forest, New Delhi & 2 others

(Recd by post on 14.12.88)

Particulars to be examined

Endorsement as to result of Examination

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

Particulars to be ExaminedEndorsement as to result of Examination

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

Photo copies filed

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

Y

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

Y

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 ?

Two Cops signed

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

Y

(a) Identical with the original ?

Y

(b) Defective ?

-

(c) Wanting in Annexures

-

Nos...../Pages Nos.?

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

No

14. Are the given addresses, the registered addresses ?

Y

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

Y

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

N/A

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

Y

(a) Concise ?

Y

(b) Under distinct heads ?

Y

(c) Numbered consecutively ?

Y

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

Y

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

No

19. Whether all the remedies have been exhausted.

Y

If approved the Case may be listed

On 21.01.88 at Lucknow as per my

Info

Submitted by

D
31.01.88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT COURT AT LAGHNAW

①

(A3)

O.A./T.A. No. 1382 198 A.C.

S. S. Srivastav

Applicant(s)

Versus

U.D.L

Respondent(s)

Sl. No.	Date	Orders
①	24.1.09	<p><u>O.R.</u></p> <p>This case has been fixed on 10.1.09 from C.A.T. Alldy. So the case has been fixed 24.1.09.</p> <p>No one is present, the case is adjourned to 20.2.09. base O.R.(5)</p> <p><u>R</u></p>
②	<u>20/2/29</u>	<p><u>O.R.</u></p> <p>NO sitting, Adjs to 2/3/29.</p> <p><u>Rem</u></p> <p><u>20/2</u></p>
③	<u>8.3.09</u>	<p><u>D.R.</u></p> <p>counsel for the applicant is present. The case is adjourned to 10/3/09 for admission.</p> <p><u>D.R.</u></p>

(2)

O.A. No. 1382/88

A.D.D.

(b)

Hon'ble Justice K. Nath, V.C.
Hon'ble K. J. Ramam, A.M.

5-7-89

The learned counsel for respondents 2 and 3 filed an application received from the Chief Conservator of Forests seeking for one month's time to file counter reply. The request is allowed. The applicant may file rejoinder within two weeks.

~~9.1.89~~ ~~2nd week of Aug 1989~~

list this case for final hearing on

30-8-89.

KMR

A.M.

Dr

V.C.

OR

As directed by the Court's order no reply has filed by the re

submitted for

29/9

(SNS)

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

30/8/89

Smti N. P. Srivastava makes appearance on behalf of opposite parties No. 2 & 3, requests for and is allowed one month's time to file Counter. List for orders on 11/10/89.

Dr
V.C.

OR

No reply filed
submitted to
order.

L
5/10

100

(10)

11-10-89

No Sitting Adj. to 29.11.89
Both the counsel are present.

(9)

29-11-89

No Sitting Adj. to 9.2.90.
Both the counsel are present.

L
29/11/89

(P)

Hon. Mr. D. K. Agrawal, J.M.
Hon. Mr. K. Bhagya, A.M.

(3)

O.A B 82/88

(A.S.)

Misc. Petition No. 531/90 filed on behalf of respondents 2 & 3 for admitting the Counter. The facts are that the case was filed on January 29. Despite several opportunities counter affidavit was not filed by respondents 2 & 3, neither the Counter is being filed with this petition to condone delay in filing the same. In the interest of justice, we allow this petition - take the Counter on record subject to payment of Rs. 200/- as costs. Let responses be filed within 5 weeks list for hearing on 29-10-90.

OR
Date fixed 22-8-90
OR
22-8-90

22-8-90
OR
29-10-90
OR
29-10-90

9-11-90 Hon. Mr. M. Y. Prakhar, A.M.
Hon. Mr. D. K. Agrawal, J.M.

None for the applicant.

The case is to be listed for hearing on 1-1-91. M.P. 617/90 later up & considered. The learned counsel for the respondents is directed to get these documents ready for presentation to the Tribunal. In case any privilege is claimed, the application with affidavit should be ready on the date before us with a copy to other party.

OR
OR

As per D.R. order dt. 4-8-90, the date is fixed on 22-8-90 for summoning of record. &

RA also filed
Date is already fixed on 29-8-90
F. O.

12/10/90

OR

4c for the applicant has filed M.P. No. 617/90 for summoning of record & also filed R.A.

S. F.O.

1
4-11-90

OR
J.M.

OR

(10)

(9)

1.302.000

A.6

20.5.1991

Hon'ble Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. A.B. Gorathi, A.M.

Adjournment made ^{by} the counsel for the respondents
on the ground of illness. ^{Alarmed} List this case for hearing on 3.9.
1991.

J
A.M.

1/2
V.C.

(ss)

3.9.91

Hon'ble Mr. D.K. Agarwal, J.M.
Hon'ble Mr. K. Rayas, P.M.

On the request of counsel
for respondent, case is adjourned
to 8.11.91 for hearing.

J
W.M.

1/2
J.M.

8-11-91

Hon'ble Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. A.B. Gorathi A.M.

The counsel for the respondents is
directed to bring all the records
mentioned in the application on the
date of hearing.

List this case on 12-12-91 for hearing

J
A.M.

1/2
V.P.

12.12.91

Due to Sad demise of Dr.
B.D. Chaudhary, I.C. member
by Dr. O.P. Joshi T.G. 92
P.S.

A.M.

17.11.92

04 1382/88-
Alld

A.1

Deputy Mr. Justice V.C. Savarkar, V.C
Deputy Mr. K. Obayya, A.M.

Sri. R.C. Balpuri learned
Counsel for applicant & Mr. N.P.
Savarkar learned Counsel for respondent
is present.

Argonants heard. Discrep-

referred.

R
Dm

lv
vc

15-3-93

Deputy Mr. Justice V.C. Savarkar, V.C
Deputy Mr. K. Obayya, A.M.

Discrepant found: Way in
the open Court.

R
Dm

lv
vc

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

A.D.

T.A. NO. 1382/08 199. (L)

T.A. NO. 199. (TL)

Date of Deception 15.3.03

U.C. Srivastava Petitioner.

Advocate for the Petitioner(s)

VERSUS

Union of India & Others Respondent.

Advocate for the Respondents.

C O R A

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

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

1. Whether Reporter of local papers may be allowed to see the Judgment ?
2. To be referred to the reporter or not ?
3. Whether their Lord Ships wish to see the fair copy of the Judgement ?
4. Whether to be circulated to other benches ?

Vice-Chairman / Member

15/3/03

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 1382 of 1988

Versus

Union of India & Others Respondents

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

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

(By Hon'ble Mr. K. Obayya, Member (A))

The applicant who retired from the post of Chief Conservator of Forests in U.P. State Government on 30.6.86 has approached the tribunal praying that he be deemed to have been promoted to the post of Additional Chief Conservator of Forests w.e.f. 15.2.82 and Chief Conservator of Forests w.e.f. 29.11.83 and Principal Chief Conservator of Forests w.e.f. 1.7.85 and all the consequential benefits of salary and retiral benefits be Paid to him with interest @ 18% on the outstanding amounts.

2. According to the applicant, he was wrongly denied his due promotion on the above noted dates, when his juniors whom he has named were promoted. Feeling aggrieved, he sought legal remedy and filed W.P.732/82 in Lucknow Bench of Allahabad High Court, which was decided on 9.5.84. The petition was allowed and respondents were directed to re-consider the case of the applicant and if as a result of re-consideration, he is promoted, he will be entitled to seniority and all other consequential benefits. But in spite of the above decision, he was promoted on 30.1.85 as Additional Chief Conservator and on 30.7.85 as Chief Conservator of Forests, but not on the due dates and he was never promoted as Principal Chief Conservator of Forests. He has moved a memorial to the President for

Contd., 2/-

(A10)

:: 2 ::

granting him the benefits of seniority and promotion in accordance with the directions of the High Court. The memorial was rejected vide order dated 14.12.87 with a direction to the State Government that in the matter of consequential benefits the State government should take action in terms to the judgement given by the Hon'ble High Court. The plea of the applicant is that he was due for promotion from the date of ^{promotion of} his juniors and that he should be deemed to have been promoted on those posts and all the consequential benefits of pay and retiral benefits be given to him.

3. The respondents have opposed the case and it is pointed out that in compliance of the judgement of the High Court, the case of the applicant was considered by the D.P.C. which met on 4.8.84, but the applicant was not found fit for promotion, consequently, he could not be promoted as ~~Additional~~ Conservator. However, his case was again considered in the next selection, held on 15.1.85 and the D.P.C. found him fit and recommended his case, which was accepted and the applicant was promoted as Additional Conservator of Forestes. Thereafter, the applicant was also promoted as C.C.F. on 31.7.85. In the circumstances, the payment of consequential benefits does not arise.

4. In the rejoinder-affidavit, the applicant has again re-iterated his case and wondered how if he was found unfit on 4.8.84, he should be found fit on 18.1.85 and this was done only to deny the consequential benefits to the applicant.

5. We have heard the learned counsel for the parties. The applicant has already agitated the matter relating to his promotion, and his petition was allowed

b

Contd..3/-

:: 3 ::

by the High Court with certain observations. It was there after his case was reconsidered by the D.P.C. and promotions were given though not on the due dates as claimed by him. While allowing the W.P., the High Court placing reliance on the decision of the Supreme Court in Amarkant Chaudhary Vs. State of Bihar(1984(1) S.C.C. 694) directed as follows :-

"We do not thus find any justification for quashing the promotion of the officers junior to the petitioner. Of course, if as a result of reconsideration the petitioner is ultimately promoted he shall be entitled to his seniority and all other consequential benefits flowing therefrom, as was directed in Amar Kant Chaudhary's case(Supra)."

In the case of Amar Kant Choudhary(Supra) similar issue was before the Supreme Court and it was observed :-

"The selection committee has now to reconsider the case of the appellant. If on such reconsideration the appellant is selected he shall be entitled to the seniority and all other consequential benefits flowing therefrom. We issue a direction to the respondents to reconsider the case of the appellant as stated above."

6. From the above decisions what follows is that the applicants' case should be reconsidered and if found fit he should be promoted and thereafter, the consequential benefits of seniority, salary etc. will flow. In other words, the seniority question and other consequential benefits are linked to the promotion. In this case, the applicants' case was reconsidered by the D.P.C. and he was not found fit. Hence, the respondents contended that

AN

4.4.4

the seniority and grant of consequential benefits does not arise. It was later on in the next selection, the applicant was found fit and he was promoted as Additional Conservator of Forests and he was also given promotion as Chief Conservator of Forests. In these circumstances, we do not find any ground made out for interference as consequential benefits cannot be claimed unless the main relief itself is not granted. Reference may be made to the case of Dalpat Appa Saheb Solanki Vs. V.S. Mahajan (A I R 1990 S.C. page 434), wherein Supreme Court observed that:-

"It is not the function of the Court to hear an appeal over the decision of the selection committee and to scrutinize the relative merit of the candidate. The decision of the Selection committee can be interfered with only on limited ground as such illegalities or patent material irregularities in the circumstances of the committee or its procedure vitiating the selection or proved malafides."

7. The applicant has not come up with any allegation or illegality in the constitution of D.P.C.; and the selection being the work of an expert committee, the tribunal cannot reassess the merits or demerits of the applicant or other candidates. It is possible that a rejected candidate may get approval later on by a subsequent D.P.C., for what matters is the relative merits of candidates to be considered. A candidate who was not selected because of grading as "good in a previous selection, may get selected in the next selection as all others also being good. Seniority is only peripheral in merit selections.

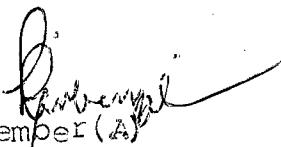
Contd..5/-

8

AB
:: 5 ::

where all the candidates are of equal merit seniority comes into play. These are all settled matters, we need not deal further on this.

8. For these reasons, we consider that the application is devoid of merit and accordingly it is dismissed. No order as to costs.


Member (A)


Vice-Chairman

Lucknow Dated: 15.3.1993.

(RKA)

M.P. No. 531/90

R.B.C.

Before the Central Administrative Tribunal Allahabad,

Circuit Bench Lucknow.

M.P. No. 531/90

Registration No. 1382/88

S. S. Srivastava Applicant
V/S.

Union of India & Others Opposite parties.

Application for condonation of delay

My lords,

In view of the facts and circumstances mentioned in the enclosed Affidavit the delay in submission of the Counter Affidavit may kindly be condoned.

Dated-27/ 28-8-90.

M.S.
(N.P. Srivastava)

Special Counsel.

*Filed today
28/8*

X62

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
LUCKNOW.

Registration No. 1382/88

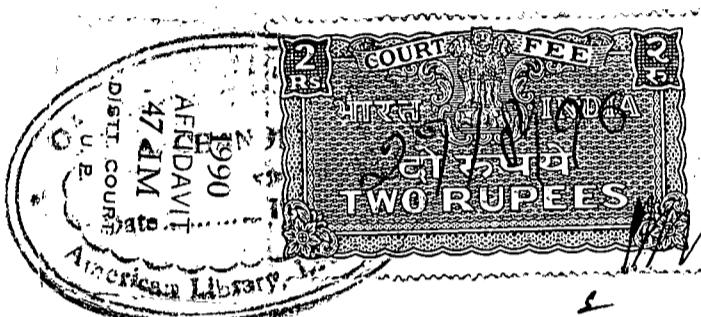
S. S. SRIVASTAVA

APPLICANT.

V/S.

UNION OF INDIA & OTHERS . . .

RESPONDENTS.



Fixed for 28.8.90.

Counter Affidavit on behalf of Respondent No. . . .

I, Ram Praveh h. Tiwari aged
s/o Parameshwar Tiwari working as Deputy Conservator of Forests, U.P. Lucknow

solemnly affirm and state on oath as under :-



1. The contents of paras 6.1 to 6.3 of the application are admitted.

2. That the contents of para 6.4 do not call for any comment. It may however be submitted that the merit with due regard to seniority is not the critaria for confirmation.

3. That as regards contents para 6.5 of the application the allegations of unfair and foul practices to stop & postpone the promotions of the applicant are altogether false and hence vehemently denied.

Gov

A68

4. That in reply to para 6.6 of the application it is denied that the applicant was wrongly superceeded on false and fictitious grounds. As stated in para-2 of this affidavit the criteria for promotion is merit with due regard to seniority. His juniors have better career records and were duly selected by the D.P.C.

5. That the contents of para 6.7 of the application are admitted.

6. In reply to para 6.8 of the application it is stated that the allegation made in this para regarding illegal promotion of the juniors are denied. They were duly selected by the D.P.C.

7. That the contents of paras 6.9 to 6.11 of the application are admitted.

8. That in reply to para 6.12 of the application it is stated that the case of the applicant was re-considered in compliance of judgement of Hon'ble High Court by the D.P.C. on 4.8.84 and the applicant was not found fit for promotion.

9. That in reply to para 6.13 of the application it is stated that contents of this para do not call for any comment.

60

10. That in reply to para 6.14 of the application it is stated that the case of applicant came up before D.P.C. in subsequent selection held on 15.1.1985 for selection to the post of Addl. Chief Conservator of ~~For~~ Forests. The selection committee considered the case of applicant afresh and found him fit for promotion. Since he was not promoted to the post of Addl. Chief Conservator of Forests as a result of selection held under the direction of Hon'ble High Court the question of consequential benefit does not arise.

11. That in reply to para 6.15 of the application it is stated that Sri D.N. Lohani was promoted to the post of Principal Chief Conservator of Forests as he was holding the post of Chief Conservator of Forests. Post which was higher ~~taken~~ ^{than} the post of Addl. Chief Conservator of Forests held by the applicant. However after promotion of Sri Lohani as Principal Chief Conservator of Forests. The applicant was promoted as Chief Conservator of Forest on 31.7.85 in the resultant vacancy.



12. That in view of the replies to para 6.14 and 6.15 of the application given in para-10 and 11 of the affidavit the averments in the para 6 of the application are vehemently denied. The orders of the Hon'ble High Court have been fully complied with in three months as required. The question of consequential benefit does not arise.

13. That in reply to para 6.17 of the application it is stated that the case of the applicant was considered by the D.P. C. under the direction of Hon'ble Court but the applicant was not found fit for promotion. The question of consequential benefit does not arise as stated in preceding paras.

14. That in reply to para 6.18 of the application it is stated that according to the direction of the Hon'ble High Court the case of the applicant was reconsidered and he was found unfit for promotion. So, the question of consequential benefit does not arise. Since the order of the Hon'ble High Court has already been complied with, the Govt. of India's letter referred to in this para did not call for any action.

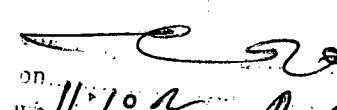
That the applicant is not entitled to any of the reliefs sought and the grounds on the basis of which the relief have been sought have no legs to stand upon.

15. That the Counter Affidavit could not be filed in time because old records had to be consulted and law deptt. opinion had to be obtained.


Dependent

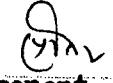
VERIFICATION

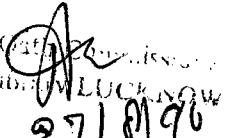
I, dependent named above, to hereby verify that the contents of paras 1 to 15 of the affidavit are true and correct on the basis of record and legal advise and that I have not suppressed any material fact,


on 27/8/96 at 475M
in Lucknow, Dated. 27/8/96


Dependent

on 27/8/96 at 475M
in Lucknow, Dated. 27/8/96
I have seen the affidavit of the dependent named above
this day of August 1996. The dependent - Mr. R.P. Tewari is personally
known to me and he has signed in my presence.
Exhibit No. 1
For Plaintiff - P.C.


Nirav Patel
(M.P. Patel)
Advocate


At the office of the
Advocate Patel, LUCKNOW
27/8/96

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

Case no OA no 1382/88



1990
AFFIDAVIT
39 IM
DISTT. COURT
LUCKNOW

S.S.Srivastava

.. Applicant

Versus

Union of India & others.

.. Respondents.

Fixed for 29.10.1990 for F.H.

REJOINDER AFFIDAVIT ON BEHALF OF APPLICANT, S.S.SRI

I, S.S.Srivastava, Chief Conservator of Forest (Retired), aged about 62 years S/o Late Sri R.S.Sri resident of House No.B-991(First floor)Sector 'A'Mallana, Lucknow do hereby solemnly affirm and state as under :

1. That the deponent is applicant in the present case and is fully conversant and acquainted with the facts deposed to hereunder :
2. That several opportunities were given to the respondents for filing Counter affidavit/written statement but the same was not filed and ultimately on 20.3.90 Hon'ble Central Administrative Tribunal ordered that Counter affidavit if ready may be filed within 6 weeks and the case was ordered to be listed for ex-parte final hearing on 28.8.90.
3. That no counter affidavit was filed as ordered in the foregoing paragraph, however, on 28.8.90 when the

filed today
S.S.R
4/10/90

20/8/90

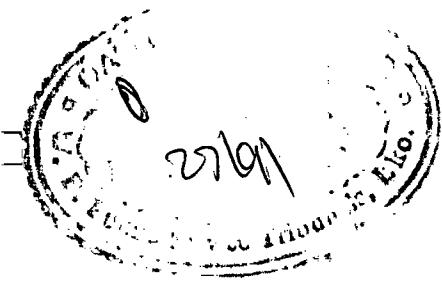
Srivastava

case was taken up counter affidavit dated 27.8.90 was submitted in the Court with an application dated 27/28.8.90 for condonation of delay, and the same was allowed on payment of Rs.200/-as costs and the deponent was directed to file Rejoinder affidavit within five(5) weeks.

4. That on scrutiny following discrepancies have been noticed in the counter affidavit dated 27.8.90;

- (a) that the counter affidavit has been deposed to, signed and verified by one Sri Ram Prawesh Tiwari working as Deputy Conservator of Forests, U.P. in the office of Principal Chief Conservator of Forests, U.P. Lucknow without mentioning as to on behalf of which of the 3 respondents he has filed the counter affidavit;
- (b) that no authority from any respondent/respondents in writing has been furnished as provided in Rule 12(2) of Central Administrative Tribunal Rules, 1987;
- (c) that no documents relied upon have been filed;
- (d) that verification of counter affidavit has not been done as required in Order vi, Rule 15 of the Code of Civil Procedure, 1908(5 of 1908) in as much as that it has not been specified as to which of the paras the deponent has verified on the basis of records and which ones on legal advice.

5. That respondent/respondents on whose behalf counter affidavit has not been filed, now may not be allowed to file the same as several opportunities have already been afforded.

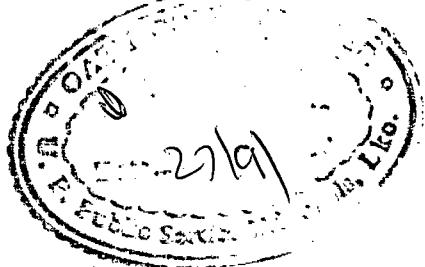


S. D. Goswami



-3-

6. That no comments have been offered on paras 1 to 5 of the application as such there is no necessity of any reply with respect to these paras.
7. That the contents of paras 6(i) to 6(iii) of the application have been admitted in para 1 of counter affidavit, hence there is no necessity of any further reply.
8. That the contents of paras 6 (iv) have not been commented upon except the clarification " Merit with ~~the~~ due regard to seniority" is not the criteria for confirmation. The deponent quite agrees to the interpretation.
9. That the contents of para 3 of counter affidavit are denied and those of paras 6(v) of the application are re-iterated. It is further stated that the facts given by the deponent in paras 6(vi) to 6(xviii) of the application would speak for themselves.
10. That the contents of para 4 of the counter affidavit are denied and those of para 6(vi) of the applicant are reiterated. It is, ~~therefore~~, however, stated that the Hon'ble High Court in the judgement 9.5.84 (Annexure A-10) have dwelt at length that the consideration made by D.P.C. stood vitiated on account of variety of reasons. The D.P.C's decision was based upon consideration of irrelevant material. The deponent had better career record as compared to the records of his juniors who were selected by wrongly superceding the deponent.



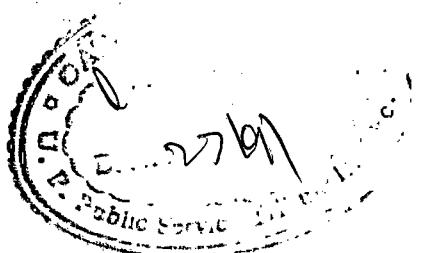
S. S. Sivaram

11. That there is no necessity of giving any reply of para 5 of the counter affidavit as the contents of para 6(vii) have been admitted.

12. That the contents of para 6 of the counter affidavit are denied and those of para 6(viii) of the application are re-iterated. It is further stated that the Hon'ble High Court in their judgement dated 9.5.84 (Annexure A-10) have held that the supercession of the deponent for the post of Addl. Chief Conservator of Forests by the Departmental Promotion Committee held on 3.2.82 and 5.4.82 was illegal, as such it automatically follows that the promotion of deponent juniors against the three(3) existing vacancies as per decisions of the Departmental Promotion Committee held on 3.2.82 and 5.4.82 was patently unjust and illegal, however, as per interim order dated 20.7.83 of the Hon'ble High Court the promotion to the posts of Chief Conservator of Forests was subject to the result of the Writ petition.

13. That there is no necessity to give any reply to the contents of para 7 of the counter affidavit as in this para contents of para 6(ix) to 6(xi) of the application have been admitted.

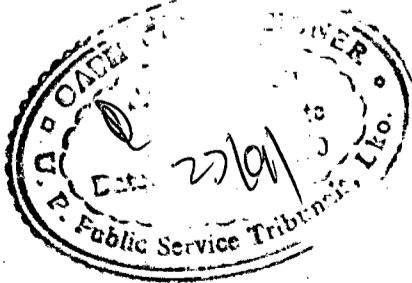
14. That the contents of para 8 of the counter affidavit are denied and it is further stated that the respondents have stated for the first time that the case of the deponent was reconsidered by Departmental promotion Committee on 4.8.84 in compliance of the directions given by the Hon'ble Court ^{and} that the deponent was not found fit for promotion. The respondents are called upon to prove strictly that the case



S. D. Basu

of the deponent was reconsidered on 4.8.84. As a matter of fact the respondent No.2 should have intimated the deponent soon after 4.7.84 the ground/ grounds on which the deponent was not found fit for promotion inspite of clear and emphatic directions of the Hon'ble High Court. It is also pertinent to state that respondent No.2 viz the State Govt. of U.P. have informed respondent No.1 that in compliance of judgement of the Hon'ble High Court, the case of deponent was reconsidered and he was promoted as Addl. Chief Conservator of Forests, w.e.f. 31.1.85 and as a Chief Conservator of Forests subsequently (para (iii) of Annexure A-1 of the application).

15. That no comments have been offered regarding the contents of para 6(xiii) of the application, as such there is no necessity of any further reply to para 9 of the counter affidavit.
16. That the contents of para 10 of ^{the} counter affidavit are denied as stated and the contents of para 6(xiv) of the application are re-iterated and it is further stated that Departmental Promotion Committee in the selection held on 15.1.85 found the deponent fit and he was promoted as Addl. Chief Conservator of Forests but the same promotion was denied to the deponent by the Departmental Promotion Committee which is alleged to have met on 4.8.84. It is not understood as to what spectacular developments occurred during these 5 months that the same D.P.C. found the deponent suitable for promotion and the deponent was promoted as Addl. Chief Conservator of Forests. Evidently it has been done with a view to deny consequential benefits to the deponent



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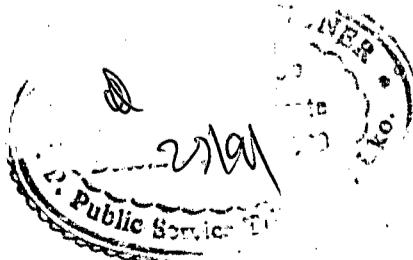
to which he would have certainly been entitled had he been selected and promoted as a result of the meeting of the Departmental Promotion Committee held on 4.8.84.

17. That the contents of para 11 of the counter affidavit are denied and those of para 6(xv) of the application are reiterated. It is further submitted that to the best information and belief of the deponent Departmental Promotion Committee met ~~sankhi~~ sometimes in March/April, 1985 to make selections for the posts of Chief Conservator of Forests which were likely to fall vacant in the near future and that of Principal Chief Conservator of Forests which was getting vacant on 1.7.85 on the retirement of Sri D.N.Misra the then Principal Chief Conservator of Forests. It is, pertinent to mention that in this very meeting the Departmental Promotion Committee selected the deponent as Chief Conservator of Forests and also considered him for the post of Principal Chief Conservator of Forests but on faulty assessment of the deponent's entries in the character roll chose to select Sri D.N.Lohani in preference to the deponent though Departmental Promotion Committee also agreed that the deponent was much more senior than Sri D.N.Lohani. The first vacancy of Chief Conservator of Forests occurred on 30.4.85 when Sri S.S.Raturi Chief Conservator of Forests(Hills) retired and the subsequent vacancy of Chief Conservator of Forests occurred on 1.7.85 when Sri D.N.Misra Chief Conservator of Forests (Social Forestry) was promoted as Principal Chief Conservator of Forests, vide Annexure A-13 of the application. In all fairness the deponent should have been appointed as

Subbaiah

Chief Conservator of Forests on 30.4.85. On the retirement of Sri S.S.Raturi but his promotion order was deliberately withheld and was issued on 31.7.85 after Sri D.N.Lohani had already taken over as Principal Chief Conservator of Forests. On 1.7.85 as would be clear from Annexure A-14 of the application. This was done with the deliberate design so that the deponent may not challenge the selection of Sri D.N. Lohani as Principal Chief Conservator of Forests. It is incorrect to state that deponent was promoted as Chief Conservator of Forests on 31.7.85 in the resultant vacancy of Sri D.N.Lohani.

18. That the Contents of para 12 of the Counter affidavit are denied those of para 6(xvi) are reiterated. The points raised in this para have already been explained in detail in paras 16 & 17 above.
19. That the contents of para 13 of the counter affidavit are denied and those of para 6(xvii) are reiterated and it is further stated that a perusal of the contents of paras 8 & 10 of the counter affidavit shall reveal that whereas the applicant was not found fit for promotion by the Departmental Promotion Committee held on 4.8.84 the same Departmental Promotion Committee held after a small interval of 5 months on 15.1.85 found the applicant fit for promotion. It would thus be clear that the deponent was denied promotion by the Departmental Promotion Committee held on 4.8.84 only with the intention of circumventing the letter and spirit of the orders of the Hon'ble High Court in order to deny the deponent the benefits of timely promotion and consequential benefits flowing therefrom as has been submitted in detail in foregoing paras 14, 16 & 17.



S. Sivashan

of this Rejoinder affidavit.

20. That the contents of para 14 of the counter affidavit are emphatically denied and it is further stated that as intimated to Govt. of India (Respondent No.1) by the U.P. Govt. reconsideration of the claim of the deponent was certainly done as per directions of the Hon'ble High Court as a consequence thereof the deponent was promoted from 31.1.85 as Addl. Chief Conservator of Forests and subsequently as Chief Conservator of Forests. In view of this fact it was necessary and imperative that the deponent should have been allowed consequential benefits and under the circumstances Govt. of India. Opposite party No.1 have rightly issued the directions, But now the Govt. of U.P. has revealed that some consideration was done on 4.8.84 & Departmental Promotion Committee did not find the deponent fit for promotion at that point of time but subsequently the deponent was promoted on 31.1.85. It is not understood how the same Departmental Promotion Committee found the deponent fit for promotion within a short period of about 5 months.

21. That no reply has been given of the contents of para 7 & 8 of the application.

22. That in reply to the contents of para 9 of the application regarding relief sought and the grounds it has been stated by the respondents in sub-para of para 14 that these have no legs to stand upon, in reply thereof it is stated that the relief sought are absolutely just and proper and these should be allowed; there is no necessity for giving any reply with respect to the grounds which are

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27/10/1990

absolutely sound, legal and proper and it is incorrect to say that these have no legs to stand upon.

S. Grodolan

Deponent.

Place: Lucknow

Dated Sept. 27, 1990.

I identify the deponent who has signed before me.

R. B. Singh

R. B. SINGH, M.A.

C1077-78, SECTOR 'B'

VERIFICATION.

Mahanagar, Lucknow-226009

I, the above named deponent do hereby verify that the contents of paras 1, 3, 5, 6, to 9, 11, 13, 15 and 17 to 19 are true to my personal knowledge and those of paras 2, 4, 10, 12, 14, 16 and 20 are believed by me to be true on the basis of records and the contents of paras 22 are believed by me to be true on the basis of legal advice; nothing material has been concealed and nothing is wrong; so help me God.

Verified this the 27th day of Sept. 1990
in the premises of U.P. Public Services Tribunal Jawahar
Bhawan, Lucknow.

S. Grodolan

Deponent.

Dated: Lucknow

Sept. 27, 1990.

R. B. Singh

R. B. SINGH, Advocate

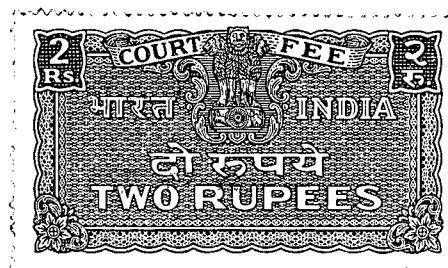
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Mahanagar, Lucknow-226009

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.



Case OA no 1382/88

S.S.Srivastava

.. Applicant.

Versus

Union of India & Others.

.. Respondents.

APPLICATION FOR SUMMONING OF RECORDS.

In view of the pleadings on the record of the file it has become necessary and imperative that Government of Uttar Pradesh (Respondent No.2) may be directed to produce the undermentioned records before the Hon'ble Central Administrative Tribunal in the interest of justice.

(1) Proceedings of the Departmental promotion Committee held on 4.8.1984 in which it is alleged that the applicant's case for promotion was reconsidered as per directions of the Hon'ble High Court, Lucknow Bench, Lucknow.

(2) Proceedings of the Departmental Promotion Committee held on 15.1.85 in which the applicant was approved for promotion for the post of Addl. Chief Conservator of Forests.

(3) Proceedings of the Departmental Promotion Committee held in March/April, 1985 in which the applicant was approved for promotion for the post of Chief Conservator of Forests.

(4) Confidential Roll/Character roll of Sri S.S. Srivastava, the applicant;

Filed today
S.S.S.
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S.S.Srivastava

(5) Confidential roll /character roll of Sri Prahlad Narain Gupta, Retired Chief Conservator of Forests;

(6) Confidential roll /character roll of the Sri Mathura Datt Upadhyaya, Retired Chief Conservator of Forests;

(7) Confidential Roll /Character roll of Sri Deoki Nandan Lohani Retired Principal Chief Conservator of Forests.

Place : LUCKNOW

Dated: Sept. 25, 1990.

R.B. Singh
Applicant.

Through : R.B.Singh, Advocate

R.B. Singh
R. B. SINGH, Advocate
C1077-78, SECTOR 'B'
Vishnugar, Lucknow-226009

In the Central Administrative Tribunal.

Circuit Bench, Lucknow.

(A.M)

Between.

S.S.Srivastava

.. Applicant.

and

Union of India & others.

.. Respondents.

I N D E X

Sl. no.	Particulars	Annex. No.	Page No.
1.	Petition.		1-17
2.	Photostat copy of Govt. of India's order No.28018/7/84. IFS-I dated 14.12.87 rejecting petitioner's prayer for promotion.	A-1	18-19
3.	Photostat copy of letter No.16/P.C. dated 22.3.88 of the petitioner for consequential benefits.	A-2	20-22
4.	Photostat copy of Notification No.6544/14-1-30(iv)/1977 dated 8.7.1978 regarding confirmation in Selection Grade of I.F.S.	A-3	23
5.	Photostat copy of Notification No.297/14-1-79 regarding confirmation as Conservator of Forests.	A-4	24
6.	Photostat copy of seniority list of I.F.S. Officers of U.P. as on 30.6.81.	A-5	25
7.	Photostat copy of G.O. No.1397/14-1-82-9/82 dated 15.2.82 promoting Juniors as Addl. Chief Conservator of Forests.	A-6	26
8.	Photostat copy of office order No.2659/14-1-82 dated 12.4.82 regarding promotion of Sri D.N.K Lohani as Addl. Chief Conservator of Forests.	A-7	27-28
9.	Photostat copy of office order No.E-1956/3-2-1/17-B dated 29.11.88 regarding appointment of Sri P.N.Gupta as C.C.F.	A-8	29-30

10- Photostat copy of order dated 27.3.84 regarding appointment of Sri M.D.Upadhyaya as Chief Conservator of Forests. A-9 31

11. Photostat copy of judgement dated 9.5.84 in Writ petition No.732 of 1982. A-10 32-46

12. Photostat copy of order No.2285/ FS/84 dated 7.8.84 regarding promotion of juniors as Addl. CCF and Sri D.N.Lohani as C.C.F. A-11 47

13. Photostat copy of order No.383/14-I-85-9/83 dated 30.8.85 regarding promotion of petitioner as Addl. Chief Conservator of Forests. A-12 48

14- Photostat copy of order dated 1.7.85 promoting Sri D.N.Lohani as Principal Chief Conservator of Forests. A-13 49

15. Photostat copy of order No.710/ TC-3-2-1 dated 31.7.85 regarding promotion of the applicant as Chief Conservator of Forests. A-14 50

16- Power. 51

OC
Petitioner.

Dec. 2, 1988.

Dated: ~~Nov.~~, 1988.
Lucknow

Attest
R. B. Singh
R. B. SINGH, Advocate
C1077-H, SECTOR 3
Loknayak Jai Prakash Marg
Lucknow - 226 001

In the Central Administrative Tribunal,
Circuit Bench, Lucknow.

Between

S.S.Srivastava

..Applicant.

and

1. Union of India, through the Secretary to Govt. of India, Ministry of Environment and Forests, Deptt. of Environment, Forests & Wild Life, C.G.O. Complex, Lodhi Estate, New Delhi.
2. Government of Uttar Pradesh, through the Chief Secretary, to Govt. U.P., Lucknow.
3. Secretary to U.P. Government, Forests Deptt., Civil Secretariat, Lucknow.

..Respondents.

DETAILS OF APPLICATION :

1. Particulars of the applicant :

- Name of the applicant : S.S.Srivastava
- Name of Father. : Late Sri R.S.Srivastava
- Age of applicant : 60 years.
- Designation and particulars of office in which was last employed before ceasing to be in service. : Was employed and held the office of the Chief Conservator of Forests, U.P. till 30.6.86 when he retired on attaining the age of superannuation of 58 years.
- Office address . : Nil
- Address for service of notices. : B-991, Sec. 'A' (1st Floor) Mahanagar, Lucknow-6.

2. Particulars of Respondent:

- Name and/or designation of the respondent. : As above

ii) Office address of the respondent As above. 

iii) Address for service of all notices As above.

3. Particulars of the Order against which the application is made :

The application is against the following order: Order of Govt. of India, Min. of Environment and Forests, issued vide their letter No. 28018/7/84-IFS-I dated 14.12.87 copies of which have been endorsed to the applicant and Chief Secretary to Govt. of Uttar Pradesh, Lucknow, U.P. (Annex-A-1).

The applicant after waiting for a few months sent letter No. 15/PC dated 22.3.88 requesting the State Govt. of U.P. for allowing consequential benefits strictly in terms of the Judgement and order dated 9.5.84 passed by the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow in writ petition No. 732 of 1982 (Annex-A-2).

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 Hon'ble Central Administrative Tribunal.

5. Limitation :

The applicant further declares that the application is within the limitation prescribed in section 21 of the Administrative Tribunal Act, 1985 (Act. No. 13) of 1985.

5- Facts of the case are given below:

i) The applicant took charge as Ass'tt. Conservator of Forests on 1.4.50 in the Superior Forest Service of the U.P. Govt. after having been duly selected for appointment as such and having undergone the prescribed training for the post.

ii) That on 7.11.52 the applicant was promoted to the post of Dy. Conservator of Forests.

iii) That on 1.10.66 the Indian Forests Service was created and the applicant was selected and appointed to that service with effect from 1.10.66 in Senior Scale of the I.F.S. (initial recruitment) on the post of Dy. Conservator of Forests and was confirmed as such w.e.f. 1.10.67.

iv) That according to sub-Rule (3) of Rule 3 of the Indian Forests (Pay) Rule, 1968 criteria for promotion to Selection grade and other higher ranks is "Merit with due regard to seniority". On the basis of this criteria the applicant has earned the following promotions and confirmation over and above his immediate juniors/ Saryasri P.N. Gupta, M.D. Upadhyaya and others as per orders listed below:

(a) confirmation in the selection grade of IFS vide notification No. 6544/14-I-30(10)/1977 dated 8.7.1978 (Annexure A-3).

(b) Confirmation as Conservator of Forests vide notification No. 297/14-I-79-30(9)/77(TC) dated Aug. 22, 1979 (Annexure A-4).

v) That a perusal of the seniority list of I.F.S. Officers of U.P. Cadre as it stood on 30.6.81

(Annexure A-5) would reveal that the applicant was the youngest officer in age not only in his batch (year of allotment 1954) but also amongst officers of the next junior batch (year of allotment 1956). Thus in due course of time the petitioner had every chance of rising to the highest post in the Forest Department of U.P. and remain there while a number of officers of 1954 and 1956 years of allotment would have attained their age of superannuation and retired from service. These prospects of the applicant became an eye sore to several officers junior to the petitioner and the result was that unfair and foul practices were adopted to somehow postpone or stop altogether the promotion of the applicant to the higher posts.

vi) That the next promotion to the post of Addl. Chief Conservator of Forests to the applicant became due in June, 1981 when a new post of Addl. Chief Conservator of Forest (Wild Life) was created. At that time the applicant was the senior most Conservator of Forests in U.P. Later on a clear post of Addl. Chief Conservator of Forest fell vacant in Aug. 1981 on the retirement of Sri P.C. Chatterji. Departmental Selection Committee was held on 3.2.82 and the applicant was wrongly superseded on false and fictitious grounds. His juniors were selected and promoted to the Wild discrimination of the applicant. In this manner high handedness and gross injustice was done to the applicant and his two immediate juniors S/sri P.N. Gupta, and W.D. Upadhyay were promoted as Addl. Chief Conservator of Forests in the two

-2-

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- vacancies vide G.O.No.1397/14-1-82-9/82 dated 15.2.82 (Annexure A-6) . The applicant having no other alternative filed writ petition No.732/82 on 15.2.82 in the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow.

vii) That during the pendency of the writ petition filed by the applicant another meeting of the Departmental Selection Committee was held on 5.4.82 but the applicant was once again superseded and his yet another junior Sri D.N.Lohani was promoted as Addl.Chief Conservator of Forests on 12.4.82(Annexure A-7) .

viii) That the writ petition remained pending for decision for over two years. During this period some new posts of Chief Conservator of Forests were created and the juniors of the applicant who had been illegally promoted as Addl.Chief Conservator of Forests were likely to get promoted as Chief Conservator of Forests. The applicant put up an application in the Hon'ble High Court and considering the same the Hon'ble High Court issued the following interim order on 20.7.83 :

" It appears that hearing of the case had to be postponed on the request for adjournment made on behalf of the Advocate General. It is unfortunate that adjournment had to be sought in respect of this partially heard case. The interest of S/Sri S.S.Srivastava will be adequately safeguarded if it is provided that

(91)

if any promotion is made to the post of Chief Conservator of Forests the same shall be subject to the result of the Writ petition filed by him."

It was subsequent to this interim order that two juniors of the applicant's S/sri P.N.Gupta and M.D.Upadhyaya were appointed as Chief Conservator of Forests vide orders dated 29.11.83 (Annexure A-8) and 27.3.84(Annexure A-9).

ix) That the writ petition No.732 of 1982 filed by the applicant was finally decided on 9.5.84 by the Hon'ble High Court . A copy of the judgement dated 9.5.84 is enclosed as (Annexure A-10).In the judgement the High Court observed :

" It is well settled that if while considering the question of promotion of an officer any entries which should not have been taken into account are taken into account by the selection Committee then the non Selection of the person concerned on the basis of such consideration is vitiated."

The Hon'ble High Court further observed:

" It must, therefore, be held that the petitioner's supersession was based upon consideration of irrelevant material i.e. the material which could not legally have been taken into consideration."

✓ x) That the Hon'ble High Court observed and directed as under :



x) "Of course, if as a result of re-consideration the petitioner is ultimately promoted he shall be entitled to his seniority and all other consequential benefits flowing therefrom as was directed in Amarkant Choudhary's case (Supra). We may also clarify that consequential reversion of the Junior most of the opposite parties may be made if there are not enough posts available to accommodate the petitioner, if ultimately selected as well as the opposite parties."

xi) In conclusion the Hon'ble High Court ordered:

"In the result the writ petition is allowed with cost against the opposite party No. I and writ in the nature of Mandamus is issued in terms indicated above. We hope that the direction in regard to re-consideration of the petitioner's case will be complied with expeditiously but not later than three months".

xii) That after the aforesaid decision of the Hon'ble High Court S/Sri H.B.Joshi, D.P.Gupta and Girish chandra all juniors to the applicant were promoted on 7.8.84 as Addl. Chief Conservator of Forests and his great grand junior Sri D.N.Lohani was promoted as Chief Conservator of Forests vide order No.2285/FS/84 dated 7.8.84 (Annexure A-11) but nothing was done to reconsider and promote the applicant inspite of the orders of the Hon'ble High Court.

xiii) That on 24.9.84 the applicant filed a memorial

addressed to the President of India, New Delhi
under the provisions of Rule 25 of the All India
Services (Disciplinary and Appeal) Rules, 1968
Praying that the applicant should be deemed to be
promoted as Addl. Chief Conservator of Forest with
effect from 15.2.82 and Chief Conservator of
Forests with effect from 29.11.83 when his immediate
junior Sri P.N. Gupta was promoted to these posts
to the wild discrimination of the applicant (These
orders of promotion of Sri P.N. Gupta are already
enclosed as Annexure A-6 & A-8).

(vii)

xiv) That it was only after Sri D.N. Lohani had occupied
the above post of Chief Conservator of Forests,
vide order dated 7.8.84 (Annexure A-11) that the
case of the applicant for promotion was reconsidered
by the State Govt. and orders for the promotion
of the applicant as Addl. Chief Conservator of
Forests alongwith other juniors were issued vide
G.O. No. 383/0V-I-85-9/85 dated 30.1.85 (Annex. A-12)
but inspite of the orders of the Hon'ble High
Court the applicant was not allowed consequential
benefits of promotion as Addl. Chief Conservator of
Forests with effect from 15.2.82 and as Chief
Conservator of Forest with effect from 29.11.83
when his immediate junior Sri P.N. Gupta was
promoted as such.

xv) That in the meantime a new post of Principal Chief
Conservator of Forests was created. Out of the
three juniors to the applicant promoted as Chief
Conservator of Forest while the writ petition of
QC

the applicant was pending, two officers namely S/sri P.N.Gupta and M.D.Upadhyaya were due to retire on 31.3.85 and 1.2.85 respectively. As such eventually consideration for promotion to the post of Principal Chief Conservator of Forest was to take place between the applicant and S/Sri D.N.Lohani as on 1.7.86. Sri D.N.Misra Principal Chief Conservator of Forests was to retire on attaining the age of superannuation. The position explained here will be clear from the following table :

Position of seniority list of I.F.S.
Officers as on 31.1.1985

Sl. no.	Name	Date of birth	Date of retirement	Post held
1.	S/sri D.N.Misra	1.7.27	1.7.85	Principal C.C.F.
2.	S.S.Srivastava	18.6.28	30.6.86	Addl.C.C.F.
3.	P.N.Gupta	17.3.27	31.3.85	C.C.F.
4.	M.D.Upadhyay	1.2.27	1.2.1985	-do-
5.	D.N.Lohani	22.2.28	28.2.86	-do-

xvi) That in a calculated and designed manner the applicant was made to trail behind Sri D.N.Lohani. The result was that after Sri D.N.Lohani had been promoted as Chief Conservator of Forests in 1984 orders for the promotion to the applicant as Addl.Chief conservator of Forests were issued on 30.1.85 inspite of the orders of the Hon'ble High Court that the applicants promotion should be reconsidered expeditiously but not later than three months.

(25)

In the same manner although the applicant was approved for promotion to the post of Chief Conservator of Forests in April, 1985 orders for promotion as such were deliberately delayed for three months i.e. from April, 1985 to July 31, 1985 and it was only when Sri D.N.Lohani occupied the post of Principal Chief Conservator of Forests on 1.7.85 on retirement of Sri D.N. Misra that the orders for promotion of the applicant to the post of Chief Conservator of Forests were issued vide G.O.No. 1044/D.Kha-I/1/85 dated 31.7.85 communicated under Principal, Chief Conservator of Forests order No. 710/TC-3-2-I dated 31.7.85. Copies of the two orders are enclosed as Annexures A-13 & 14). It would be pertinent to mention here that applicant should have been promoted as Chief Conservator of Forests with effect from 29.11.83 when his immediate junior Sri P.N.Gupta was promoted as such and as a consequence he should have been promoted as Principal Chief Conservator of Forests, w.e.f. 1.7.85 in the vacancy caused due to retirement of Sri D.N.Misra.

xvii) That it would thus be seen that inspite of clear directions and orders of the Hon'ble High Court the case of the applicant for promotion was not reconsidered within time limit granted by the Hon'ble High Court and consequently when his case was reconsidered he was not promoted as Addl. Chief Conservator of Forests with effect from 15.2.82 when his immediate junior Sri P.N.Gupta was promoted as such and also he was not promoted as Chief Conservator of Forests with effect from 29.11.83 when

his immediate junior Sri P.N.Gupta was promoted as such. As a consequence thereof the applicant was not promoted to the rank of Principal Chief Conservator of Forest with effect from 1.7.85 when Sri D.N.Misra retired from that post. In this manner no consequential benefits have been allowed to the applicant and the opposite parties have followed their own calculated design to inflict injury upon the applicant in an illegal manner.

xviii) That it would be pertinent to mention that the memorial dated 24.9.84 submitted to the President Union of India, New Delhi was finally decided vide order No.28018/7-84/IFS-I dated 14.12.87(Annex-A-I) and the prayer of the applicant against his supersession was rejected. However, the following orders were passed by the Govt. of India:

" ii) the State Govt. is directed to take action strictly in terms of the judgement of the Hon'ble High Court referred to above in the matter of consequential benefits to be allowed to Sri Srivastava at his promotion on reconsideration."

The period of about eleven months have already elapsed but the State Govt. has not taken any action to allow consequential benefits to the applicant:

7- Details of the remedies exhausted :

The applicant declares that he has availed of

all the remedies available to him under the service Rules etc. The applicant after waiting for sufficient long time moved above-mentioned communication to (Annexure - A-2) the State Govt. but no action has been taken by the State Govt. strictly in terms of the judgement dated 9.5.84 of the Hon'ble High Court of Judicature at Allahabad Lucknow Bench, Lucknow to allow consequential benefit to the applicant regarding his promotion as Addl. Chief Conservator of Forests & CCF when his immediate junior Sri P.N. Gupta was so promoted and as Principal Chief Conservator of Forests from 1.7.85 and also allow him benefits of salary etc. accordingly.

8. Matter not pending with any other courts 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.

9. Relief Sought :

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

i) He should be deemed to have been promoted as Addl. Chief Conservator of Forests with effect from 15.2.82 the date when his immediate junior Sri P.N. Gupta was so promoted and should be allowed all consequential benefits including salary etc.

ii) He should be deemed to have been promoted as Chief Conservator of Forests with effect from

29.11.83 the date when his immediate junior Sri P.N.Gupta was promoted as such and should be allowed all consequential benefits including salary etc.

iii) He should further be deemed to have been promoted as Principal Chief Conservator of Forests from 1.7.85 when his great grand junior Sri D.N.Lohani was promoted to this post and should be allowed all consequential benefits including salary etc.

iv) He should be allowed all retirement benefits including pension, gratuity and encashment of leave at his credit on the date of his retirement in the light of revised salary in view of the promotion stated above.

v) He should be allowed interest @ 18% on all the amounts that he would be entitled to from the date of accrual till these are paid to the applicant.

The above reliefs are sought on the following amongst other grounds :

G R O U N D S

I-, Because the applicant was wrongly denied his due promotion to the post of Addl.Chief Conservator of Forests on 15.2.82 when his immediate junior Sri P.N.Gupta was so promoted. The applicant was highly discriminated in a wrong and illegal manner.



II- Because in the selection held on 5.4.82 the applicant was again discriminated when his 3rd junior Sri D.N.Lohani was promoted as Addl.Chief Conservator of Forests on 12.4.82 and the applicant was highly discriminated in an illegal manner.

III- Because the applicant was not promoted as Chief Conservator of Forests with effect from 29.11.83 when his immediate junior Sri P.N.Gupta was so promoted. The applicant was highly discriminated in a wrong and illegal manner.

IV- Because the interim order dated 20.7.83 passed by the Hon'ble High Court has not been complied with as the promotion of Sri P.N.Gupta as Chief Conservator of Forests was subject to the result of the writ petition.

V) Because the applicant was denied his rightful promotion as Chief Conservator of Forests once again on 27.3.84 when his another junior Sri M.D. Upadhyaya was promoted as such.

VI) Because inspite of the decision dated 9.5.84 of the Hon'ble High Court of Judicature at Allahabad Lucknow Bench, Lucknow the applicant was not promoted as Addl.Chief Conservator of Forests on 7.8.84 when his juniors S/sri H.B.Joshi , D.P.Gupta and Girish Chandra were promoted as Addl.Chief Conservator of Forests and the applicant's third junior Sri D.N.Lohani was promoted as Chief Conservator of Forests.

70

VII- Because it was only on 30.1.85 i.e. after a lapse of about 8 months when the applicant was at last promoted as Addl. Chief Conservator of Forests alongwith his other juniors.

VIII- Because the opposite parties have wrongly postponed the promotion of the applicant as Addl. Chief Conservator of Forests for over 8 months in a well calculated and designed manner inspite of clear orders of the Hon'ble High Court that the case of the applicant should be reconsidered expeditiously but not later than three months.

IX- Because the order and direction contained in the order dated 9.5.84 of the Hon'ble High Court have not been complied with by the opposite parties.

X- Because the applicant was belatedly promoted as Chief Conservator of Forests on 31.7.85 against a post which had fallen vacant on 30.4.85 and also after applicant's junior Sri D.N. Lokani was promoted as Principal Chief Conservator of Forests on 1.7.85 against the post which had fallen vacant on 1.7.85 itself.

XI- Because the applicant was not promoted as Principal Chief Conservator of Forests.

XII- Because the memorial dated 24.9.84 sent to the President of India was wrongly rejected on 14.12.87.

XIII- Because the directions contained in Govt. of India letter No. 28018/7/84/IFS-I dated 14.12.87 giving

(21)

directions to the State Govt. of U.P. to take action in strict compliance of the decision of High Court have not been complied with till to-date.

XIV- Because the request of the applicant to the State Govt. for allowing consequential benefits has not been granted till to-date.

10- No Interim order prayed for;

11- The application is being submitted through his Counsel Sri R.B. Singh, Advocate.

12- Particulars of postal order in respect of application fee:

1- No. Indian Postal orders - DD - 822773
4

2- Name of Issuing post office : G.P.O. Lucknow

3- Date of issue of postal orders : 19.11.88.

4- Post office of which payable : Allahabad.

13- List of enclosures :

Fourteen (14).

(Detailed in the Index).

Signature of the
Applicant.

R. B. Singh

R. B. SINGH, (Adv.)
C102771 SECTION 18
Date: 19.11.88

AS

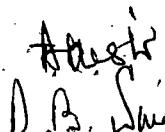
Verification.

I, S.S.Srivastava S/o Late Sri R.S.Srivastava aged about 60 years retired Chief Conservator of Forests, U.P. resident of B-991, Sector 'A' (1st floor), Mahanagar, Lucknow do hereby verify that the contents of paras 1,2,6(i), to (iv), (xiii), (xiv), (xvi), (xvii) & 7 to 12 are true to my personal knowledge and contents of paras 3,6(v) to (xii), (xv) & (xviii) are believed by me to be true on the basis of records and the contents of paras 4 & 5 are based on legal advice which the applicant belief to be true and that I have not suppressed any material facts.


Signature of the applicant.

Dated: 2.12.88
Place : Lucknow.

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


R. B. SINGH, Advocate.
C1077-79 SECTOR 'B'
P.T.B. Lucknow-226029

No. 28018/7/84-IFS-I
Government of India
Ministry of Environment and Forests
Department of Environment, Forests and Wildlife

New Delhi, dated the December, 1987

14/15

ORDER

Subject : Memorial submitted by Shri S.S. Srivastava, IFS (UP) (Retired) against orders of the Government of Uttar Pradesh superseding him in promotion to the post of Additional Chief Conservator of Forests and Chief Conservator of Forests.

.....

Whereas Shri S.S. Srivastava, IFS (UP) (Retired) submitted a memorial on 24.9.1984 under Rule 25 of the All India Services (Discipline & Appeal) Rules, 1969 against the orders of the Government of Uttar Pradesh superseding him in the matter of promotion to the post of Additional Chief Conservator of Forests and Chief Conservator of Forests.

And whereas the State Government of Uttar Pradesh forwarded the aforesaid memorial alongwith their comments, to the Government of India vide their letter dated 10.6.1985.

Now therefore, the Central Government, after carefully examining the points raised in the aforesaid memorial and the comments of the Government of Uttar Pradesh and taking into account the following namely : -

- (i) that Shri S.S. Srivastava had preferred a civil writ petition No. 732 of 1982 in the High Court of Judicature at Allahabad, Lucknow Bench, challenging his non-selection by the Government of Uttar Pradesh for the post of Additional Chief Conservator of Forests.
- (ii) that the aforesaid High Court vide its judgement delivered on 9.5.1984 allowed the writ and directed the State Government to reconsider the case of Shri S.S. Srivastava for promotion. The Hon'ble Court also observed that if as a result of reconsideration the petitioner is ultimately promoted, he shall be entitled to his seniority and all other consequential benefits following therefrom as was directed in Amar Kant Choudhary's case (Amar Kant Choudhary versus State Government of Bihar (1984) SCC 694).
- (iii) that the State Government in compliance of the judgement of the Hon'ble High Court referred to above reconsidered the case of Shri Srivastava and promoted him as Additional Chief Conservator of

Forests with effect from 31.1.1985 and as
Chief Conservator of Forests subsequently.

Hereby passes the following order on the memorial
submitted by Shri Srivastava in exercise of the powers conferred
by rule 25 of the All India Services (Discipline & Appeal)
Rules, 1969 namely

- (i) the prayer of Shri Srivastava against his
supercession for the post of Additional
Chief Conservator of Forests and Chief
Conservator of Forests is rejected.
- (ii) the State Government is directed to take
action strictly in terms of the judgement
of the Hon'ble High Court referred to above
in the matter of consequential benefits to be
allowed to Shri Srivastava on his promotion
on reconsideration.

FOR AND ON BEHALF OF
THE PRESIDENT

(M.V. KESAVAN)

DEPUTY SECRETARY TO THE GOVT. OF INDIA

1. Shri S.S. Srivastava,
Retired Chief Conservator of Forests,
B-991, Sector-A, (First Floor),
Mahanagar, Lucknow (U.P.)
2. Chief Secretary,
Government of Uttar Pradesh,
Lucknow (U.P.)

TC

Attested

D. B. Singh

R. B. SINGH, ~~Adm~~

C1077-79, SECTOR - B

Mahanagar, Lucknow 226009

From,

(20)

S. S. Srivastava, IFS,
Retd. C.C.F.,
B-991 Sector-A (1st Floor),
Mahanagar,
Lucknow.

To,

The Secretary,
U.P. Govt.,
Forest Department,
Lucknow.

Sub:- Consequential benefits.

Ref:- Order No. 28018/7/84-IFS-I dated 14-12-87, from Govt. of India, Deptt. of Environment and Forests to me and copy to Chief Secretary, U.P. Govt.

Sir,

In supercession of the claim for national pay fixation, submitted under my letter No. 12/P.C. dated 12-2-88, I am to state that my promotion to the ranks of Addl.C.C.F. and C.C.F. was illegally withheld and delayed only to give an edge to Sri D.N. Lehani (junior to me by about 8 positions in the seniority list). Every one knows that decision on Writ petitions takes time and so by the time I could win my writ petition from the High Court, a period of about 2½ years had elapsed. With the result that by the time I became Addl. C.C.F., Sri Lehani had already been promoted as C.C.F. Even my promotion to the rank of C.C.F. was delayed by about 3 months from 1-4-85, to 31-7-85 and it is only when Sri D.N. Lehani had occupied the post of Principal C.C.F. on 1-7-85, orders of my promotion to the post of C.C.F. were released on 31-7-85 although I stood selected for the post of C.C.F. in April 1985.

2. As my supercession by Sri D.N. Lehani for the posts of Addl. C.C.F. and C.C.F. has been held to be illegal, similarly as a consequence withholding my promotion to the rank of Principal C.C.F. (after somehow suppressing my claim) is also illegal.

3. Hence in accordance with the orders of Govt. of India cited above, I am entitled for all consequential benefits that flew from my illegal supercession and I am entitled to the arrears of pay and pension as per calculations given below:-

.....2.

21

6

1. Quantum of less in pay occured to Sri S.S. Srivastava on account of his illegal supercession.

2. Less in Pension and commuted amount.

or say 39,300/-

Pension P.M. sanctioned to Sri S.S.Srivastava. Pension P.M. sanctioned to Sri D.N.Lehani (his junior). Difference in pension P.M.

Rs. 2,775/-

Rs. 3,800/-

Rs. 1.005/-

Thus I am entitled to receive arrears of pension @ Rs. 1,005/- P.M. from 1-7-86 till the date of payment. The commuted value of 1/3rd. of this pension viz. @ Rs. 1266/- P.M. should also be paid to me after deducting the commuted value of Rs. 925/- P.M. already paid.

3. Total loss in pay and pension.

Thus the total loss in pay and pension works out to Rs. 39,300/- plus the arrears ^{of pension} @ Rs. 1005/- P.M. from 1-7-86. Besides commuted value, my pension should be fixed at Rs. 3800 P.M. in place of Rs. 2,775/- as ~~is~~ fixed at present.

Yours faithfully,

(S.S. Srivastava)

.....3.

No. (1)/P.C. of date.

Copy to the Deputy Secretary to Government of
India, Department of Environment, Forest and Wild Life,
C.G.O.Complex, New Delhi for favour of information.

DS
(S.S.Srivastava)

Tc

SC

Attached

R.B. Singh

R. B. SINGH, *Adm.*
C1077-78, SECTOR 'B'
Mohamedpur, Lucknow-226005

ASB

उत्तर प्रदेश सरकार

ବନ ଅନୁମାନ- (୧)

संख्या- 6544/14-1-30(10) / 1977

दिनांक : लखनऊ 8 जुलाई, 1978

विज्ञप्ति

स्थानीकरण

संख्या- ६५५५/१४-१-३०(१०)/१९७७ राज्यपाल महादेव शरतीय वन सेवा

(1) श्री विजय बहादुर सिंह ।
✓ (2) श्री सुरेश स्वरूप श्रीदास्तव ।
(3) श्री प्रह्लाद नारायण गुप्ता ।
(4) श्री मधुरा दल उपाध्याय ।
(5) श्री अद्वैतोपी ।
(6) श्री रवीन्द्र बिहारी माथुर ।
(7) श्री देवकी नन्दन लोहानी ।
(8) श्री कम्बीर कर्कड़ ।
(9) श्री रामोद्दीप डंगबाल ।
(10) श्री कृष्ण कुमार माथुर ।
(11) श्री ज्ञानवन्त सिंह ।
(12) श्री सुरेश शरण रत्नांडी ।
(13) श्री देवेन्द्र शूष्ण मिथा ।
(14) श्री देवी प्रसाद गुप्ता ।

आशा से,

आङ्ग से, ७५५५१६९ (T)

Attested
R. B. Singh
R. B. Singh, M.A.

उत्तर प्रदेश सरकार
वन अमार (1)
संख्या ८२७/१४-१-७९-३०(९)/७७ (टीएसी०)
दिनांक २२ अगस्त १९७९

अधिकारी की वायोकरण

भारतीय दन देवा, 'उत्तर प्रदेश सर्वेंग' के अधीनायकित अधिकारियों को, प्रत्येक के नाम के सम्बन्धित दिनांक से तथा रिप्रिट में, अरण्यपाल के पद पर, स्थायी किया जाता है :-

८०सी० अधिकारी का नाम

अरण्यपाल के पद पर स्थायीकरण का दिनांक

रिप्रिट का विवरण

(1) श्री कुबेर नाथ

१-२-१९७६

श्री एच०सी० डे के अतिरिक्त मुख्य अरण्यपाल के पद पर स्थायीकरण के फल व स्थायीकरण के अतिरिक्त श्री डी०पी० जौशी के अतिरिक्त मुख्य अरण्यपाल के पद पर स्थायीकरण के फल व स्थायीकरण के अतिरिक्त

(2) श्री विजय वहादुर सिंह

२०-११-१९७७

भारत सरकार, गृह मंत्रालय, (कर्मिक एवं प्रशासनिक संस्थान विभाग) की अधीक्षणा संघेयन १६०१६/२९/७५-०३० आई०एस० (चार) दिनांक २२ अगस्त १९७८ द्वारा संवर्गीकृत नवे पद।

(3) श्री सुरेश स्वरूप श्रीवास्तव

२९-८-१९७८

आज्ञा से
टी०सी० धर
संचिव

(4) श्री प्रह्लाद नारायण गुप्ता

२९-८-१९७८

(5) श्री मधुरा दत्त उपाध्याय

२९-८-१९७८

(6) श्री ईश्वरी प्रसाद गोर्ग

२९-८-१९७८

(7) श्री रवींद्र बिहारी भाष्यरु

२९-८-१९७८

(8) श्री देवर्जी नन्दन लोहनी

२९-८-१९७८

संख्या ८२७(१)/१४-१-७९-३०(९)/७७ (टीएसी०)

प्रतिलिपि मिमिलित के प्रेषित :-

(1) संचिव, भारत सरकार, गृह मंत्रालय, कर्मिक एवं प्रशासनिक संस्थान विभाग, नई दिल्ली।

(2) संचिव, भारत सरकार, कृषि एवं विद्यार्थी मंत्रालय (कृषि विभाग), कृषि भवन, नई दिल्ली।

Attest

R. B. Singh

क्रमांक २/

To

ANNEXIRE-A-5

25

1/2

Seniority List of I.F.S. Officers of U.P.
Cadre as on 30.6.81.

Sl.no.	Name of Officer	Year of Allotment	Date of birth	Post held
S/Sri				
1.	H.P. Tripathi	1951	12.10.23	Forest Secretary to U.P. Govt.
2.	B.N. Chaturvedi	1952	01.06.24	Chief Conservator of Forests.
3.	P.C. Chatterji	1952	25.08.23	M.D. Chief Forest Corporation, U.P.
4.	H.D. Bachkhati	1952	01.07.25	Inspector General of Forests.
5.	C.L. Bhatia	1953	18.06.26	Addl. Chief Conservator of Forests.
6.	B.H. Hingorani	1953	28.10.25	--- do ---
7.	K.M. Tewari	1954	01.02.26	President F.R.I. Dehra Dun.
8.	Kuber Nath	1954	15.01.25	Addl. Chief Conservator of Forests.
9.	D.N. Misra	1954	01.07.27	--- do ---
10.	V.B. Singh	1954	01.08.26	--- do ---
11.	S.S. Srivastava	1954	18.06.28	Conservator of Forests
12.	P.W. Gupta	1954	17.03.27	--- do ---
13.	H.D. Upadhyaya	1954	01.02.27	--- do ---
14.	R.B. Rathur	1956	01.09.26	D.I.G. Forest Govt. of India.
15.	D.N. Lohani	1956	22.02.28	Conservator of Forests
16.	K.V. Kakkar	1956	24.12.25	--- do ---
17.	K.K. Mathur	1956	16.03.28	--- do ---
18.	Jaswant Singh	1956	01.10.25	--- do ---
19.	C.B. Singh	1956	01.07.27	--- do ---
20.	S.S. Raturi	1956	18.04.27	--- do ---

Tc


Attested
 R.B. Singh
 Conservator of
 Forests

कार्यालय, मुख्य वन संरक्षक, उत्तर प्रदेश, लखनऊ।

A-40

विज्ञप्ति

पटोन्नति एवं तैनाती

संख्या 25 /3-2-1 अ. मु. वन संरक्षक।
दिनांक, लखनऊ-1, फरवरी 15, 1982।

शासनादेश संख्या 1397/14-1-82-9/82 दिनांक 15 फरवरी 1982 द्वारा अपर मुख्य अरण्यपाल के पद पर रु. 2250-125/2-2500 के वेतनमान में, स्थानान्वयन सम तेपदोन्नति हेतु अनुमोदित अधोलिखित अधिकारियों की तैनाती कार्यभार गृहण करने के दिनांक से रु. 2250-125/2-2500 के वेतनमान में की जाती है:-

1। श्री मथुरा दत्त उपाध्याय, अरण्यपाल, प्रसार एवं जन संपर्क वृत, उ. प्रदेश, लखनऊ की तैनाती भारत सरकार, गृह संवालय, कार्मिक और प्रशासनिक संस्थान की अधिकारियों संख्या 16016/18/80-ए. आई. स. चार इस, दिनांक 9 जन 1981 द्वारा सूचित अपर मुख्य अरण्यपाल इवन्य जन्तु उत्तर प्रदेश, लखनऊ के पद पर की जाती है। श्री उपाध्याय अरण्यपाल, प्रसार एवं जन संपर्क वृत, उ. प्रदेश, लखनऊ का दोहरा कार्यभार अपने कार्य के अतिरिक्त अग्रिम आदेशों तक वहन किये रहेगे।

2। श्री प्रह्लाद नारायण गुप्ता, प्रोजेक्ट निदेशक, भारतीय निदेशालय, देहरादून की तैनाती श्री पी. ती. चंडी, अपर मुख्य अरण्यपाल के भेवानिवृत होने के फलस्वरूप इद्दि रिक्त में प्रबन्धालय निदेशक, उत्तर प्रदेश वन निगम, लखनऊ के पद पर की जाती है। श्री प्रह्लाद नारायण गुप्ता अपने कार्य के अतिरिक्त प्रोजेक्ट निदेशक, भारतीय निदेशालय समर्थन निदेशालय, देहरादून का दोहरा कार्यभार अग्रिम आदेशों तक वहन किये रहेगे।

श्र. ना. चतुर्वेदी
मुख्य वन संरक्षक, उत्तर प्रदेश।

संख्या 1397/3-2-1 अपर मुख्य वन संरक्षक: दिनांकित।

प्रतिलिपि निम्नलिखित को सूचनार्थी एवं आवश्यककार्यवाही हेतु प्रेषित:-

1। सचिव, वन इकाइ अनुभाग, उ. प्र. शासन, लखनऊ नो. शासनादेश संख्या 1397/14-1-82-9/82 दिनांक 15 फरवरी 1982 के अनुपालन में।

2। निजी सचिव, वन मंत्री जी।

3। प्रह्लाद नारायण-तत्तीय, उ. प्रदेश इलाहाबाद।

4। संबंधित अधिकारी गण। सर्वक्री एवं डी. उपाध्याय तथा पी. एन. गुप्ता।

5। मुख्य वन संरक्षक। नियोजन उ. प्रदेश, लखनऊ।

6। तंत्रज्ञ अपर मुख्य वन संरक्षक। एवं समस्त वन संरक्षक, उ. प्रदेश।

7। प्रबन्धालय निदेशक, उ. प्र. वन निगम, बी-932, सैकटर बी महानगर, लखनऊ।

8। प्रोजेक्ट निदेशक, भारतीय निदेशालय, देहरादून।

श्र. ना. चतुर्वेदी
मुख्य वन संरक्षक, उत्तर प्रदेश।

Attestd

R. B. Singh

R. B. Singh (A.D.)

Sect. C.R. B.

TC.

उत्तर प्रदेश सरकार,
पून अनुभाग - ११।
दिनांक 2659/19-1-82
लखनऊ फिरांक 12 अप्रैल, 1982

प्राचीन भाषा

राष्ट्रपाल पटेल ने दिनांक 31 मार्च 1982 ते यी रसा भाविता
लो, मुद्द्य उन तीरकाळ [नियोगन] के पद से मुद्द्य उन तीरकाळ के पद पर
श्री बोर्सन घुटिदो के अपलाष्टा पर जाने के फलत्तात्प दुई रिक्ति भै,
स्थानान्तरित इस जाने के गोद्वा प्रदान इस दे :-

२- राष्यवाल महोदय ने भारतीय यन लेखा, उत्तर प्रदेश लंग
के निम्नलिखित गदियों रियर्ड लो, प्रदेश के नाम के रम्भा लिखित पद
वथा वेतनमान मैं स्थानावापन स्व से पदोन्नति किए जाने हेतु ग्रन्थोका
प्रदान किया है :-

अमर्ता०	बृद्धिकारी वा नाम तथा वर्तमान पद	पूछ जिस पर पदोन्नति देखिया गया उसका वेतनमात्र	अनुदिता
1-	श्री बी. एच. दिग्गेराजी अपर मुख्य धन विवराक प्रबन्धी नेतृत्वात्	पूछ्य धन संरक्षण निः ०३ लेखानं ल ०२५००-१२५ २-२७५०	श्री सी. एल. भाटिया के विवरान पर
2-	श्री शारदीया धुर	पूछ्य धन विवराक, ल ०२२५०-१२५/२-२५००	श्री बी. एच. दिग्गेराजी की पदान्ति उम्मीदवाल्प हेतु विवरान में

3- श्रीमि श्री आर. चो. गाधूर ॥ २७८ ॥ प्रतिनिधित्वा
 पर है और इस्ते ज्यर मुद्द्य यन तीरकाठ के पद वर निरुपित है इत्याधि
 उपलब्धा दौर्मै श्री रामारप्ना नहीं है । अतः राज्यपाल गव्वोदय ने यह
 वाक्या पिणा है तिं उस समय लक्ष्य के लिए जबतक श्री माधूर उपलब्धा नहीं
 हो पाते श्री डी.एन. लोहानो यन सीरकाठ यन आयोग पृक्षा लडाना लो
 कार्य भार ग्रहण करने हैं पिंडित ते पदोन्नति कर के अपर मुद्द्य यन तीरका
 प्रबन्धा । उत्तर प्रदेश, भैनीगाँव के पद पर ८० २२५०-१२५/२-२५०० के
 बत्तमान मैं श्री चो.गाधूर के स्थान पर ॥ २७८ ॥ लिखा जाए

4- ਤਸਵੀਰਾਂ ਅਤਿਕਾਲੀਨੀਂ ਜੋ ਪਦੋਤਤ ਵਿਖਾਵ ਅਧਿਕਾਰਾਂ ਵਿਖੇ ਕਾਰ੍ਯ ਭਾਰ ਪ੍ਰਮਾਣਕ ਪ੍ਰਾਪਤ ਹੋਣੇ ਦੇ ਪ੍ਰਭਾਵ ਵਾਰੋਂ ਦੀ ਵਾਲੀਂ ।

१०/कादेशा पन्द्र पन्ता,
तोष्य

कायतिय मुद्द्य पन रीसदाक, उत्तार प्रदेश उत्ताराम् ।

ਲੰਭਿਆ 1741 ਪੀ.੦.੮੦੦ 13-2-1 ਜ਼ਰੂਰ ਯਾਨ ਲੰਗਦਾਕੁਝ ਕਿਲੋਮੀਟਰ ਅੰਧੇਰਾ 12 82

પ્રતિચિન્હિત નિષ્ઠનાંદિંગાંનો સુવનાર્થ ઈય આચાર્યાંનું કાર્યવાહીનો હેતુ દેખાયાનું:

2- શ્રી ડી.એન. રોડાનો, વરણપાત્ર જન આધોગ તુલ ડેઝિન

प्रतिलिपि संधिय पन १०८० अगुन्नाग, उत्तर प्रदेश इत्तन
 लडान्ज को शासनाधेन संख्या २६५९/१५-१-१९८२ विनांक १२ अंग
 ४२ के सन्दर्भ में प्रेषिता । इस संख्या में मुख्य पठ निषेध अनुच्छेद
 कि श्री दीपेन्द्रियीरानी अपर मुख्य पन संरक्षण [प्रबन्धा] १०८० प्रदेश
 नेनीताल का राय लडान्ज में लोहा पौरे पर आए हुए होर श्री
 रंगरक्षण [प्रबन्धा] का रायभार ग्रहण करना है का मुख्यालय नी
 लडान्ज में है । अतः शासन लृप्त्या श्री १०८० लोहानी पन संरक्षण, पन
 रायभार लडान्ज में ग्रहण करने की अनुमति प्रदान करने की लृप्ता करें ।
 शासन के आदेशों की प्रत्याहा में श्री लोहानी को आदेश लेखा है रक्षा
 है कि अपर मुख्य पन संरक्षण [प्रबन्धा] का कार्यभार लडान्ज में ग्रहण कर
 है । ऐसा करना शासन के हित में भी होगा ।

१०८० विनांक
 १२-४-१
 मुख्य पन संरक्षण, उत्तर प्रदेश लडान्ज ।

TC
 DC

Attested

D. B. Singh
 R. B. Singh, I.A.S.
 C1077, " "

A.M.J

ANNEXURE-A-8

29

कार्यालय, मुख्य वन संरक्षक, उत्तर प्रदेश, लखनऊ ।

संख्या १९

वन संरक्षक।

दिनांक, लखनऊ ।, नवम्बर २९, १९८३।

कार्यालय ज्ञाप

शासन ने भारतीय वन सेवा, उत्तर प्रदेश संर्वा के निम्नलिखित अधिकारियों को उनके नाम के समक्ष स्तम्भ-३ में अंकित पद पर तैनात करने की स्वीकृति प्रदान की है :-

क्रम सं अधिकारी का नाम
तथा वर्तमान पद।

पद जिस पर तैनात
किया गया।

अनुचित

१- श्री विजय बहादुर तिंह,
मुख्य वन संरक्षक पर्वतीय,
उत्तर प्रदेश, लखनऊ।

मुख्य वन संरक्षक,
तांगाजिल वार्निकी,
लखनऊ।

ये शासन के अगले
आदेशों तक अपर मुख्य
वन संरक्षक वन्य जन्तु
का कार्य भी देखते
रहेंगे।

२- श्री पी. एन. गुप्ता,
प्रबन्धा निदेशक,
उत्तर प्रदेश वन निगम।

मुख्य वन संरक्षक
पर्वतीय।

मुख्य वन संरक्षक के
पैद पर पदोन्नति के
कारण।

३- श्री एम. डी. उपाध्याय,
अपर मुख्य वन संरक्षक,
प्रबन्धा एवं कुमाऊ।

अपर मुख्य वन
संरक्षक प्रबन्धा,
नैनीताल।

४- श्री डी. एन. लोहनी,
अपर मुख्य वन संरक्षक
गढ़वाल, देहरादून।

अपर मुख्य वन संरक्षक
नियोजन, उ. प्रदेश,
लखनऊ।

२- शासन ने भारतीय वन सेवा, उत्तर प्रदेश संर्वा के निम्नलिखित दो वन संरक्षकों को कार्यालय गृहण करने के दिनांक से अपर मुख्य वन संरक्षक के पद पर रु. 2250-125/2-2500 के वेतनमान में स्थानापन्न रूप से पदोन्नत करके नीचे प्रत्येक के नाम के समक्ष स्तम्भ-३ में उल्लिखित पद पर तैनात करने के आदेश दिये हैं :-

क्रम सं अधिकारी का नाम
तथा वर्तमान पद पद जिस पर तैनात अनुचित।

१- श्री कर्मवीर कुकड़, अपर मुख्य वन संरक्षक श्री डी. एन. लोहनी के वन संरक्षक, टिहरी वृत, गढ़वाल, देहरादून। स्थान पर।

२- श्री कृष्ण कुमार माठार, अपर मुख्य वन संरक्षक, इस व्यवस्था के फलस्वरूप श्री एम. डी. उपाध्याय के पास केवल अपर मुख्य वन संरक्षक प्रबन्धा प्रबन्धा ही कार्यालय रहेगा।

३- शासन ने यह भी आदेश दिये हैं कि श्री पी. एन. गुप्ता, जो इति तमय वन निगम में प्रबन्धा निदेशक के पद पर प्रतिनियुक्ति में तैनात हैं, के मुख्य वन संरक्षक पर्वतीय के पद पर तैनात होने के फलस्वरूप इनके द्वारा रिक्त प्रबन्धा निदेशक, वन निगम के पद पर श्री जी. पी. तिंह, वन संरक्षक, केन्द्रीय वृत, लखनऊ में पुरानी छोरी को प्रतिनियुक्ति पर तैनात किया जाता है।

4-प्रस्तर -2 में उल्लिखित पदोन्नति निविलमित परिट याचिका संख्या 732/82-

की सुरेश स्वरूप शीकास्तव पनाम राज्य करकार तथा अन्य में उच्च न्यायालय, लहानऊ बैंच, लहानऊ द्वारा दिये जाने वाले अन्तिम निर्णय पर निर्भार होगी।

5-कृपया उपरोक्त आदेश सुरक्षा वार्डोंन्पत कर दिये जायें तथा कार्यमार्ग लगाना करने वाले व्यक्ति द्वारा इसका उपलब्धा कराये दिये जायें।

29/11

शिवद बहादुर तिंहा
मुख्य वन संरक्षक, उत्तर प्रदेश।

संख्या 1956

13-2-14 सं. : दिनांकित।

इतिनामिति निम्नलिखित सूचनार्थी संघर्षक कार्यवाही हेतु देखितः-

१। तीर्थी, वनप्रस्तर जनसाग, उ.प्रदेश गार्हन को शास्त्रीय कार्यालय वाप संख्या 7408/14-1-83-४/83 पदार्थ 23 नवंबर 1983 के अनुपालन ऐ देखित।

२। निजी तीर्थी, माननीय वन राज्य मंत्री जी, उ.प्रदेश गार्हन।

३। बहाले लाकार-तीर्थी, उ.प्रदेश, गेटेंड जांडा, जी.ए.अनुसाग-एक, हलाडापाद को।

४। अधिकारी, तीर्थी, हिन्दू कौरैस्टर, पो. औ. न्यू कौरैस्टर, देहरादून।

५। तीर्थी, तीर्थी, हिन्दू कौरैस्टर, देहरादून।

६। तीर्थी, मुख्य वन संरक्षक, तीर्थी, अपर मुख्य वन संरक्षक, मुख्य परियोजना निदेशक, जलागम प्रबन्धा निदेशालय, देहरादून एवं तपस्त वन संरक्षक, उ.प्रदेश।

७। प्रबन्धा निदेशक, उ.प्रदेश वन निगम, लहानऊ।

29/11

शिवद बहादुर तिंहा
मुख्य वन संरक्षक, उत्तर प्रदेश,
लहानऊ। २9/

Attested
R.B. Singh

T.C.

कार्यालय मुख्य वन तंरद्दाका। नियोजना, उत्तर प्रदेश, लखनऊ ।

पत्रांक: 219/टी०ती०/३-स। नियोजना लखनऊ, मार्च, 27, 1984

चार्ज सार्टीफिकेट

290/

प्रगति दिया जाता है कि शासनादेश संभवा, ४०००० ४२९/

14-१-१९८४ दिनांक 27 मार्च 1984 के अनुसार अपर मुख्य वन तंरद्दाका। नियोजना।

उत्तर प्रदेश, लखनऊ के कार्यालय का स्तर मुख्य वन तंरद्दाका। नियोजना। ३०४०

का उच्चीकृत हो जाने के फलस्वरूप मुख्य वन तंरद्दाका। नियोजना, ३०४०, लखनऊ

के पद का कार्यालय शासनादेश संभवा-2270/14-१-८४-१/८३, दिनांक 27,

मार्च, 84 तथा प्रशुद्धा वन तंरद्दाका, उत्तर प्रदेश के पत्र तंख्या ई ३५४४/३-२-१

दिनांक 27-३-१९८४ के अनुपालन में अंज दिनांक 27 मार्च 84 के अपरान्त में

हस्तान्तरत किया गया ।

४०/-

४०/१८०००० उपाध्याय।

मुख्य वन तंरद्दाका। नियोजना।

भारत गोपक आधारी ।

प्रतिहस्तादारित

४०/-

देवेन्द्र नाथ मिश्र।

प्रमुख वन तंरद्दाका, ३०४०, ।

कार्यालय मुख्य वन तंरद्दाका। नियोजना। उत्तर प्रदेश, लखनऊ ।

पत्रांक 219/टी०ती०/३-स। नियोजना। लखनऊ दिनांक, मार्च 27, 1984

प्रतिलिपि निम्नलिखित को सूचनार्थ प्रेषित:-

- 1- तांचब, उत्तर प्रदेश शासन, वन अनुसार-१, लखनऊ ।
- 2- सचिव, नियुक्ति। का। विभाग, ३०४०, शासन, लखनऊ ।
- 3- सचिव, पर्याप्त विज्ञात विभाग, ३०४० शासन, लखनऊ ।
- 4- महालेखाकार -२ उत्तर प्रदेश, इलाहाबाद ।
- 5- महालेखाकार -३ उत्तर प्रदेश, इलाहाबाद ।
- 6- समस्त मुख्य वन तंरद्दाका, उत्तर प्रदेश ।
- 7- समस्त अपर मुख्य वन तंरद्दाका, उत्तर प्रदेश ।
- 8- समस्त वन तंरद्दाका, उत्तर प्रदेश, ।
- 9- अर्थतान्त्र तमादक, इन्डियन फारेंटर, देहरादून ।

Attest

D. B. Singh

४०/-

४०/१८०००० उपाध्याय।
मुख्य वन तंरद्दाका। नियोजना। ३०४०, लखनऊ ।

In the High Court of Judicature At Allahabad,
Lucknow Bench, Lucknow.

C.M. Writ Petition no. 732 of 1982.

Suresh Swaroop Srivastava Petitioner.

Vs.

State of U. P. Through the Secretary
to Govt. U.P. Forest Department, Civil
Secretariate, Lucknow & others Respondents.

Writ petition under article 226 of Constitution
of India.

Counsel for petitioner - KB Sinha, SC Bhdhawr, KN Tandon
Radhika Raman

Counsel for oppn. parties - C.S.C., Ashis N. Trivedi,
R.N. Trivedi

Lucknow Dated 9.5.1984.

Hon'ble K.N. Goyal, J.
Hon'ble S.C. Mathur, J.

(Delivered by Hon'ble K.N. Goyal, J.)

The petitioner is a promoted member of the Indian Forest Service, He was a member of the U.P. State Forest Service at the time of the initial constitution of the Indian Forest Service. He was selected to the senior scale of the Indian Forest Service and became a member of the service at its very inception with effect from 1.10.1966. Notification in respect of the petitioner was issued only on 2.1.1976 with retrospective effect. He was placed in the senior scale and thereafter in the super time scale. The order of confirmation is the super time scale is dated 22.9.1973. It was effective from 29.8.1973. Thereafter the question of his promotion

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to the post of Additional Chief Conservator of Forest came up. It is a selection post. Under rule 3(3) of the Indian Forest Service Rules selection to the post of Chief Conservator is to be held on the basis of merit with due regard to seniority. Two selections were held; one on 3.2.1982 which was for two posts and other on 3.4.82 which was for one post. The petitioner was not selected at any of the selections and officers junior to him were selected. Those officers are opposite parties 3 to 5.

The petitioner by means of this writ petition has challenged the selection on a number of grounds. He has imputed malafides to the Chief Conservator of Forests Sri B.M. Chaturvedi, opposite party no. 2 and also to members of the selection committee namely the Chief Secretary Sri T.P. Iyer, opposite party no. 6 and Sri J.C. Pant, Forest Secretary, opposite party no. 7. It has been contended that the Chief Conservator of Forests has spoiled the character roll of the petitioner due to malice. The members of the Selection Committee were also influenced by that malice. The selection has also been challenged on the ground that the selection committee has wrongly taken into consideration even those adverse entries which on the petitioner's representation had already been expunged. Furthermore, the Selection Committee could not have validly taken into consideration the entries pertaining to the period prior to his crossing efficiency bar and his being promoted to the higher posts and selection. The Selection Committee had wrongly taken into account the entire roll from 1950-51 to 1980-81 including the expunged portion of the entries. It had wrongly taken into account a vigilance enquiry ordered against him and an earlier enquiry report.

of Administrative Tribunal.

The petition was contested on behalf of the State and the Chief Conservator of Forests and also on behalf of opposite parties 3 to 5.

During the pendency of the writ petition two other officers junior to the petitioner namely Sri R.P. Mathur and Sri K.B. Keekar have also been promoted. They have also contested the petition and are represented by the Chief Standing Counsel.

Learned counsel for the petitioner has not advanced any argument before us in regard to the place of malafides or personal animosity. The said place may therefore be taken as not proved and need not therefore detain us.

The entire proceedings of the selection committee have been placed before us in the form of annexures to the counter affidavit dated 21.7.1982. Filed on behalf of the State. The proceedings show that on 3.2.1982 the selection committee did take into consideration all the adverse entries for the years 1961-62 and 1964-65. They took the view that the adverse entries had been awarded to the petitioner with the concurrence of the Public Service Commission but the then Forest Minister in the Year 1974 had passed an order for expunction of these entries. It was not open to the Forest Minister, according to the selection committee, to expunge the entries without consultation with the Public Service Commission. The correct procedure was that if the Public Service Commission on being consulted does not agree with a proposal of the Government...

and the Government thereaftor decides to over rule the commission it is necessary to obtain the approval of the cabinet. This course was not followed by the Minister and as such, the entries should be taken as not having been duly expunged. After making these observations the selection committee took into account the various so-called adverse entries from 1950-51 onwards and pointed out that over this long period the petitioner had been given adverse entries on as many as 22 occasions out of which 20 adverse entries have been expunged after a long interval. The selection committee further noted that a vigilance enquiry had also been ordered against the petitioner. It was further noted that earlier also a vigilance enquiry had taken place against him and as a result thereof the matter was referred to the Administrative Tribunal which had submitted its report on 21.1.1972. The Tribunal had recommended stoppage of increments and warning but the Government had instead of accepting the recommendations of the Tribunal awarded only a censure entry in respect of the year 1960-61. This was done in February, 1973. Against the entry a representation was made by the petitioner as late as on 20.5.1974. That representation was not only against the 1960-61 entry but also against various other adverse entries and it was therupon that the Forest Minister passed order on 12.6.1974 directing the expunction of the adverse portions of the

entries for 1960-61, 1961-62 and 1962-63. The order of the Forest Minister, according to the committee, was contrary to the standing orders of the Government in accordance with which a recommendation in regard to punishment made by the Administrative Tribunal was not normally to be interfered with and if at all the Tribunal's recommendations were not to be accepted then the Administrative Department was to take a final decision only after routing the file through the Vigilance Secretary to the Chief Minister and it was only after the orders of the Chief Minister that such a course should be adopted. This having not been done, the order of the Forest Minister was treated by the committee as void.

It was a few days after the first selection committee meeting dated 3.2.1982 that this writ petition was filed. It was filed on 15.2.1982. The second meeting of the selection committee took place thereafter on 5.4.82. It had been pointed out in the writ petition that under the standing orders of the Government even though a vigilance enquiry may be pending against an officer, his case of such promotion was due. It seems that although on 3.2.1983 the selection committee did take into account the fact of pendency of vigilance enquiry against the petitioner, this time i.e. on 5.4.1982, they noted the said Government order dated 12.6.1978

and decided not to take into account the fact of pendency of vigilance enquiry. They also noted that no representation of the petitioner against the adverse entry for the year 1980-81 was still pending that adverse entry was also not to be taken into account.

Thereafter the committee again observed that the then Forest Minister's orders dated 23.5.1974 and 12.6.1974 were bad and as such should be treated as nonest. Again, thus the petitioner was superseded. The petitioner was allowed to amend his writ petition in the light of those subsequent developments.

The decision of the selection committee to treat the two orders of the Forest Minister to be bad and nonest has been assailed on behalf of the petitioner. It has been defended by the learned Standing Counsel Sri Ashish N. Trivedi and also by Sri R.N. Trivedi, learned counsel for opposite parties 4 and 5. Sri R.N. Trivedi has pointed out that under the Manual of Government Orders a representation can be given only within six weeks from the communication of the adverse entry and the competent authority can extend this period by six weeks only. A time barred representation could not thus have been validly entertained at all. He has also contended that the Government Order dated 21.3.1977 mentioned in the Manual of the Government Orders is the basis of this provision has the effect of a rule made under the provision of Article 309 of the constitution as it is an instruction of general...

application. He further contended that even if the said Government order is treated not to be a rule but a mere administrative instruction, then, too the principles of administrative res judicata should bar the entertainment of successive representations.

Having given our careful consideration to this contention it appears to us that the Government Orders relating to adverse entries and to the entertainment and disposal of representations against such adverse entries are only by way of administrative instructions to authorities subordinate to the Government. The terms of the Government Orders show that the Government wanted the various administrative authorities to follow uniform policy and not to act arbitrarily. There is nothing in the Government orders to indicate that the Government bound itself also not to entertain belated representations. It is always open to the Government to entertain even belated representations and also "memorials" though the officer concerned may not have any right to submit the same. The principles of administrative res judicata cannot stand in the way of the Government giving due redress in a suitable case to any aggrieved officer.

The selection committee has taken exception to the orders of the then Forest Minister. It is one of the duties of departmental Secretaries and the Chief Secretary to see.

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That the Rules of Business made under Article 166(3) of the Constitution are duly observed. If any violation of a rule of business comes to the notice of a Secretary, then it is his duty to bring such violation to the notice of the Chief Minister and to obtain orders of the competent authority in accordance with the Rules of Business. It is, however, not open to Secretaries or to a Committee of Secretaries to treat, on their own, a decision of a Minister as null and void merely on the ground of such violation. Such a course of action is not in consonance with the established principles of parliamentary democracy. The Chief Secretary himself was a member of the committee. He should have taken notice of the violation, if any, of the Rules of Business made by the then Forest Minister. Thereupon he should have obtained fresh orders from the competent authority in accordance with the rules, instead of treating, either by himself or along with the other officer members of the Selection Committee, the Forest Minister's orders as a nullity. The selection could have been held over for a few days in order to enable proper orders being obtained in the matter in regard to the petitioner's representations dealt with as aforesaid by the ex-Forest Minister.

That apart, the recommendation of the Selection Committee suffers from another serious infirmity. Most of the entries considered by the Selection Committee related to the period prior to the petitioner's induction into the Indian Forest Service. If the Petitioner had a bad record in the State Forest Service he need not have been taken into Indian Forest Service.

His selection to the Indian Forest Service must have been finalized, as provided in the statutory rules in that behalf, in consultation with the Union Public Service Commission. The relevant authorities must, at that time, have taken into account all the entries that stood in the roll of the petitioner as an officer of the State Forest Service. Even after his selection to the Indian Forest Service he earned promotions in that service. In Dr. Girish Dihari Vs State of U.P. and others, (1983 U.P. Service case 34), another Division Bench of this Court has held that adverse entries made prior to the promotion of an officer stand washed off. In taking this view reliance has been placed, *inter alia*, on the decision in Ramnath Gangar Vs. Pramod Kumar Dubey (AIR 1976 SC 1766). The Hon'ble Supreme Court in that case had observed as follows : -

"There were some old adverse entries also against the respondent but they must be deemed to have been washed off by the order of his promotion on 'ad-hoc' or officiating basis by an order of March 7, 1972 which had been approved by the Deputy Transport Commissioner of Uttar Pradesh on March 10, 1972 as required by Rule 9. Reliance was also placed in Girish Dihari on another Bench decision in Satish Chandra Mittal Vs. State of U.P. (1975) 15LR 65, which was to the same effect. No argument has been addressed to us to persuade us to take a different view.

It is well settled that if while considering the question of promotion of an officer any entries which should not have been taken into account are taken into account by the selection committee than the non-

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selection of the person concerned on the books of such consideration is vitiated. A reference may, in this regard, be made to Gurdial Singh Gill versus State of Punjab (1979) 2 S.C. 368 and Abir Kant Choudhury versus State of Bihar (1934) 1 S.C. 694, apart from Dr. Girish Bihari's case (supra). It must, therefore, be held that the petitioner's supersession was based on consideration of irrelevant material i.e. material which could not legally have been taken into consideration. It is, of course, not for this Court but for the competent authority to reconsider the case of the petitioner.

In this view of the matter, any other points raised in the writ petition for quashing the selection need not be considered.

Learned counsel for the petitioner Sri Umash Chandra has agreed with vehemence that it is not enough that the petitioner's case be reconsidered but it is necessary that the selection of the officer junior to him be also quashed. He has contended that if the supersession of the petitioner was bad, then logically, the consequence of this finding should be that the promotion of the persons junior to him should also be quashed. A perusal of the decisions in Gurdial Singh Gill (supra) and Abir Kant Choudhury (supra) shows that one does not necessarily follow from the other. In Abir Kant Choudhury (supra), their Lordship of the Supreme Court observed as follows : -

" The Selection Committee has now to

reconsider the case of the appellant accordingly after taking into consideration the orders passed by the State Government subsequently on any adverse entry that may have been made earlier and any other order of similar nature pertaining to the service of the appellant. If on such reconsideration the appellant is selected he shall be entitled to the seniority and all other consequential benefits flowing therefrom. We issue a direction to the respondents to reconsider the case of the appellant as stated above.

In Gurdayal Singh Fiji's case (unreported) also the disposition was similar. In Dr. Girish Dihari's case (unreported) also, only the petitioner's supersession was held to be illegal and the recommendation of the selection committee, in so far alone as it related to the petitioner's supersession, was quashed and the government was directed to consider the petitioner's case for promotion to the upper time scale in accordance with law. Nothing was said about the promotion of the officer junior to the petitioner in that case. We cannot read the observations of the Division Bench as implying indirectly that promotion of the officer junior to the petitioner, Dr. Girish Dihari, was also meant to be quashed. We do not thus find any justification for quashing the promotion of the officer junior to the petitioner. Of course, if as a result of

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reconsideration the petitioner is ultimately promoted he shall be entitled to his seniority and all other consequential benefits flowing therefrom, as was directed in Amor Kant Choudhury's case (Supra). We may also clarify that consequential reversion of the junior-most of the opposite parties may be made if there are not enough posts available to accommodate the petitioner, if ultimately selected, as well as the opposite parties.

Sri Umash Chandra has also relied on Shri Doyal Singh v. State of Bihar (1981(2) SLR 7) in support of his contention that the promotions of the persons junior to the petitioner must be quashed. In Shri Doyal's case (supra) the petitioners were several in number and they belonged to a particular class, while the respondents who were four in number, belonged to another class. The respondents alone were considered, but not the petitioners. The promotions of the respondents had been made on ad-hoc basis. Some of the appellants were undoubtedly senior to the respondents. In those circumstances, the order of the Government promoting the respondents was quashed and the Government was directed to send the records of the appellants also to the Public Service Commission alongwith the records of the respondents and to reconsider the matter after obtaining the opinion of the Commission. Their Lordships further directed that " until the Commission gives its advice to the Government, status quo will be maintained and the respondents 5 to 8 will continue on ad-hoc basis. " This decision thus hardly supports

The contention of the learned counsel for the petitioner. The ad-hoc promotion of the respondents were, in fact, maintained notwithstanding the quashing of the order of Government and were directed to continue until fresh promotions were made in accordance with the directive of the Hon'ble Supreme Court. Thus, the nature of the order passed in Shri Udaylal's case was in substance not different from that passed in Amrit Kanti Choudhury's case (supra). It does not follow from this authority, as suggested by the learned counsel, that even where the respondents have been promoted on a regular basis they should not be treated as regularly promoted but may be allowed to continue as promoted on ad-hoc basis if the government so desired.

Another case relied on by Sri Umesh Chandra is B.S. Pillaiya v. Indian Statistical Institute, (1993) 4 SCC 532. In this case there was only one post to which the respondent no.4 was appointed. The appointment of respondent no.4 was found to be in violation of by-law no.2 which required that the vacancy should be suitably publicised. Due to non-publication of the vacancy, the petitioner and others had not been able to apply, with the result that they could not be considered for the appointment. It was in these circumstances that the appointment of respondent no.4 was quashed. The instant case is, however, not one of a single vacancy. There were three posts initially to which promotions were

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to be made and thereafter two more promotions have been made. The persons promoted are not said to be ineligible. The only infirmity suggested was in respect of the consideration of the petitioner's case. No other infirmity of procedure relating to the selection has been pointed out. Thus it appears from the decisions in Ellist and Amrit Kent Choudhary (Supra) that where promotions are made to a number of posts and the infirmity pertains only to consideration of a candidate who approaches the Court, then the whole selection is not necessarily to be quashed and only reconsideration of the petitioner's case is to be ordered with a direction for readjustment of seniority etc. In the event of the petitioner's ultimate selection,

As observed by V.R. Krishna Iyer, J., speaking for the Court, in Charlaa K. Sperla V. Rathna (1980) 2 SCC 752 " the Court is not a bull in a china shop" (Para 36) and "remedial jurisprudence, in benign judge-power", "law in action being a healing art" (para 18) ; accordingly, vide para 9 of the report- "The Court must use its own power to correct error and promote order and not strike down an illegal order without going forward to affirmative action which may minimize injury generally. Indeed the judicial process, in its creative impulse, must hesitate to scuttle, whenever therover possible, and destroy only when

Abd

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the situation is beyond retrieval."

The same learned Judge in State of Karol V. T.P. Ashiq (1979) 1. SCC 672, again speaking for the Court, while disapproving the conventional form of merely quashing an illegal act, observed :-

" Frustration of invalidity is part of the judicial duty; Fulfilment of legality is complementary". (Para 40 of the report).

Earlier in para 33 of the report, it was observed :-

" Here comes the play of procedural realism in moulding the relief in the given milieu. The rule of law should not petrify life or be inflexibly callous. It is tempered by experience, modified by principled compromise, informed by the anxiety to avoid injustice and softens the blow within the marginal limits of legality."

In the result the writ petition is allowed with costs against opposite party no.1 and a writ in the nature of mandamus is issued in terms indicated above. We hope that the direction in regard to reconsideration of the petitioner's case will be complied with expeditiously but not later than three months.

Sd/-
Section Officer
Copying Department
III, Highcourt Lucknow Bench

Sd. K.M. Goyal
Sd. B.C. Mathur
9.5.1984

Examined by - R. A. Horn *Abd*
T.C
C/ *D.B. Singh*

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प्रतिनिधि गोपनीय राजालीय अमृद राजालीय पत्र संख्या
2203/पक्ष रक्त/84 दिनांक 7 अगस्त 1984 प्रेषिता द्वारा छीछना
दिल्ली, प्रशुआ पन संरक्षा क्र. 30900।

मैं इस पत्र द्वारा निम्ननिधिता राजालीय पारिता
कर रहा हूँ। शूष्या तंत्रिधिता अधिकारियों को तात्काल अवगुह्यता
कर दें और उन्हें अद्वेष्ट दें कि वह अपने को पद तुरन्त ग्रहण
कर लें।

111 द्वारा छीछना द्वारा अमृद राजालीय पन संरक्षा क्र.
ग्रहणात्मक प्रोन्स्ट्रेक्शन करके शूष्य पन संरक्षा कर सके
निष्कारण, तामाजिल यानिकी गुप्तयात्रा, तामाज
नियात किया जाता है।

120 द्वारा छीछना द्वारा अमृद राजालीय पन संरक्षा क्र.
ग्रहणात्मक प्रोन्स्ट्रेक्शन करके शूष्य पन संरक्षा, ग्रहणात्मक देवरादून
तैयार किया जाता है।

130 द्वारा छीछना द्वारा अमृद राजालीय पन संरक्षा क्र.
ग्रहणात्मक प्रोन्स्ट्रेक्शन करके शूष्य पन संरक्षा ग्रहणात्मक
नियात किया जाता है।

140 द्वारा गिरीषा पन्द्र, अन्जरवेटर, दक्षिणी धूता,
झालावाह नदी को प्रोन्स्ट्रेक्शन करके अमृद शूष्य पन
संरक्षा के रैके में निष्कारण, कागम प्रबन्धना निष्कारण
के पद पर तैयार किया जाता है।

शायानिय, प्रशुआ पन संरक्षा करतार प्रदेश, लखनऊ।

पत्र संख्या 541/प्रीप्री/3-2-। अमृद शूष्य पन संरक्षा
दिनांक लखनऊ अगस्त 7, 1984।

प्रतिनिधि निम्ननिधिता को शूष्यनार्थ सर्व जापायक
कार्यवाली के द्वारा प्रेषिता है:

- 1- शूष्य पन संरक्षा कर्त्तवीय, तामाजिल यानिकी सर्व
नियोजन 30900।
- 2- तंत्रिधिता अधिकारीगत।
- 3- शूष्य परियोजना निष्कारण, कागम प्रबन्धना निष्कारण,
देवरादून।
- 4- तात्काल अमृद शूष्य पन संरक्षा कर सर्व तात्काल पन संरक्षा क्र. 30900,
तंत्रिधिता अधिकारी को शूष्या नये पदों पर कार्यालय
ग्रहण करने के प्रगाण्ड का कायतिय को शीघ्र उपलब्ध कराने
का कार्य करें।

Attested
R.B. Singh

TC
OC

८०/ देवरादून गारा निकार
प्रशुआ पन संरक्षा करतार प्रदेश,
लखनऊ। दि 7/0

संख्या - ३३३/१४-१-८५-९/८३

प्रेषाक,

श्री सिद्धार्थ बेहरा,
विश्वेष्जा सचिव,
उत्तर प्रदेश शासन।

सेवा में

प्रमुख वन संरक्षक,
उत्तर प्रदेश, लखनऊ।

वन अनुभाग एक।

विषय:

दिनांक: लखनऊ: जनवरी ३०, १९८५
अपर मुख्य वन संरक्षक वेतनमान ₹० २२५०-१२५/२-२५०० के पदों पर
स्थानान्वयन प्रोन्नति एवं तैनाती।

महोदय,

मुझे यह कहने का निदेश दुआ है कि राज्यपाल महोदय ने भारतीय
वन सेवा उत्तर प्रदेश संवर्ग के अधिकारियों को
अपर मुख्य वन संरक्षक के पदों पर ₹० २२५०-१२५/२-२५०० के वेतनमान में स्थानान्वयन
सम से पदोन्नति हेतु अनुमोदित किया है:-

१. श्री सुरेश स्वस्म श्रीवास्तव

वर्तमान पद

वन संरक्षक, प्रसार एवं जनसम्पर्क,
उत्तर प्रदेश, लखनऊ,भारत सरकार में कैबिनेट मिशनेरियेट में
प्रतिनियुक्ति पर।कौशिकीय निदेशक, सामाजिक वानिकी,
पश्चिमोत्तर द्वीप, बरेली,

प्रबन्ध निदेशक, उत्तर प्रदेश वन निगम

२. मुझे यह भी कहना है कि राज्यपाल महोदय ने निम्नलिखित
अधिकारियों को लाकार्यभार ग्रहण करने के दिनांक से ₹० २२५०-१२५/२-२५०० के
वेतनमान में उनके नाम के समक्ष अंकित पदों पर तैनात किये जाने की स्वीकृति भी
प्रदान की है:-

३०८० अधिकारी का नाम - - - - - तैनाती - - - - -

अन्युक्ति - - -

१. श्री सुरेश स्वस्म श्रीवास्तव

अपर मुख्य वन संरक्षक वन्य
जन्तु, उत्तर प्रदेश, लखनऊश्री लीबी० सिंह
की पदोन्नति के
फलस्वस्य रिक्त पद
के समक्ष,

२. श्री रामदास गुप्ता,

अपर मुख्य वन संरक्षक
प्रशासन उत्तर प्रदेश
लखनऊश्री कोकोमाधार के
स्थान पर।

३. श्री - - - - -

यह कि श्री रामदास गुप्ता ने क्रम में वरिष्ठ अधिकारी श्री विश्वपाल
संरक्षक के पद पर दर्शनाथ प्रोन्नति दिये जाने की स्वीकृति प्रदान की जाती है।

४. मुझे यह भी कहना है कि श्री रामदास गुप्ता के अपर मुख्य वन संरक्षक

Almudi

D. B. Singh

Te
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उत्तर प्रदेश सरकार,
वन अनुभाग ११
संख्या - ४५५०/१४-१-८५
दिनांक - लखनऊ - १० जुलाई ८५।

आधिकारी

पदोन्नति

भारतीय बनसेवा, उत्तर प्रदेश सर्वर्ग के अधिकारी श्री देवकी नन्दन लोहनी, मुख्य वन संरक्षक इसामाजिक वानिकी उत्तर प्रदेश, को पदोन्नत कर जुलाई १९८५ के पूर्वान्व में प्रमुख वन संरक्षक, उत्तर प्रदेश के पद इवेतन रु० ३,०००/- पर नियुक्त किया गया।

आज्ञा से,

१ विवेक नारायण चन्ना २
सचिव

संख्या - ४५५०/१४-१-८५

प्रतिनिधि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. अधीक्षक, मुद्रप्र एवं प्रेषप सामग्री, उत्तर प्रदेश, लखनऊ को। वह कृपया आधिकारी को उत्तर प्रदेश के राजपत्र में प्रकाशित करवा दें।
2. सचिव, भारत सरकार, पर्यावरण तथा वन मंत्रालय वन तथा वन्य जीव विभाग, कृषि भवन नं० दिल्ली।
3. महालेखकार इंदिरीय उत्तर प्रदेश, ब्रेक्सेलम लेखा अनुभाग - ३, इलाहाबाद।
4. सचिव मुख्य मन्त्री जी।
5. प्रमुख वन संरक्षक, उत्तर प्रदेश, लखनऊ।
6. प्रबन्ध निदेश, उत्तर प्रदेश वन निगम, सी ९३२, सेवटर - सी, महानगर, लखनऊ।
7. शासन के वन अनुभाग - २, ३, ४।
8. सम्बान्धित अधिकारी / वैयक्तिक पत्रावली।

आज्ञा से

१ सिद्धार्थ बेहुरा २
विशेष सचिव।

TC
SC

Attested
R.B. Singh

ANNEXURE - A - 14

50/6

कार्यालय, गुरुगंग वन संरक्षक, उत्तर प्रदेश, लालिका।
संख्या 710 ~~TC~~ / 3-2-1
दिनांक जुलाई 31, 1985।

गारतीय वन सेवा, उत्तर प्रदेश संवर्ग के ग्रन्ति निलिखित अपर मुद्द्य वब संरक्षकों द्वारा मुद्द्य वन संरक्षकों के पदों पर रु. 2500-125/2-2750 के वेतनमान में शासकीय अ.शा.प्र. नं. 1044/वि.स.वन/ 85 दिनांक 31 जुलाई 1985 द्वारा अनुमोदित किये जाने एवं उनकी तेजाती उक्ते समस्त अंकित पद पर किये जाने की स्थीरता प्रदान की गई है :-

1-श्री एस.एस. श्रीवास्तव - मुद्द्य वन संरक्षक(पर्वतीय)उ.प्रदेश, लालिका।
2-श्री फ.बी. श्रीवास्तव - मुद्द्य वन संरक्षक, सामाजिक वालिकी, उ.प्र., लखनऊ।
3-श्री हारावत्तमा जोशी - मुद्द्य वन संरक्षक(वन प्रबन्ध)उ.प्रदेश, लखनऊ।

उपर्युक्त तीनों अधिकारी कृदयां अपने बेथे पद का फैसला ग्रन्त मृहण फर लें। तथा श्रीवास्तव प्रमाणक द्वा अतिलिपियों में इस कार्यालय तथा शासन द्वारा ग्रन्त किया गया।

(डी.एन.लोहबी)
गुरुगंग वन संरक्षक, उत्तर प्रदेश।
लालिका।

संख्या 710 ~~TC~~ / 3-2-1 (मुद्द्य वन संरक्षक) : दिनांकित।

प्रतिलिपि द्वारा निलिखित द्वारा सूचित एवं आवश्यक कार्यवाली हेतु प्रेषित।

(1) संविव. तब(एक) अभ्युगाम, उत्तर प्रदेश शासन, लालिका को शासकीय अ.शा.प्र. संख्या 1044/वि.स.वन/ 85 दिनांक 31 जुलाई 1985 के अनुसार लिखित।
(2) बिजी संविव. मानवीय वन मंत्री जी, उत्तर प्रदेश शासन।
(3) महालेखाकार-चुतीय, जी.ए.न.वत्स-1, गोटेक, उत्तर प्रदेश, इलाहाबाद।
(4) श्री एस.एस. श्रीवास्तव, अपर मुद्द्य वन संरक्षक(वन्यजन्तु)। वे कृपया मुद्द्य वन संरक्षक (पर्वतीय) का फैसला श्री फ.बी. माधुर, गुद्द्य वन संरक्षक(नियोजन) के मृहण फरके उन्हें दोहरे फैसला के मुतां करें।
(5) श्री फ.बी. श्रीवास्तव।
(6) श्री हारावत्तमा जोशी।
(7) अधिकारी मंदादफ, इष्टिक्षव फैस्टर, दो. ग्रा. ब्लू फैस्टर, देहरादून।
(8) समर्त गुद्द्य वन संरक्षक, समर्त वन संरक्षक एवं समर्त अपर मुद्द्य वन संरक्षक, उ.प्र.।

(डी.एन.लोहबी)
गुरुगंग वन संरक्षक, उत्तर प्रदेश।
लालिका।

TC

~~✓~~

Attested
R.B. Singh

A 87

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW

O.A. NO. 1382 OF 1988

(FIXED FOR 17.11.1992)

S .S .SRIVASTAVA ... APPLICANT

VERSUS

UNION OF INDIA & OTHERS ... OPPOSITE PARTIES

APPLICATION FOR DIRECTION TO THE OPPOSITE
PARTY NOS. 2 & 3 TO PRODUCE THE DOCUMENTS
AND SUPPLY ITS COPIES TO THE APPLICANT:

PT 017/11
The applicant begs to submit:-

1. That, vide order, passed on the application dated 27.9.1990 of the applicant, the Hon'ble Tribunal was pleased to direct the opposite parties No. 2 and 3 to produce documents, mentioned in the afore-said application.
2. That the documents are essential for proper and effective adjudication of the case. In fact, that unless copies of the following record are given to the applicant, he will not be able to properly address the Hon'ble Tribunal on merits.
3. That the following documents are not such in respect of which privilege can be claimed. The documents, stated under, are in the custody of the opposite parties 2 and 3.

A.83

.2.

It is respectfully prayed that the Hon'ble Tribunal be kindly pleased to direct the opposite parties to supply copies of the following documents before the case is finally heard:-

- (i) Proceedings of the D.P.C., held on 4.8.1984 in connection with the promotion of the applicant to the post of Additional Chief Conservator of Forests;
- (ii) Proceeding of the D.P.C. meeting, held on 15.1.1985, for promotion of the applicant to the post of Additional Chief Conservator of Forests;
- (iii) Proceeding of the D.P.C., held in March/April, 1985, in which the applicant was approved for promotion to the post of Chief Conservator of Forests.

LUCKNOW

DATED 17.11.1992.

D. Prakash
APPLICANT

I, applicant, do hereby verify that the contents of paras 1 and 2 are true to my personal knowledge and of para 3 are believed to be true.

Signed and verified on 17.11.1992 at Lucknow.

LUCKNOW

DATED 17.11.1992.

D. Prakash
APPLICANT

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व अदालत श्रीमान्

(वादी) व प्रीति

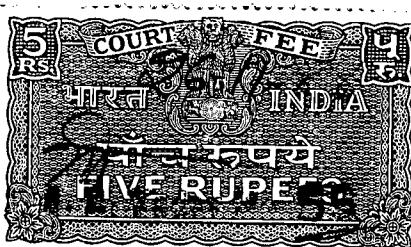
प्रतिवादी (रेपाडेन्ट)

The Central Administrative Tribunal

Circuit Bench, Lucknow महोदय

SRI S. S. Srivastava

वकालतनामा



(अधीक्षण)

SRI S. S. Srivastava

VS

वनाम

प्रतिवादी (रेपाडेन्ट)

म० मुकदमा

सन् १९८८

पेशी की ता०

१६ ई०

अपर लिखे मुकदमा में अपनी ओर से श्री

RAJENDRA DUK

R. B. SINGH

वकील
महोदय

एडवोकेट

कानूनी वकील	प्रतिवादी
महोदय	मुकदमा
वकील	वकालतनामा
महोदय	मुकदमा
एडवोकेट	वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोंतर करें या कोई कामज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निपारानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकदमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर पुक्त (हस्तखती) रसीद से लेवे या वंच नियुक्त करें—वकील महोदय ज़रा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होवा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफा मेरे जिलाफ फैसला हो जाता है उसको जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए प्रह अक्टूबर दिन दिया प्रमाण रहे और समय पर काम आवे।

Accepted,
R. B. Singh
SINGH, RAJENDRA DUK
10, 18, SECTOR 'B'
Lucknow-226027

हस्ताक्षर

J. B. Srivastava

साक्षी (गवाह)

साक्षी (गवाह)

विनांक

महीना

सन् १६ ई०

स्वीकृत

Before the Central Administrative Tribunal Allahabad,

Circuit Bench Lucknow,

MP 531190 (1)

Registration No. 1382/88

S. S. Srivastava Applicant
v/s.

Union of India & Others Opposite parties.

Application for condonation of delay

My lords,

In view of the facts and circumstances mentioned in the enclosed Affidavit the delay in submission of the Counter Affidavit may kindly be condoned.

M. P. Srivastava

Dated-27/ 28-8-90.

(N. P. Srivastava)

Special Counsel.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
LUCKNOW.

Registration No. 1382/88

S. S. SRIVASTAVA APPLICANT.
V/S.

UNION OF INDIA & OTHERS RESPONDENTS.

Fixed for 23.8.90.

Counter-Affidavit on behalf of Respondent No. .

1. Ram Prawesh Tewari aged 38 Years .
2. and Parameshwar Tewari working as Deputy

Conservator Forests, U.P. Lucknow

1. The contents of paras 6.1 to 6.3 of the application are admitted.

2. That the contents of para 6.4 do not call for any comment. It may however be submitted that the merit with due regard to seniority is not the critaria for confirmation.

3. That as regards contents para 6.5 of the application the allegations of unfair and foul practices to stop & postpone the promotions of the applicant are altogether false and hence vehemently denied.

4. That in reply to para 6.6 of the application it is denied that the applicant was wrongly superceeded on false and fictitious grounds. As stated in para-2 of this affidavit the criteria for promotion is merit with due regard to seniority. His juniors have better career records and were duly selected by the D.P.C.

5. That the contents of para 6.7 of the application are admitted.

6. In reply to para 6.8 of the application it is stated that the allegation made in this para regarding illegal promotion of the juniors are denied. They were duly selected by the D.P.C.

7. That the contents of paras 6.9 to 6.11 of the application are admitted.

8. That in reply to para 6.12 of the application it is stated that the case of the applicant was re-considered in compliance of judgement of Hon'ble High Court by the D.P.C. on 4.8.84 and the applicant was not found fit for promotion.

9. That in reply to para 6.13 of the application it is stated that contents of this para do not call for any comment.

10. That in reply to para 6.14 of the application it is stated that the case of applicant came up before D.P.C. in subsequent selection held on 15.1.1985 for selection to the post of Addl. Chief Conservator of Forests. The selection committee considered the case of applicant afresh and found him fit for promotion. Since he was not promoted to the post of Addl. Chief Conservator of Forests as a result of selection held under the direction of Hon'ble High Court the question of consequential benefit does not arise.

11. That in reply to para 6.15 of the application it is stated that Sri D.N. Lohani was promoted to the post of Principal Chief Conservator of Forests as he was holding the post of Chief Conservator of Forests, Post which was higher ^{than} taken the post of Addl. Chief Conservator of Forests held by the applicant. However after promotion of Sri Lohani as Principal Chief Conservator of Forests. The applicant was promoted as Chief Conservator of Forest on 31.7.85 in the resultant vacancy.

12. That in view of the replies to para 6.14 and 6.15 of the application given in para 10 and 11 of the affidavit the averments in the para (16) of the application are vehemently denied. The orders of the Hon'ble High Court have been fully complied with in three months as required. The question of consequential benefit does not arise.

(S)

•, 4 ••

83. That in reply to para 6.17 of the application it is stated that the case of the applicant was considered by the D.P.C. under the direction of Hon'ble Court but the applicant was not found fit for premotion. The question of consequential benefit does not arise as stated in preceding para.

14. That in reply to para 6.18 of the application it is stated that according to the direction of the Hon'ble High Court the case of the applicant was reconsidered and he was found unfit for premotion. So, the question of consequential benefit does not arise. Since the order of the Hon'ble High Court has already been complied with, the Govt. of India's letter referred to in this para did not call for any action.

That the applicant is not entitled to any of the reliefs sought and the grounds on the basis of which the relief have been sought have no legs to stand upon.

15. That the Counter Affidavit could not be filed in time because old records had to be consulted and law deptt. opinion had to be obtained,

J.D.
Deponend

VERIFICATION

I, deponent named above, to hereby verify that the contents of paras I to 15 of the affidavit are true and correct on the basis of record and legal advise and that I have not suppressed any material facts.

Lucknow, Dated, , , , , , , ,

J.D.
Deponend

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

S.S.Srivastava

.. Applicant

Versus

Union of India & others.

.. Respondents.

Fixed for 29.10.1990 for F.H.

REJOINDER AFFIDAVIT ON BEHALF OF APPLICANT, S.S.SRIVASTAVA

I, S.S.Srivastava, Chief Conservator of Forests, U.P., (Retired), aged about 62 years S/o Late Sri R.S.Srivastava — resident of House No.B-991(First floor)Sector 'A'Mahanagar, Lucknow do hereby solemnly affirm and state as under :

1. That the deponent is applicant in the present case and is fully conversant and acquainted with the facts deposed to hereunder ;
2. That several opportunities were given to the respondents for filing Counter affidavit/written statement but the same was not filed and ultimately on 20.3.90 Hon'ble Central Administrative Tribunal ordered that Counter affidavit if ready may be filed within 6 weeks and the case was ordered to be listed for ex-parte final hearing on 28.8.90.
3. That no counter affidavit was filed as ordered in the foregoing paragraph, however, on 28.8.90 when the

(60)

case was taken up, counter affidavit dated 27.8.90 was submitted in the Court with an application dated 27/28.8.90 for condonation of delay, and the same was allowed on payment of Rs.200/- as costs and the deponent was directed to file Rejoinder affidavit within five(5) weeks.

4. That on scrutiny following discrepancies have been noticed in the counter affidavit dated 27.8.90;
 - (a) that the counter affidavit has been deposited to, signed and verified by one Sri Ram Prawesh Tiwari working as Deputy Conservator of Forests, U.P. in the office of Principal Chief Conservator of Forests, U.P Lucknow without mentioning as to on behalf of which of the 3 respondents he has filed the counter affidavit;
 - (b) that no authority from any respondent/respondents in writing has been furnished as provided for in Rule 12(2) of Central Administrative Tribunal Rules, 1987;
 - (c) that no documents relied upon have been filed;
 - (d) that verification of counter affidavit has not been done as required in Order vi, Rule 15 of the Code of Civil Procedure, 1908(5 of 1908) in as much as that it has not been specified as to which of the paras the deponent has verified on the basis of records and which ones on legal advice.
5. That respondent/respondents on whose behalf counter affidavit has not been filed, now may not be allowed to file the same as several opportunities have already been afforded.

-3-

6. That no comments have been offered on paras 1 to 5 of the application as such there is no necessity of any reply with respect to these paras.
7. That the contents of paras 6(i) to 6(iii) of the application have been admitted in para 1 of counter affidavit, hence there is no necessity of any further reply.
8. That the contents of paras 6 (iv) have not been commented upon except the clarification "Merit with ~~the~~ due regard to seniority" is not the criteria for confirmation. The deponent quite agrees to the interpretation.
9. That the contents of para 3 of counter affidavit are denied and those of paras 6(v) of the application are re-iterated. It is further stated that the facts given by the deponent in paras 6(vi) to 6(xviii) of the application would speak for themselves.
10. That the contents of para 4 of the counter affidavit are denied and those of para 6(vi) of the application are reiterated. It is, therefore, however, stated that the Hon'ble High Court in the judgement 9.5.84 (Annexure A-10) have dwelt at length that the consideration made by D.P.C. stood vitiated on account of variety of reasons. The D.P.C's decision was based upon consideration of irrelevant material. The deponent had better career record as compared to the records of his juniors who were selected by wrongly superceding the deponent.

(b)

11. That there is no necessity of giving any reply of para 5 of the counter affidavit as the contents of para 6(vii) have been admitted.
12. That the contents of para 6 of the counter affidavit are denied and those of para 6(viii) of the application are re-iterated. It is further stated that the Hon'ble High Court in their judgement dated 9.5.84 (Annexure A-10) have held that the supercession of the deponent for the post of Addl. Chief Conservator of Forests by the Departmental Promotion Committee held on 3.2.82 and 5.4.82 was illegal, as such it automatically follows that the promotion of deponent's juniors against the three(3) existing vacancies as per decisions of the Departmental Promotion Committee held on 3.2.82 and 5.4.82 was patently unjust and illegal, however, as per interim order dated 21.7.83 of the Hon'ble High Court the promotion to the posts of Chief Conservator of Forests was subject to the result of the Writ petition.
13. That there is no necessity to give ^{any} reply to the contents of para 7 of the counter affidavit as in this para contents of para 6(ix) to 6(xi) of the application have been admitted.
14. That the contents of para 8 of the counter affidavit are denied and it is further stated that the respondents have stated for the first time that the case of the deponent was reconsidered by Departmental promotion Committee on 4.8.84 in compliance of the directions given by the Hon'ble Court ^{and} that the deponent was not found fit for promotion. The respondents are called upon to prove strictly that the case

(b)

-5-

of the deponent has reconsidered on 4.8.84. As a matter of fact the respondent No.2 should have intimated the deponent soon after 4.7.84 the ground/ grounds on which the deponent was not found fit for promotion inspite of clear and emphatic directions of the Hon'ble High Court. It is also pertinent to state that respondent No.2 viz the State Govt. of U.P. have informed respondent No.1 that in compliance of judgement of the Hon'ble High Court, the case of deponent was reconsidered and he was promoted as Addl. Chief Conservator of Forests, w.e.f. 31.1.85 and as a Chief Conservator of Forests subsequently (para (iii) of Annexure A-1 of the application).

15. That no comments have been offered regarding the contents of para 6(xiii) of the application, as such there is no necessity of any further reply to para 9 of the counter affidavit.
16. That the contents of para 10 of counter affidavit are denied as stated and the contents of para 6(xiv) of the application are re-iterated and it is further stated that Departmental Promotion Committee in the selection held on 15.1.85 found the deponent fit and he was promoted as Addl. Chief Conservator of Forests but the same promotion was denied to the deponent by the Departmental Promotion Committee which is alleged to have met on 4.8.84. It is not understood as to what spectacular developments occurred during these 5 months that the same D.P.C. found the deponent suitable for promotion and the deponent was promoted as Addl. Chief Conservator of Forests. Evidently it has been done with a view to deny consequential benefits to the deponent.

to which he would have certainly been entitled had he been selected and promoted as a result of the meeting of the Departmental Promotion Committee held on 4.8.84.

17. That the contents of para 11 of the counter affidavit are denied and those of para 6(xv) of the application are reiterated. It is further submitted that to the best information and belief of the deponent Departmental Promotion Committee met ~~sanction~~ sometimes in March/April, 1985 to make selections for the posts of Chief Conservator of Forests which were likely to fall vacant in the near future and that of Principal Chief Conservator of Forests which was getting vacant on 1.7.85 on the retirement of Sri D.N.Misra the then Principal Chief Conservator of Forests. It is pertinent to mention that in this very meeting the Departmental Promotion Committee selected the deponent as Chief Conservator of Forests and also considered him for the post of Principal Chief Conservator of Forests but on faulty assessment of the deponent's entries in the character roll chose to select Sri D.N.Lohani in preference to the deponent though Departmental Promotion Committee also agreed that the deponent was much more senior than Sri D.N.Lohani. The first vacancy of Chief Conservator of Forests occurred on 30.4.85 when Sri S.S.Raturi Chief Conservator of Forests(Hills) retired and the subsequent vacancy of Chief Conservator of Forests occurred on 1.7.85 when Sri D.N. Dary Chief Conservator of Forests (Social Forestry) was promoted as Principal Chief Conservator of Forests, vide Annexure A-13 of the application. In all fairness the deponent should have been appointed as

Chief Conservator of Forests on 30.4.85. On the retirement of Sri S.B. Raturi but his promotion order was deliberately withheld and was issued on 31.7.85 after Sri D.N. Lohani had already taken over as Principal Chief Conservator of Forests. On 1.7.85 as would be clear from Annexure I-14 of the application. This was done with the deliberate design so that the deponent may not challenge the selection of Sri D.N. Lohani as Principal Chief Conservator of Forests. It is incorrect to state that deponent was promoted as Chief Conservator of Forests on 31.7.85 in the resultant vacancy of Sri D.N. Lohani.

18. That the contents of para 12 of the Counter affidavit are denied those of para 6(xvi) are reiterated. The points raised in this para have already been explained in detail in paras 16 & 17 above.
19. That the contents of para 13 of the counter affidavit ~~and~~ are denied and those of para 6(xvii) are reiterated and it is further stated that a perusal of the contents of paras 8 & 10 of the counter affidavit shall reveal that whereas the applicant ~~was~~ not found fit for promotion by the Departmental Promotion Committee held on 4.8.84 the same Departmental Promotion Committee held after a small interval of 5 months on 15.1.85 found the applicant fit for promotion. It would thus be clear that the deponent was denied promotion by the Departmental Promotion Committee held on 4.8.84 only with the intention of circumventing ⁱⁿ the letter and spirit of the orders of the Hon'ble High Court in order to deny the deponent the benefits of timely promotion and consequential benefits flowing therefrom as has been submitted in detail in foregoing paras 14, 16 & 17

of this Rejoinder affidavit.

20. That the contents of para 14 of the counter affidavit are emphatically denied and it is further stated that as intimated to Govt. of India (Respondent No. 1) by the U.P. Govt. reconsideration of the claim of the deponent was certainly done as per directions of the Hon'ble High Court as a consequence thereof the deponent was promoted from 31.1.85 as Addl. Chief Conservator of Forests and subsequently as Chief Conservator of Forests. In view of this fact it was necessary and imperative that the deponent should have been allowed consequential benefits and under the circumstances Govt. of India. Opposite party No. 1 have rightly issued the directions. But now the Govt. of U.P. has revealed that some consideration was done on 4.8.84 & Departmental Promotion Committee did not find the deponent fit for promotion at that point of time but subsequently the deponent was promoted on 31.1.85. It is not understood how the same Departmental Promotion Committee found the deponent fit for promotion within a short period of about 5 months.

21. That no reply has been given of the contents of para 7 & 8 of the application.

22. That in reply to the contents of para 9 of the application regarding relief sought and the grounds it has been stated by the respondents in sub-para of para 14 that these have no legs to stand upon, in reply thereof it is stated that the relief sought are absolutely just and proper and these should be allowed; there is no necessity for giving any reply with respect to the grounds which are

absolutely sound, legal and proper and it is incorrect to say that these have no legs to stand upon.

Deponent.

Place: Lucknow
Dated Sept. 25, 1990.

I identify the deponent who has signed before me.

VERIFICATION.

I, the above named deponent do hereby verify that the contents of paras 1, 3, 5, 6, to 9, 11, 13, 15 and 17 to 19 are true to my personal knowledge and those of paras 2, 4, 10, 12, 14, 16 and 20 are believed by me to be true on the basis of records and the contents of paras 22 are believed by me to be true on the basis of legal advice; nothing material has been concealed and nothing is wrong; ~~so~~ help me God.

Verified this the 25th day of Sept. 1990
in the premises of U.P. Public Services Tribunal Jawahar Bhawan, Lucknow.

Deponent.

Dated: Lucknow

Sept. 25, 1990.

T.C.
D. B. Singh
Q. B. SINGH (Signature)
C1077-78, SECTOR 'B'
Kalanazar, Lucknow-226002

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

M.P. No. 617/90 (L)

(B)

S.S.Srivastava .. Applicant.

Versus

Union of India & Others. .. Respondents.

APPLICATION FOR SUMMONING OF RECORDS.

In view of the pleadings on the record of the file it has become necessary and imperative that Government of Uttar Pradesh (Respondent No.2) may be directed to produce the undermentioned records before the Hon'ble Central Administrative Tribunal in the interest of justice.

- (1) Proceedings of the Departmental Promotion Committee held on 4.8.1984 in which it is alleged that the applicant's case for promotion was reconsidered as per directions of the Hon'ble High Court, Lucknow Bench, Lucknow.
- (2) Proceedings of the Departmental Promotion Committee held on 15.1.85 in which the applicant was approved for promotion for the post of Addl. Chief Conservator of Forests.
- (3) Proceedings of the Departmental Promotion Committee held in March/April, 1985 in which the applicant was approved for promotion for the post of Chief Conservator of Forests.
- (4) Confidential Roll/Character roll of Sri S.S. Srivastava, the applicant;

2
CA

(5) Confidential roll /character roll of Sri Prahlad Narain Gupta, Retired Chief Conservator of Forests;

(6) Confidential roll /character roll of the Sri Mathura Datt Upadhyaya, Retired Chief Conservator of Forests;

(7) Confidential Roll /character roll of Sri Deoki Nandan Lohani Retired Principal Chief Conservator of Forests.

Place : Lucknow

Applicant.

Dated: Sept. 27, 1990.

Through : R.B.Singh, Advocate.

T.C.
R.B. SINGH, Advocate
C1077-78, SECTOR 'B'
Asha Nagar, Lucknow 226026

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW

O.A. NO. 1382 OF 1988

(FIXED FOR 17.11.1992)

S.S.SRIVASTAVA ... APPLICANT

VERSUS

UNION OF INDIA & OTHERS ... OPPOSITE PARTIES

APPLICATION FOR DIRECTION TO THE OPPOSITE
PARTY NOS. 2 & 3 TO PRODUCE THE DOCUMENTS
AND SUPPLY ITS COPIES TO THE APPLICANT

The applicant begs to submit:-

1. That, vide order, passed on the application dated 27.9.1990 of the applicant, the Hon'ble Tribunal was pleased to direct the opposite parties No. 2 and 3 to produce documents, mentioned in the afore-said application.
2. That the documents are essential for proper and effective adjudication of the case. In fact, that unless copies of the following record are given to the applicant, he will not be able to properly address the Hon'ble Tribunal on merits.
3. That the following documents are not such in respect of which privilege can be claimed. The documents, stated under, are in the custody of the opposite parties 2 and 3.

It is respectfully prayed that the Hon'ble Tribunal be kindly pleased to direct the opposite parties to supply copies of the following documents before the case is finally heard:-

- (i) Proceedings of the D.P.C., held on 4.8.1984 in connection with the promotion of the applicant to the post of Additional Chief Conservator of Forests;
- (ii) Proceeding of the D.P.C. meeting, held on 15.1.1985, for promotion of the applicant to the post of Additional Chief Conservator of Forests;
- (iii) Proceeding of the D.P.C., held in March/April 1985, in which the applicant was approved for promotion to the post of Chief Conservator of Forests.

LUCKNOW

DATED 17.11.1992.

APPLICANT

I, applicant, do hereby verify that the contents of paras 1 and 2 are true to my personal knowledge and of para 3 are believed to be true.

Signed and verified on 17.11.1992 at Lucknow.

LUCKNOW

DATED 17.11.1992.

APPLICANT

40

To,

The Bench Secretary
Central Administrative Tribunal
Lucknow Bench, Lucknow -

Sub:- Adjournment Application in the matter of
Reg. No. 1382/88 S.S. Srivastava vs. U.O.T

Respected Sir,

With due regards I have to inform
you that the Special Council of State of U.P. ~~sir~~
Mr. N. P. Srivastava ~~has~~ ~~is~~ proceeded to Allahabad
to appear before the CAT Allahabad Bench on 8-11-91
in another matter on behalf of state of U.P. So
he will not be able to appear in the above
Case before CAT Lucknow Bench Lucknow on 8-11-91.

I request the Hon'ble Court to
adjourn the said case for ~~two~~ two weeks.

Date: 8.11.91

Yours Sincerely

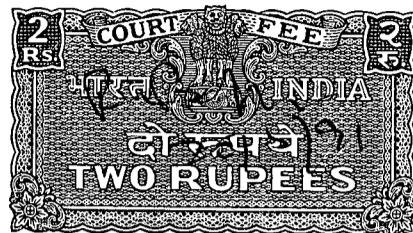
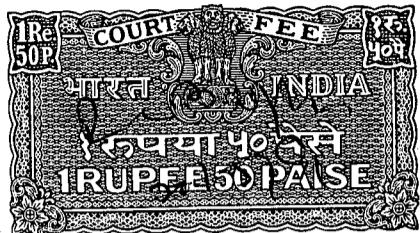
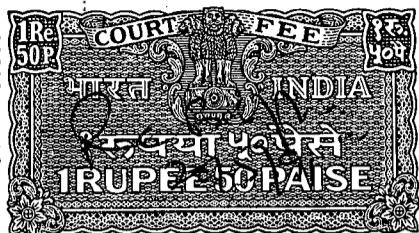
J P Singh
(J. P. Singh)
Forest Lawyer (C.)
for: D. F. O. (Court Case)

डॉक्टर हस्ताक्षर, लखनऊ बैन्द, लखनऊ

२२

वकालतनामा मिनिजानिक

S. S. Srivastava



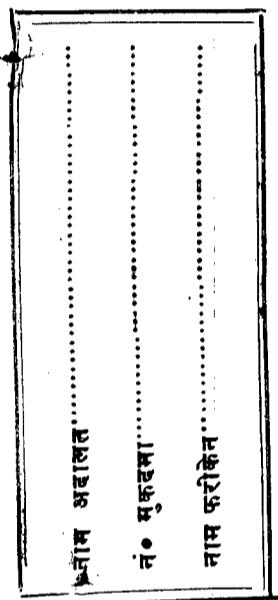
Before The Central Administrative Tribunal Lucknow

अपीलकर्ता/प्रार्थी

S. S. Srivastava
बनाम
Union of India Petition

उत्तरवादी

नं मुकदमा 1382 सन् १९८८ पेशी की ता १९८ ई०



ऊपर लिखे मुकदमे में अपनी ओर से S. S. Srivastava

भूमि ग्रन्त वा बेंच लुकावा

एडवोकेट महोदय

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमे में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तरकरें या कोई कागज़ दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या सुलहनामा वा इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तदीक करें या मुकदमा उठावेगा कोई रूपया जमाकरें या हमारी या विपक्षी सफरीकसानी का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथास्वीकार है औरोगी। इसलिए यह वकालत-नामा लिख प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

S. S. Srivastava

Accepted
R. S. Srivastava
Advocate

साक्षी (गवाह) _____ साक्षी (गवाह) _____

दिनांक २०८६ महीना May सन् १९८८) ई०

In the Central Administrative Tribunal,
Lucknow Bench, Lucknow

o.d. No. 1382/88

(C3)

S. S. Srivastava v. Union of India and others.

R.J. 22.5.91

Application for adjournment.

My Lords.

The applicant begs to State as under:-

1. That the applicant is a counsel in this case representing in State Govt.

2. That the applicant is unable to appear before a Tribunal Tribunal due to illness.

Prayer

My Lords therefore it is prayed that in above mentioned case be adjourned to some other date preferably in July 1991.

N.P. Srivastava

Counsel for
State of U.P.

Seal Lucknow
20.5.1991

प्रेषक,

प्रमुख वन् संरक्षक,
उत्तर प्रदेश, लखनऊ।



सेवा में,

एडिशनल रजिस्टर,
केन्द्रीय प्रशासनाधिकरण,
लखनऊ बैच, गांधी भवन,
लखनऊ।

दिनांक: लखनऊ: अप्रैल ८९, १९८९

विषय:- रजिस्ट्रेशन नं० १३८२/८८ एस.एस.श्रीवास्तव बनाम
यूनियन आफ इण्डिया व अन्य।

महोदय,

उपरोक्त याचिका को प्रति इस कार्यालय में ६-४-८९
को उपलब्ध हुई है जिससे निश्चित समय ७-४-८९ पर प्रतिशपथ पत्र
दाखिल किया जाना संभव नहों है। एतदर्थं अनुरोध है कि प्रतिशपथ
पत्र दाखिल करने हेतु एक माह पश्चात को कोई अन्य तिथि देने का
कष्ट करें।

भवदोम,

प्रमुख वन् संरक्षक, उत्तर प्रदेश,
लखनऊ।

पाण्डे/7/4

10/4/89

c/c
65
Registered

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

988 to 990

13.3.1989.

No. CAT/CB/LKO/

Dated : _____

1382 Registration No. of 198

S. S. Srivastava

Applicant

Versus

Union of India

Respondent's

To

1. Union of India, through the Secretary to Govt. of India, Ministry of Environment and Forests, Deptt. of Environment, Forests and Wild Life, C.G.O. Complex, Lodhi Estate, New Delhi.
2. Government of Uttar Pradesh, through the Chief Secretary, to Government of U.P., Lucknow.
3. Secretary to U.P. Government, Forests Deptt. Civil Secretariat, Lucknow.

Please take notice that the applicant above named has presented an application a copy whereof is enclosed herewith which has been registered in this Tribunal and the hearing Tribunal has fixed 17th day of March 1988 for to file reply by 7.4.89, to which rejoinder may be filed by 13.4.1989.

If no, appearance is made on your behalf by your pleader or by some one duly authorised to Act and plead on your in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal
1388 day of March 1988.

For DEPUTY REGISTRAR

dinesh/

Sub
Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow

13 02/88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

(B)

Misc. Application no of 1988

in

Application no of 1988.

Original

S.S.Srivastava Applicant

and

Union of India & Others Respondents

May it please the Hon'ble Tribunal:

1. That the applicant is submitting an application before the Hon'ble Tribunal.
2. That the applicant went to Circuit bench Lucknow on 26.11.88, to file his application but the officials present there did not receive the same saying that the Circuit Bench had moved to Allahabad.
3. That it has therefore become necessary to send the application to Allahabad with the request that the same may kindly be received and listed for further orders at Circuit Bench, Lucknow.
4. That a receipt slip duly typed alongwith a self addressed envelope with postage stamp of 60 paise affixed thereon is enclosed herewith for sending back the receipt to the applicant.
5. That the postal A.D. cards duly filled in with the addresses of the three respondents are also enclosed.

PRAYER

It is, therefore, prayed that the said application may kindly be ordered to be listed at Circuit Bench, Lucknow whenever convenient to the Hon'ble Tribunal.

SD/

DDG/JIS

Signature of the Applicant.

1000

DCWUW

cont.

VERIFICATION

(S)

I, S.S.Srivastava, son of Late Sri R.S.Srivastava
age 60 years retired Chief Conservator of Forests, U.P.
resident of B-991, Sector 'A' (Ist.Floor), Mahanagar,
Lucknow do hereby verify that the contents of paras 1 to
3 are true to my personal knowledge and that I have not
suppressed any material fact.


Signature of the Applicant

Place: Lucknow

Dated 02-12-1988

महात्मपूर्ण । त्रिवेदी ।

18

संख्या- फो.फॉ.33116-E-2-916

प्रेषण,

मुझे वन्न संरक्षक,
प्रशासन एवं नियोजन।
उत्तर प्रदेश, लखनऊ।

सेवा में।

रजिस्ट्रार,
केन्द्रीय प्रशासनाधिकरण,
लखनऊ बैठक।

दिनांक: लखनऊ: अगस्त 29, 89.

विषय :- रजि. नं । 382/88 श्री एस०एस० श्रीवास्तव बबाम यूनियन आफ इण्डिया व मन्य।

महोदय,

अंत वाद दिनांक 30.8.89 को अंतिम मुन्हाई हेतु निर्धारित है। इस सम्बन्ध में बिवेदक है कि फिल्हीं अपरिहार्य फारणों से अंत वाद का प्रतिक्रिय पत्र तैयार नहीं हो सका है। अतः अबुरोध है कि उक्त वाद में एक माह पश्चात् फोई गन्य तिथि निर्धारित करें।

मुख्यदीय,

१। एस.पी.सिंह।
मुझे वन्न संरक्षक प्रशासन एवं नियोजन।
उत्तर प्रदेश, लखनऊ।

संख्या: फो.फॉ.

111/दिनांकित।

प्रतिलिपि श्री एब.पी.श्रीवास्तव, विशेष अधिकारी।
3/4 पी.डब्ल्यू.डी.कालोनी, राजेन्द्र नगर, लखनऊ को इस आशय से प्रेषित कि उक्त तिथि पर मानवीय केन्द्रीय प्रशासनाधिकरण में उपस्थित होकर अग्रिम कार्यवाही सुनिश्चित करें।

१। एस.पी.सिंह।
मुझे वन्न संरक्षक प्रशासन एवं नियोजन।
उत्तर प्रदेश, लखनऊ।

संख्या: को.के. ६ 16-E-2-916

प्रेषक,

प्रमुख वन संरक्षक,
उत्तर प्रदेश, लखनऊ।

सेवा में,

सानन्दीय वाइस एयर मैन
कन्द्रीय प्रशासनाधिकरण,
लखनऊ बंध, लखनऊ।

दिनांक: लखनऊ छुलाई 4 ८९।

विवरण:- रुपेज ० नं० १३८२/८८ श्री स्स.स्स.श्रीवास्तव बनाम
यूनियन आफ डॉण्डया।

महोदय,

उक्त वाद दिनांक ५.७.८९ को अंतिम सुनवाई
हेतु निर्धारित है। इस सम्बन्ध में महोदय के अनुरोध है कि
किंही अपीरहार्य क्र का रूपों की वजह से उक्त वाद का
प्रतिपथ पत्र तैयार नहीं हो सका है। अतः इस सम्बन्ध
में माननीय महोदय से अनुरोध है कि उक्त वाद में लगभग
एक माह पश्चात की कोई अन्य तिथि देने की कृपा करें।

भवदीय,

प्रमुख वन संरक्षक, उत्तर प्रदेश,
लखनऊ।

पाण्डे/५८

बादालत श्रीमान

Central Administrative Tribunal Allocated
लैकर्स

महोदय

वादी (मुद्दे)
मुद्दे (मुदालेह)

6, P. Street, G. M. का

वकालतनामा

S. S. Srivastava

नं० मुद्दमा १३८२/८८ सम बनाम प्रतिवादी (रेस्पान्डेन्ट) पेशी की ता० १६. ८. १९८९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Narbada Prasad Srivastava

वकील

एडवोकेट महोदय

को अपना वकील नियुक्त करके (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या अन्य कोई काम दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रूपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रूपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूं कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा। अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे स्थिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

काम के ८/१९८९ ई०

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९ ई०

Recd
N. V. Srivastava
१२/९/१९८९

Before the Hon'ble Central Administration Tribunal, U.P.,
Lucknow

O. A. No. 1382/88

CS

S. S. Srivastava - - - - - Appellant

Union of India - - - - - Opp. Party.

Application for adjournment

In the above-mentioned case which was earlier fixed for 16.10.92 for final hearing, the Appellant had taken the paper book of the case for sometime. The Appellant is stated to have gone out of State. He could not be informed of today's date.

It is therefore prayed that the Hon'ble Court be kindly pleased to adjourn the case to some date in Jan. 1993 as the Appellant is likely to come back within last week of December, 1992.

R. S. Deo
Adv.
for Appellant.

23.10.92