

Central Administrative Tribunal
Lucknow Bench

Cause Title O.A. 1382/88 1993

Parties S.S. Srivastava Applicant.

V. O. A. Sathery

Respondents

Part A.P.C.

Description of Documents Page

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B/G destroyed on 9-5-12


S.C. 57

27/11/88
(LKO)

Promotion etc

(A1)

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 1382 of 198

APPLICANT (s) S.S. Srivastava
U.O.I. through the Secretary, Min. of Environment

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

& Forests, 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?

YB

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

YB, according to dd form

(b) Is the application in paper book form?

YB

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

5 sets filed

3. (a) Is the appeal in time?

YB

(b) If not, by how many days it is beyond time?

-

(c) Has sufficient case for not making the application in time, been filed?

-

4. Has the document of authorisation, Vakalat-nama been filed?

YB

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

YB

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

YB

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

YB

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

YB

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

19. Whether all the remedies have been exhausted. *Yes*

If approved the case may be listed

On 27.01.88 at Lucknow as per

Informed

[Signature]

31/01/88

Submitted per

(A3)

(1)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCULAR NO. 11 AT BANGALORE

O.A./T.A. No. 1302 1980

S S. Srinivasu

Applicant(s)

Versus

U.O.

Respondent(s)

Sr. No.	Date	Orders
(1)	24.1.89	<u>D.R.</u> This case has been read on 10.1.89 from C.A.T. Allot. So the case has been fixed 24.1.89. No one is present, the case is adjourned to 20.2.89. bme D.R.(5) R
(2)	20/2/89	<u>D.R.</u> NO SITTING, Ad's do 2/3/89. Rm 20/2
(3)	8.3.89	<u>D.R.</u> counsel for the applicant is present. The case is adjourned to 10/3/89 for admission. R <u>D.R.</u>

(2)

OA. No. 1382/88

(A-4)

(6)

5-7-89

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

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. ~~to~~
~~92. which is~~ ~~to be~~ ~~filed~~
List this case for final hearing on
30-8-89.

A.M.
A.M.

V.C.
V.C.

(S.H.S.)

(7)

30/8/89

Hon. Justice K. Nath, V.C.

Shri 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.

OK
As directed by the
Court's order
No reply has
been filed by the rep
submitted for
4/9

V.C.
V.C.

OK
No reply filed
submitted to
order.
L
S/A

(11)

11-8-89

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

(9)

29-11-89

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

L
29/11/89

12

O-A 1382/88

3

AS

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

Misc. Petition No. 531/90 filed on behalf
of respondents 2 & 3 for admitting the
counter. The facts are that the case was
filed in January 89. 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 rejoinder
be filed within 5 weeks. List for
hearing on 29-10-90.

AM

Jy
Jm

No sitting. Adj. to. 29.10.90.

No sitting adj to 9.11.90.

OR
RA & cm
has been
"

OR of order
date 29.10.90
at 29.10.90

B

22.10.90

29.10.90

29.10.90

18

9-11-90

Hon. Mr. M. Y. Pradkar, A.M.
Hon. Mr. D.K. Agrawal, J.M.

None for the applicant.

The case is to be
listed for hearing
list for hearing on
1-1-91. M.P. 617/90 taken
up & considered. The learned
counsel for the respondents
is directed to get these
documents ready for
production at 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.

Jm

AM

OR

As per D.R. order
dt. 4.10.90, the date is
fixed on 22.10.90 for
summoning of record &

RA also filed
Date is already fixed on 29.10.90
for hearing S.F.O.

15/11/90

OR

As for the applicant has
filed M.P. No 617/90 for summo-
ning of record & also filed
R.A.

S.F.O.

7/11/90

(9)

1.302-000

(A-6)

(19)

20.5.1991

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

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

J
A.M.

[Signature]
V.C.

(19)

(ss)

3.9.91

Hon. Mr. D. K. Agrawal J.M.
Hon. Mr. K. Chatterjee A.M.

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

[Signature]
A.M.

[Signature]
J.M.

8-11-91

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.B. Gorthi 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.

[Signature]
V.C.

12.12.91

Disc to Sad demise of Dr. B.D. Chatterjee referred by Dr. O.P. Singh on 14.9.92

A.M

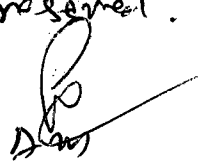

GA 1382/88C
A11d

A-7

17.11.92



Handl. Mr. Justice U.C. Sivadasan &
Dehl. Mr. K. Chayya am

Sri R.C. Balpan. learned
Counsel for applicant & Mr. N.P.
Sriv. Balpan. learned Counsel for respondent,
in presence.

Arguments heard. Judgment
reserved.
 

15-3-93

Handl. Mr. Justice U.C. Sivadasan &
Dehl. Mr. K. Chayya am

Judgment pronounced today in
the open Court.
 

A-8

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

C.A. NO. 132/66 199 (L)

T.A. NO. 199 (TL)

Date of Deceasion 15.3.63

S.S. Srivastava

Petitioner.

Advocate for the
Petitioner(s)

V E R S U S

Union of India & Others

Respondent.

Advocate for the
Respondents

C O R A M

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

Hon'ble Mr. K. Jeyya, 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 corculated to other benches ? *✓*

Vice-Chairman / Member

15/3/63

AP

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 1382 of 1988

S.S. Srivastava Applicant

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

k

Contd..2/-

A-10

:: 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 ~~Addl.~~ 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

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A-11

:: 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 Chaudharys' 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

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A-12

:: 4 ::

the seniority and grant of consequential benefits does not arise. It was later on 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 interefered 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 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/-

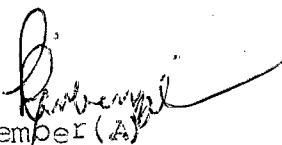
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:: 5 ::

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)

MP No 531/90
(A 56)

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.

(N.P. Sri-vastava
Special Counsel .

Filed today
28/8

A67

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
LUCKNOW.

Registration No. 1382/88

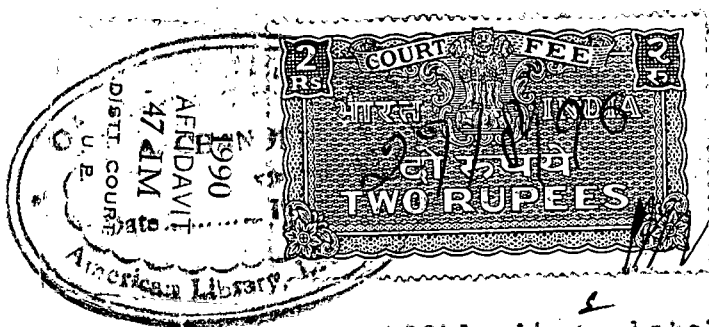
S. S. SRIVASTAVA

APPLICANT.

V/S.

UNION OF INDIA & OTHERS

RESPONDENTS.



Fixed for 28.8.90.

Counter Affidavit on behalf of Respondent No.

I, Ran Prakesh Tewari aged
s/o Sri Parameshwar Tewari 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 criteria 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.

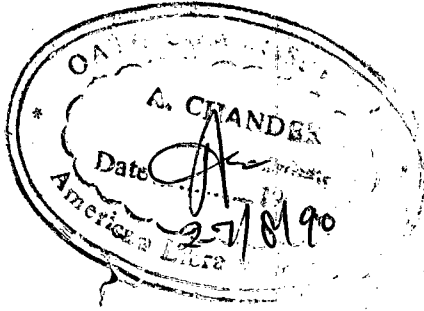
....2/-

158

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.

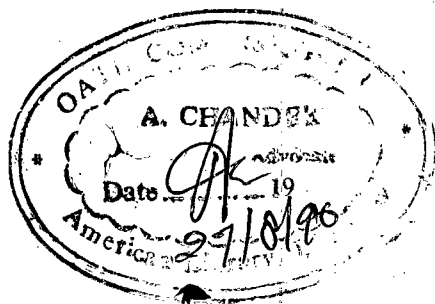
8. That in reply to para 6.12 of the application it is s-tated that the case of the applicant was re-considered in compliance of judgement of Hon'ble High Court by the D.P.C. on 4.8.84 and the applicant was not found fit for promotion.

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-⁶ (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.



14. That in reply to para 6.13 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.

04
 CHANDLER
 Date *AK* 19
 27/01/90
 15
 be
 to


Deponent

I, deponent 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 advice and that I have not suppressed any material fact.


Deponent

on 11.10.22
 with local
 Clerk to Sh
 I have
 dep
 this
 expd

Lucknow, Da
 4754
 R. R. Tiwari
 N. R. Szele
 A. Chatterjee
 The Charge

The deponent-Sri R.P. Tewari is personally known to me and he has signed in my presence.

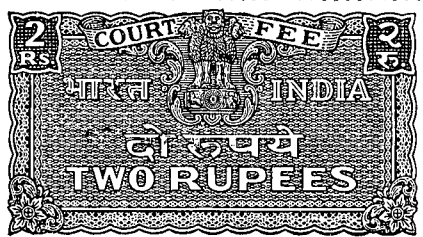
M. Vastave
(N. P. S. Vastani.)
Advocate

ALERTNESS AND LUCK NOW

27/11/96

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

Case no OA no 1382/88



1990
AFFIDAVIT
39 IM
DIST. 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 Forests (Retired), aged about 62 years S/o Late Sri R.S.Srivastava, resident of House No.B-991(First floor) Sector 'A' Mayapuri, 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.S.
4/10/90

28/8/90

S.S.Srivastava

(m)

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;

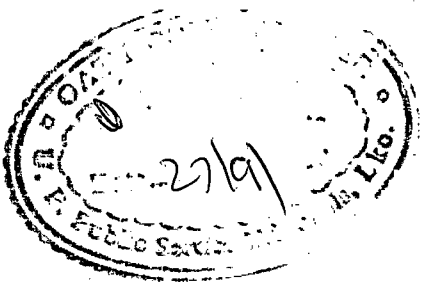
(d) that verification of counter affidavit has not been done as required in Order vi, Rule 15 of the Code of Civil Procedure, 1908 (5 of 1908) in as much as that it has not been specified as to which of the paras the deponent has verified on the basis of records and which ones on legal advice.

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.

27/9/91

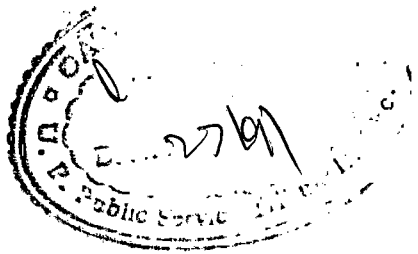
S. S. Goyal

- 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.



Signature

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 supersession 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 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 ^Q ~~in~~ 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 ^Q ~~and~~ that the deponent was not found fit for promotion. The respondents are called upon to prove strictly that the case

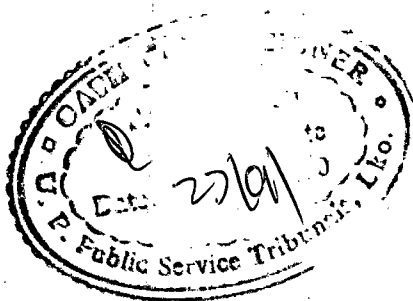


(15)

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 4.7.84⁸⁰ 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.

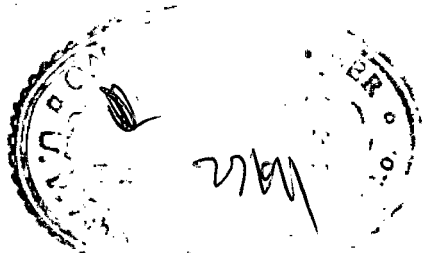
16. That the contents of para 10 of counter affidavit are denied as stated and the contents of para 6(xiv) of the application are re-iterated and it is further stated that Departmental Promotion Committee in the selection held on 15.1.85 found the deponent fit and he was promoted as Addl. Chief Conservator 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



S. Prasad

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~~ ^{at} some times 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

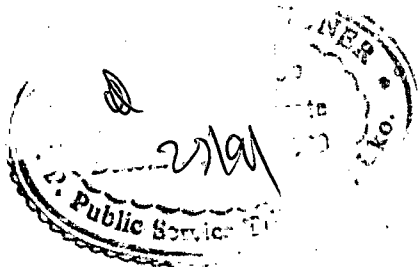


M. K. Singh

(17)

Chief Conservator of Forests on 30.4.85. On the retirement of Sri S.S. Raturi but his promotion order was deliberately with-held 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~~ 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



Shivadas

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

R. B. Singh

Deponent.

Place: Lucknow
Dated Sept. 27, 1990.

I identify the deponent who has signed before me.

R. B. Singh

R. B. SINGH, Admn.

C1077-78, SECTOR 'B'

Mahanagar, Lucknow-226001

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

R. B. Singh

Deponent.

Dated: Lucknow
Sept. 27, 1990.

R. B. Singh

R. B. SINGH, Admn.

C1077-78, SECTOR 'B'

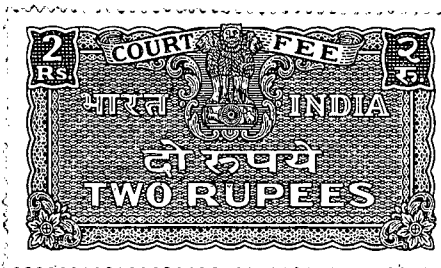
Mahanagar, Lucknow-226001

0 27/9/1990

A-80

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

M. P. No. 617/90 (4)



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
5/8/88
4/10

S. Srivastava

A-81

-2-

- (5) Confidential roll /character roll of Sri
Prahlaad Narain Gupta, Retired Chief Conservator
of Forests;
- (6) Confidential roll /character roll of the Sri
Mathura Datt Wadhyaya, Retired Chief Conserva-
tor of Forests;
- (7) Confidential Roll /Character roll of Sri
Deoki Nandan Lohani Retired Principal Chief
Conservator of Forests.

Place : LUCKNOW

Dated: Sept. 27, 1990.

R. B. Singh
Applicant.

Through : R.B. Singh, Advoc

R. B. Singh
R. B. SINGH, Advocate
C1077-78, SECTOR 'B'
Meharaga, Lucknow-226002

In the Central Administrative Tribunal.

Circuit Bench, Lucknow.

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-I	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(i)/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. X 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 29.11.83 regarding appointment of Sri P.N. Gupta as C.C.F.	A-8	29-30

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- 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 30.1.85 regarding promoting 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 Principle 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

Petitioner.

Dec. 2, 1988.

Dated: ~~Nov. 1988.~~

Lucknow

Attest
R. B. Singh
R. B. SINGH, Addl. Secy.
C1077-76, SECTOR 'B'
Lucknow

In the Central Administrative Tribunal,
Circuit Bench, Lucknow.

(1)

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 :

- i) Name of the applicant : S.S.Srivastava
- ii) Name of Father. : Late Sri R.S.Srivastava
- iii) Age of applicant : 60 years.
- iv) 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.
- v) Office address . Nil
- vi) Address for service of notices. B-991, Sec. 'A' (1st Floor) Mahanagar, Lucknow-6.

2. Particulars of Respondent:

- i) 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. 16/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.

6- Facts of the case are given below:

- (18)
- i) The applicant took charge as Asstt. 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 the 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/ Sarvasri P.N. Gupta, M.D. Upadhaya 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 Life conservation 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 M.D. Upadhyay were promoted as Addl. Chief Conservator of Forests in the two

-2-

(A-2)

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

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 :

(2)

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 reconsideration 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.M. 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 Forests 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 descrimination of the applicant (These orders of promotion of Sri P.N. Gupta are already enclosed as Annexure A-6 & A-8) .

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/OV-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 cosequential 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

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

	S/sri			
1.	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.

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.28918/7-84/IFS-I dated 14.12.87 (Annex-A-I) and the prayer of the applicant against his supercession 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 the State Govt. ^(Annexure - A-2) 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 descriminated in a wrong and illegal manner.



- II- Because in the selection held on 5.4.82 the applicant was again descriminated 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 descriminated 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 descrinated 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. Upadhaya 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.

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. Lohani 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

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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 - $\frac{DD}{4}$ - 822773

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).

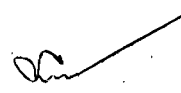
Signature of the Applicant.

R. B. Singh
R. B. SINGH, (Advocate)
C1077-72 SECTION 19
1988

A-32

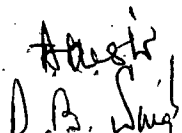
Verification.

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'
Gt. Bazaar, Lucknow-226028

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A 53

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

ORDER

14/12

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, *Attested*
C1077-78, SECTOR 'B'
Mahanagar, Lucknow-226019

No. 16/P.C. Dated 22-3-1988.

From,

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 notional 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 ^{over me} to Sri D.N. Lehani (junior to me by about 8 positions in the seniority list). ~~even me~~ 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 2 1/2 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 flow from my illegal supercession and I am entitled to the arrears of pay and pension as per calculations given below:-

.....2.

1. Quantum of loss in pay occurred to Sri S.S. Srivastava on account of his illegal supercession.

Period	Post held by him.	Pay P.M. drawn by him.	Post held by his junior.	Pay P.M. drawn by his junior.	Difference.	No. of months	Loss of pay in Rupees.
1.	2.	3.	4.	5.	6.	7.	8.
15-2-82 to Nov. 1983.	C.F.	3,080/-	Adml.CCF.	3,500/-	420/-	21½	9,030/-
Dec.1983 to Sept. 1984.	C.F.	3,370/-	C.C.F.	4,250/-	880/-	10	8,800/-
Oct.1984 to Jan. 1985.	C.F.	3,600/-	C.C.F.	4,500/-	900/-	4	3,600/-
Feb. 1985 to July 1985.	Adml.CCF.	4,195/-	C.C.F.	4,650/-	455/-	6	2,730/-
Aug. 1985 to Nov. 1985.	C.C.F.	4,900/-	P.C.C.F.	5,880/-	980/-	4	3,920/-
Dec. 1985. 1/2	C.C.F.	5,025/-	-do-	6,030/-	1005/-	1	1,005/-
Jan.1986 to June 1986.	C.C.F.	5,900/-	-do-	7,600/-	1700/-	6	10,200/-
Total:-							39,285/-

or say 39,300/-

2. Loss in Pension and commuted amount.

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 ~~it~~ 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.

(S.S.Srivastava)

Tc

✓

Attested

R.B. Singh

R. B. SINGH, (A/c)

C1077-73, SECTOR 'B'

Mahabaleshwar, Ludhiana-226005

उत्तर प्रदेश सरकार

वन अनुभाग-(1)

संख्या- 6544/14-1-30(10)/1977

दिनांक : लखनऊ 8 जुलाई, 1978

विवृतिस्थायीकरण

संख्या- 6544/14-1-30(10)/1977 राज्यपाल महोदय भारतीय वन सेवा
 उत्तर प्रदेश संवर्ग के निम्नलिखित अधिकारियों को, जो भारतीय वन सेवा के
 वरिष्ठ काल वेतनमान में स्थायी हैं और वरिष्ठ काल वेतनमान में सेलेक्शन ग्रेड
 के लागू किए जाने की तिथि से पहले ही सेवा के सुपरटाइम वेतनमान में अरुण्यपाल
 के पद पर स्थानापन्न स्म से प्रोन्नत/नियुक्त हो गये थे, सेलेक्शन ग्रेड के लागू
होने की तिथि दिनांक 12 जुलाई, 1977 से स्मवे 1650-75-1800 के
'चयन श्रेणी के वेतनमान (सेलेक्शन ग्रेड)' में स्थायी करने के आदेश सहर्ष प्रदान
करते हैं :-

- (1) श्री विजय बहादुर सिंह ।
- ✓(2) श्री सुरेश स्वल्प श्रीवास्तव ।
- (3) श्री प्रहलाद नारायण गुप्ता ।
- (4) श्री मधुरा दत्त उपाध्यक्ष ।
- (5) श्री आईपीओ गर्ग ।
- (6) श्री रवीन्द्र बिहारी माथुर ।
- (7) श्री देवकी नन्दन लोहानी ।
- (8) श्री कर्मवीर कक्कड़ ।
- (9) श्री एस0 डी0 डंगवाल ।
- (10) श्री कृष्ण कुमार माथुर ।
- (11) श्री जसवन्त सिंह ।
- (12) श्री सुरेश शरण रतूड़ी ।
- (13) श्री देवेन्द्र कृष्ण मिश्रा ।
- (14) श्री देवी प्रसाद गुप्ता ।

Tc

Attested
 R. B. Singh
 R. B. Singh, J. D. Officer

आज्ञा से,
 06/07/78
 नरोत्तम प्रसाद त्रिपाठी
 सचिव

ANNEXURE A-4

(24)

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उत्तर प्रदेश सरकार

वन अधिनियम (1)

संख्या- 297/14-1-79-30(9)/77 (टीसीओ)

दिनांक: 22 अगस्त, 1979

अर्णवना/वायोकरण

भारतीय वन सेवा, उत्तर प्रदेश सर्वेक्षण के अधोनाभिकृत अधिकारियों को, प्रत्येक के नाम के संस्था अधिकृत दिनांक से तथा रिकॉर्ड में, अर्णपाल के पद पर, स्थायी किया जाता है :-

क्र०सं० अधिकारी का नाम

अर्णपाल के पद पर स्थायीकरण का दिनांक

रिकॉर्ड में विवरण

(1) श्री कुबेर नाथ

1-2-1976

श्री एच०सी० डे के अतिरिक्त मुख्य अर्णपाल के पद पर स्थायीकरण के फलस्वरूप हुई रिकॉर्ड में

(2) श्री विजय बहादुर सिंह

21-11-1977

श्री डी०पी० जोशी के अतिरिक्त मुख्य अर्णपाल के पद पर स्थायीकरण के फलस्वरूप हुई रिकॉर्ड में

~~(3) श्री सुशेखर~~

(3) श्री सुशेखर स्वरूप श्रीवास्तव

29-8-1978

(4) श्री प्रहलाद नारायण गुप्ता

29-8-1978

(5) श्री मधुरा दत्त उपाध्याय

29-8-1978

(6) श्री ईश्वरी प्रसाद गर्ग

29-8-1978

(7) श्री रवीन्द्र बिहारी आधुर

29-8-1978

(8) श्री देवकी नन्दन लोहनी

29-8-1978

भारत सरकार, गृह मंत्रालय, (अभिक एवं प्रशासनिक सुधार विभाग) की अधिसूचना संख्या 16016/29/75-ए०आई०एस० (चार)-ए, दिनांक 29 अगस्त, 1978 द्वारा संवर्गीकृत नये पद ।

आज्ञा से,

टी०एन० धर
सचिव

संख्या- 8 297 (1)/14-1-79-30(9)/77 (टीसीओ)

प्रतिलिपि निम्नलिखित को प्रेषित :-

(1)

सचिव, भारत सरकार, गृह मंत्रालय, अभिक एवं प्रशासनिक सुधार विभाग, नई दिल्ली ।

(2)

सचिव, भारत सरकार, कृषि एवं सिंचाई मंत्रालय (कृषि विभाग), कृषि भवन, नई दिल्ली ।

कृपा: 2/-

Te

Must
D. B. Singh

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.	M.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. Chattergi	1952	25.08.23	M.D. Chief Forest Corporation, U.P.
4.	K.D. Bachkhathi	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.K. 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.E. Singh	1954	01.08.26	--- do ---
11.	S.S. Srivastava	1954	18.06.28	Conservator of Forests
12.	P.N. Gupta	1954	17.03.27	--- do ---
13.	H.D. Upadhyaya	1954	01.02.27	--- do ---
14.	R.B. Mathur	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. Kalkar	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
 cc

Attested
 D. B. Singh
 D. B. Singh, Officer
 C107/1-1-1008

कार्यालय, मुख्य वन संरक्षक, उत्तर प्रदेश, लखनऊ

विज्ञापित

पदोन्नति 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, स्थानापन्न स्म से पदोन्नति हेतु अनुमोदित अधोलिखित अधिकारियों की तैनाती कार्यभार ग्रहण करने के दिनांक से रु. 2250-125/2-2500 के वेतनमान में की जाती है:-

11 श्री मथुरा दत्त उपाध्याय, अरण्यपाल, प्रसार एवं जन संपर्क वृत्त, उ. प्रदेश, लखनऊ की तैनाती भारत सरकार, गृह मंत्रालय, कार्मिक और प्रशासनिक सुधार विभाग की अधिसूचना संख्या 16016/18/80-ए.आई.एस. चार.ए. दिनांक 9 जन 1981 द्वारा सृजित अपर मुख्य अरण्यपाल (वन्य जन्तु) उत्तर प्रदेश, लखनऊ के पद पर की जाती है। श्री उपाध्याय अरण्यपाल, प्रसार एवं जन संपर्क वृत्त, उ. प्रदेश, लखनऊ का दोहरा कार्यभार अपने कार्य के अतिरिक्त अग्रिम आदेशों तक वहन किये रहेंगे।

12 श्री प्रहलाद नारायण गुप्ता, प्रोजेक्ट निदेशक, भूमि सर्वेक्षण निदेशालय, देहरादून की तैनाती श्री पी. सी. चर्जी, अपर मुख्य अरण्यपाल के सेवानिवृत्त होने के फलस्वरूप हुई रिक्ति में प्रबन्धा निदेशक, उत्तर प्रदेश वन निगम, लखनऊ के पद पर की जाती है। श्री प्रहलाद नारायण गुप्ता अपने कार्य के अतिरिक्त प्रोजेक्ट निदेशक, भूमि सर्वेक्षण एवं सर्वेक्षण निदेशालय, देहरादून का दोहरा कार्यभार अग्रिम आदेशों तक वहन किये रहेंगे।

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

संख्या 5 // 2 /3-2-1 अपर मुख्य वन संर. : दिनांकित।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

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

12 निजी सचिव, वन मंत्री जी।

13 महालेखाकार-तृतीय, उ. प्रदेश, इलाहाबाद।

14 संबंधित अधिकारीगण : सर्वश्री एम. डी. उपाध्याय तथा पी. एन. गुप्ता।

15 मुख्य वन संरक्षक : नियोजन उ. प्रदेश, लखनऊ।

16 तत्सम अपर मुख्य वन संरक्षक एवं तत्सम वन संरक्षक, उ. प्रदेश।

17 प्रबन्धा निदेशक, उ. प्र. वन निगम, बी-932, सेक्टर "बी" महानगर, लखनऊ।

18 प्रोजेक्ट निदेशक, भूमि सर्वेक्षण निदेशालय, देहरादून।

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

Attested

D. B. Singh

SECTOR 1

उत्तर प्रदेश सरकार,
वन अनुभाग - 818
संख्या 2659/14-1-82
लखनऊ दिनांक 12 अप्रैल, 1982

कार्यालय नमूना

राज्यपाल महोदय ने दिनांक 31 मार्च 1982 से वी एसओ भारतीयों को, मुख्य वन संरक्षक [नियोजन] के पद से मुख्य वन संरक्षक के पद पर श्री वीएसओ पट्टिदी के अवकाश पर जाने के फलस्वरूप हुई रिक्ति में, स्थानान्तरित किए जाने के आदेश प्रदान किए हैं :-

2- राज्यपाल महोदय ने भारतीय वन सेवा, उत्तर प्रदेश संघ के निम्नलिखित अधिकारियों को, प्रत्येक के नाम के समक्ष लिखित पद तथा वेतनमान में स्थानापन्न रूप से पदोन्नति किए जाने हेतु अनुमोदन प्रदान किया है :-

क्रमसं०	अधिकारी का नाम तथा वर्तमान पद	पद जिस पर पदोन्नति किया गया उसका वेतनमान	अनुमोदित
1-	श्री बी.एच. हिंगोराजी अपर मुख्य वन संरक्षक [प्रबन्ध] मैनीताल	मुख्य वन संरक्षक [नि०] लखनऊ सं० 2500-125/ 2-2750	श्री सी.एल. भारिया के स्थान पर
2-	श्री आर.वी. माधुर	मुख्य वन संरक्षक सं० 2250-125/2-2500	श्री बी.एच. हिंगोराजी की पदोन्नति के फलस्वरूप हुई रिक्ति में

3- चूंकि श्री आर.वी. माधुर [नियोजन] प्रतिनिधित्व पर है और इनके ऊपर मुख्य वन संरक्षक के पद पर नियुक्ति हेतु शोध उपलब्ध होने की सम्भावना नहीं है। अतः राज्यपाल महोदय ने यह आदेश दिया है कि उस समय तक के लिए जबतक श्री माधुर उपलब्ध नहीं हो पाते श्री डी.एन. लोहानी वन संरक्षक वन आयोग पृथक् लखनऊ को कार्यभार ग्रहण करने के दिनांक से पदोन्नति कर के अपर मुख्य वन संरक्षक [प्रबन्ध] उत्तर प्रदेश, मैनीताल के पद पर सं० 2250-125/2-2500 के वेतनमान में श्री वीएसओ हिंगोराजी के स्थान पर [नियोजन] दिया जाए।

4- सम्बन्धित अधिकारियों की पदोन्नति विषयक अधिसूचना उनके कार्यभार प्रमाणक प्राप्त होने के पश्चात् जारी की जाएगी।

ए.ए.आर. वन्द्य पन्ना,
सचिव

कार्यालय मुख्य वन संरक्षक, उत्तर प्रदेश लखनऊ ।

संख्या 1741 टीओसीओ 13-2-1 [अपर वन संरक्षक] दिनांक अप्रैल 12, 82

प्रतिलिपि निम्नलिखित को सूचनार्थ स्व. आचरण कार्यवाही हेतु प्रेषित:

- 1- श्री बी.एच. हिंगोराजी, अपर मुख्य वन संरक्षक [प्रबन्ध] उ०१०
- 2- श्री डी.एन. लोहानी, राज्यपाल वन आयोग मु० उ०१०

लखनऊ ।

प्रतिनिधि सचिव वन [स्क] अनुभाग, उत्तर प्रदेश शासन
लखनऊ को शासनादेश संख्या 2659/14-1-1982 दिनांक 12 अप्रैल
82 के संदर्भ में प्रेषित । इस सम्बन्ध में मुझे यह निदेश करना है
कि श्री वी०एन० लोहानी अपर मुख्य वन संरक्षक [प्रबन्ध] उ०प्रदेश
नेनीताल का समय लखनऊ में-कमरे पर आर हूँ और श्री
वी०एन० लोहानी वन संरक्षक, वन आयोग वृत्त, जिन्हें अपर मुख्य वन
संरक्षक [प्रबन्ध] का कार्यभार ग्रहण करना है का मुख्यालय भी
लखनऊ में है, अतः शासन कृपया श्री वी०एन० लोहानी वन संरक्षक, वन
आयोग वृत्त को अपन मुख्य वन संरक्षक [प्रबन्ध] उ०प्रदेश नेनीताल का
कार्यभार लखनऊ में ग्रहण करने की अनुमति प्रदान करने की कृपा करें ।
शासन के आदेशों की प्रत्याक्षा में श्री लोहानी को आदेश दे-रहा है
कि अपर मुख्य वन संरक्षक [प्रबन्ध] का कार्यभार लखनऊ में ग्रहण कर
ले । ऐसा करना शासन के हित में भी होगा ।

EO/सी०एस०भा०पिया

12-4-82

मुख्य वन संरक्षक, उत्तर प्रदेश लखनऊ ।

Te

OK

Attested

R. B. Singh

R. B. Singh, D.O.

C1077/...

ANNEXURE - A - 8

29

कार्यालय, मुख्य वन संरक्षक, उत्तर प्रदेश, लखनऊ ।

संख्या 19 / 3-2-1 वन संरक्षक।

दिनांक, लखनऊ-1, नवम्बर 29, 1983।

कार्यालय ज्ञाप

शासन ने भारतीय वन सेवा, उत्तर प्रदेश संवर्ग के निम्नलिखित अधिकारियों को उनके नाम के समक्ष स्तम्भ-3 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।	अभ्युक्ति
1-	श्री विजय बहादुर सिंह, मुख्य वन संरक्षक, पर्वतीय, उत्तर प्रदेश, लखनऊ।	मुख्य वन संरक्षक, सामाजिक वानिकी, लखनऊ।	ये शासन के अगले आदेशों तक अपर मुख्य वन संरक्षक वन्य जन्तु का कार्य भी देखते रहेंगे।
2-	श्री पी. एन. गुप्ता, प्रबन्धा निदेशक, उत्तर प्रदेश वन-निगम।	मुख्य वन संरक्षक, पर्वतीय।	मुख्य वन संरक्षक के पद पर पदोन्नति के कारण।
3-	श्री एम. डी. उपाध्याय, अपर मुख्य वन संरक्षक, प्रबन्धा एवं कुमाऊं।	अपर मुख्य वन संरक्षक, प्रबन्धा, नैनीताल।	--
4-	श्री डी. एन. लोहनी, अपर मुख्य वन संरक्षक, गढ़वाल, देहरादून।	अपर मुख्य वन संरक्षक, नियोजन, उ. प्रदेश, लखनऊ।	---

2-शासन ने भारतीय वन सेवा, उत्तर प्रदेश संवर्ग के निम्नलिखित दो वन संरक्षकों को कार्यभार गृहणा 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-3 में उल्लिखित पद पर तैनात करने के आदेश दिए हैं :-

क्रम सं.	अधिकारी का नाम तथा वर्तमान पद	पद जिस पर तैनात किया गया।	अभ्युक्ति
1-	श्री कर्मवीर कक्कड़, वन संरक्षक, टिहरी वृत्, देहरादून।	अपर मुख्य वन संरक्षक, गढ़वाल, देहरादून।	श्री डी. एन. लोहनी के स्थान पर।
2-	श्री कृष्ण कुमार माथुर, वन संरक्षक, बुन्देलखण्ड वृत्, भोजपुरी।	अपर मुख्य वन संरक्षक, कुमाऊं, नैनीताल।	इस व्यवस्था के फलस्वरूप श्री एम. डी. उपाध्याय के पास केवल अपर मुख्य वन संरक्षक प्रबन्धा का ही कार्यभार रहेगा।

3-शासन ने यह भी आदेश दिए हैं कि श्री पी. एन. गुप्ता, जो इस समय 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. सिंह, वन संरक्षक, केन्द्रीय वृत्, लखीमपुर खोरी को प्रतिनियुक्ति पर तैनात किया जाता है।

4-प्रस्तर -2 में उल्लिखित पदोन्नति विधिवलमिषित रिट याचिका संख्या 732/82-
 श्री सुरेशा स्वरूप श्रीकास्तव पनाम राज्य सरकार तथा अन्य में उच्च न्यायालय,
 लखनऊ बैंच, लखनऊ द्वारा दिये जाने वाले अन्तिम निर्णय पर निर्भर होगी।

5-कृपया उपरोक्त आदेशा तुरन्त कार्यान्वित कर दिये जायें तथा कार्यभार
 सम्पादन इत कार्यालय तथा शासन को शीघ्र उपलब्ध करा दिये जायें।

29/11

विजय बहादुर सिंह
 मुख्य वन संरक्षक, उत्तर प्रदेश।

संख्या 1956 /3-2-1/3 सं. : दिनांकित।

प्रतिनिधि निम्नलिखित जो सूचार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. सचिव, वन ए. ए. अनुभाग, उ. प्रदेश शासन को शासकीय कार्यालय आप संख्या 7408/14-1-83-9/83 दिनांक 23 नवम्बर 1983 के अनुमालन में प्रेषित।
2. निजी सचिव, माननीय वन राज्य मंत्री जी, उ. प्रदेश शासन।
3. महालेखाकार-तृतीय, उ. प्रदेश, गेजेटेड ऑफिस विभाग, जी. ए. अनुभाग-ए, इलाहाबाद को।
4. अतिरिक्त सहायक, इण्डियन फौरेस्टर, प्रो. औ. न्यू फौरेस्ट, देहरादून।
5. संबंधित अधिकारीगण।
6. समस्त मुख्य वन संरक्षक, समस्त अपर मुख्य वन संरक्षक, मुख्य परियोजना निदेशक, जलागम प्रबन्ध निदेशालय, देहरादून एवं समस्त वन संरक्षक, उ. प्रदेश।
7. प्रबन्ध निदेशक, उ. प्रदेश वन निगम, लखनऊ।

Tc

cc

Attested
 R. B. Singh

29/11

विजय बहादुर सिंह
 मुख्य वन संरक्षक, उत्तर प्रदेश,
 लखनऊ दिनांक 29/

कार्यालय मुख्य वन संरक्षक, नियोजन, उत्तर प्रदेश, लखनऊ ।
पत्रांक: 219/टी0सी0/3-ए1नियोजन। लखनऊ, मार्च, 27, 1984

चार्ज सर्टिफिकेट

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प्रमाणित किया जाता है कि शासनादेश संख्या, यू0ओ0 298/14-1-1984 दिनांक 27 मार्च 1984 केअनुसार अपर मुख्य वन संरक्षक, नियोजन, उत्तर प्रदेश, लखनऊ के कार्यालय का स्तर मुख्य वन संरक्षक, नियोजन, उ0प्र0 का उच्चिष्ठ हो जाने के फलस्वरूप मुख्य वन संरक्षक, नियोजन, उ0प्र0, लखनऊ के पद का कार्यभार शासनादेश संख्या-2270/14-1-84-8/83, दिनांक 27, मार्च, 84 तथा प्रमुखा वन संरक्षक, उत्तर प्रदेश के पत्र संख्या ई 3544/3-2-1 दिनांक 27-3-1984 के अनुपालन में आज दिनांक 27 मार्च 84 के अपरान्त में हस्तान्तरित किया गया ।

ह0/-

ह0/1एम0डी0उपाध्याय।
मुख्य वन संरक्षक, नियोजन।
भार मोचक अधिकारी ।

प्रतिहस्ताक्षरित

ह0/-

देवेन्द्र नाथ मिश्रा।
प्रमुखा वन संरक्षक, उ0प्र0, ।

कार्यालय मुख्य वन संरक्षक, नियोजन, उत्तर प्रदेश, लखनऊ ।
पत्रांक 219/टी0सी0/3-ए1नियोजन। लखनऊ दिनांक, मार्च 27, 1984

प्रतिनाम निम्नलिखित को सूचनाई प्रेषित:-

- 1- सचिव, उत्तर प्रदेश शासन, वन अनुभाग-1, लखनऊ ।
- 2- सचिव, नियुक्ति।क। विभाग, उ0प्र0, शासन, लखनऊ ।
- 3- सचिव, पर्यटन विकास विभाग, उ0प्र0 शासन, लखनऊ ।
- 4- महालेखाकार -2 उत्तर प्रदेश, इलाहाबाद ।
- 5- महालेखाकार -3 उत्तर प्रदेश, इलाहाबाद ।
- 6- समस्त मुख्य वन संरक्षक, उत्तर प्रदेश ।
- 7- समस्त अपर मुख्य वन संरक्षक, उत्तर प्रदेश ।
- 8- समस्त वन संरक्षक, उत्तर प्रदेश, ।
- 9- अर्थशास्त्रिक, तम्मादक, हान्डयन फारेक्टर, देहरादून ।

Attested
D.B. Singh

ह0/-

ह0/1एम0डी0उपाध्याय।
मुख्य वन संरक्षक, नियोजन, उ0प्र0, लखनऊ ।

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

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

Suresh Swaroop Srivasta-va 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 Bhdhaur, KN Tandon
Radhika Raman

Counsel for oppt. 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. These 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 BH 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. Further-more, 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 posts. 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 juniors to the petitioner namely Sri R.P. Mathur and Sri K.D. Kaokar 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 plea of malafides or personal animosity. The said plea may therefore be taken as not pressed 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 thereafter 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 23.5.1974. That representation was not only against the 1960-61 entry but also against various other adverse entries and it was thereupon that the Forest Minister passed orders 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 for such promotion was due. It seems that although on 3.2.1982 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 as a 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 so much should be treated as nonest. Again, thus the petitioner was superseded. The petitioner was allowed to amend his writ petition in the light of these subsequent developments.

The decision of the selection committee to treat the two orders of the Forest Minister to be bad and non-est 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 A and B. 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 as 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 rejudicata 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 sub-ordinate 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 re-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 such 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 overruled 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.

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His selection to the Indian Forest Service must have been finalised, 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 Dihar Vs State of U.P. and others, (1983 U.P. Service cases 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 Regional Manager V. Pawan 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 Rules"

Reliance was also placed in Girish Dihar on another Bench decision in Satish Chandra Mittal V. State of U.P. (1975) 1SLR 65, which was to the same effect. No. 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 then the non-

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selection of the person concerned on the basis of such consideration is vitiated. A reference may, in this regard, be made to Gurdev Singh FILL Versus State of Punjab (1979) 2 S.C. 369 and Amar Kant Choudhary Versus State of Bihar (1984) 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 assailing the selection need not be considered.

Learned counsel for the petitioner Sri Umesh Chandra has argued with vehemence that it is not enough that the petitioner's case be reconsidered but it is necessary that the selection of the officers 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 Gurdev Singh FILL (supra) and Amar Kant Choudhary (supra) shows that one does not necessarily follow from the other. In Amar Kant Choudhary (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 Fijji's case (supra) also the decision was similar. In Dr. Girish Bihari's case (supra) also, only the petitioner's supersession was held to be illegal and the recommendation of the selection committee, in so far 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 super time scale in accordance with law. Nothing was said about the promotion of the officers junior to the petitioner in that case. We cannot read the observations of the Division Bench as implying in directly that promotion of the officers junior to the petitioner, Dr. Girish Bihari, was also meant to be quashed. 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

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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 Amar Kant 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.

Sri Umesh Chandra has also relied on Shree Dayal Singh V. State of Bihar (1981(2) SLR 1) in support of his contention that the promotions of the persons junior to the petitioner must be quashed. In Shree Dayal'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 these 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

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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 Shan Doyal's case was in substance not different from that passed in Anar Kant Choudhary'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. Nigam 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 bye-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

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 Elili and Amr. 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 Charles K. Sporia V. Rathna (1980) 2 SCC 752 "the Court is not a bull in a china shop". (Para 30). and "remedial jurisprudence. In bening 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 minimise injury generally. Indeed the judicial process, in its creative impulse, must hesitate to scuttle, and salvage wherever possible, and destroy only when

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the situation is beyond retrieval."

The same learned Judge in State of Kerala V. T.P. Raghavan. (1979) 1. SCC 572, again speaking for the Court, while disapproving the contentional 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 par 33 of the report, it was observed :-

"Here comes the play of processual realism in moulding the relief in the given milieu. The rule of law should not petrify life or be inflexibly mulish; It is tempered by experience, mollowed 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. Do 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
Hl. Highcourt Lucknow Bench

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

Examined by - H. A. Horn *Atul*
D.B. Singh

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प्रतिलिपि गोपनीय शासकीय अर्द्ध शासकीय पत्र संख्या 2283/अफ.सक./84 दिनांक 7 अगस्त 1984 प्रेषित श्री डी०एस० भिजा, प्रमुखा पन संरक्षक, उ०प्र०. ।

मैं इस पत्र द्वारा निम्नलिखित शासनादेश पारित कर रहा हूँ। कृपया संबंधित अधिकारियों को तत्काल अवगत कर दें और उन्हें आदेश दें कि वह अपने नये पद तुरन्त ग्रहण कर लें :-

- 111 श्री डी०एस० मोहानी, अपर मुख्य पन संरक्षक, गढ़वाल को प्रोन्नत करके मुख्य पन संरक्षक एवं निदेशक, सामाजिक पानिकी मुख्यालय, लखनऊ तैनात किया जाता है।
- 121 श्री हीराबल्लभा जोशी, कन्वरवेटर, विधायक तर्कित, देहरादून को श्री डी०एस० मोहानी की जगह अपर मुख्य पन संरक्षक, गढ़वाल मुख्यालय देहरादून तैनात किया जाता है।
- 131 श्री डी० पी० गुप्ता, कन्वरवेटर, हेडक्वार्टर को प्रोन्नत करके अपर मुख्य पन संरक्षक (प्रशासन) तैनात किया जाता है।
- 141 श्री गिरीश चन्द्र, कन्वरवेटर, दक्षिणी घाट, झालावाड़ को प्रोन्नत करके अपर मुख्य पन संरक्षक के रैंक में निदेशक, जलागम प्रबन्ध निदेशालय के पद पर तैनात किया जाता है।

कार्यालय, प्रमुखा पन संरक्षक, उत्तर प्रदेश, लखनऊ ।
पत्र संख्या: 541/डी०सी०/3-2-1 । अपर मुख्य पन संरक्षक।
दिनांक लखनऊ अगस्त 7, 1984 ।

प्रतिलिपि निम्नलिखित को उपनार्च एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1- मुख्य पन संरक्षक पर्यतीय, सामाजिक पानिकी एवं नियोजन । उ०प्र०।
- 2- संबंधित अधिकारीगण ।
- 3- मुख्य परियोजना निदेशक, जलागम प्रबन्ध निदेशालय, देहरादून ।
- 4- समस्त अपर मुख्य पन संरक्षक एवं समस्त पन संरक्षक, उ०प्र०, संबंधित अधिकारी कृपया नये पदों पर कार्यभार ग्रहण करने के प्रमाणक इस कार्यालय को शीघ्र उपलब्ध कराने का कदम लें ।

Attested
R.B. Singh

TC

EO/ निदेशक जलागम भिजा ।
प्रमुखा पन संरक्षक, उत्तर प्रदेश, लखनऊ । दि 7/8

संख्या-४ 383/14-1-85-9/83

प्रेषक,

श्री सिध्दार्थ बेहरा,
विशेष सचिव,
उत्तर प्रदेश शासन।

सेवा में,

प्रमुख वन संरक्षक,
उत्तर प्रदेश, लखनऊ।

वन अनुभाग एक।

विषय:

दिनांक: लखनऊ: जनवरी 30, 1985

अपर मुख्य वन संरक्षक वेतनमान स् 2250-125/2-2500 के पदों पर
स्थानापन्न प्रोन्नति एवं तैनाती।

महोदय,

मुझे यह कहने का निर्देश हुआ है कि राज्यपाल महोदय ने भारतीय वन सेवा उत्तर प्रदेश संवर्ग के अधोलिखित वन संरक्षक स्तर-1 के अधिकारियों को अपर मुख्य वन संरक्षक के पदों पर स् 2250-125/2-2500 के वेतनमान में स्थानापन्न स् 2250-125/2-2500 के पदों पर स् 2250-125/2-2500 के वेतनमान में स्थानापन्न प्रोन्नति हेतु अनुमोदित किया है :-

1. श्री सुरेश स्वस्म श्रीवास्तव

वर्तमान पद

वन संरक्षक, प्रसार एवं जनसम्पर्क,
उत्तर प्रदेश, लखनऊ,

2. श्री श्री विश्वपाल सिंह

भारत सरकार में कैबिनेट सेक्रेटेरियेट में
प्रतिनियुक्ति पर।

3. श्री राम दास गुप्ता

क्षेत्रीय निदेशक, सामाजिक वानिकी,
पश्चिमोत्तर क्षेत्र, बरेली,

4. श्री गया प्रसाद सिंह,

प्रबन्धा निदेशक, उत्तर प्रदेश वन निगम

2. मुझे यह भी कहना है कि राज्यपाल महोदय ने निम्नलिखित अधिकारियों को कार्यभार ग्रहण करने के दिनांक से स् 2250-125/2-2500 के वेतनमान में उनके नाम के समक्ष अंकित पदों पर तैनात किये जाने की स्वीकृति भी प्रदान की है :-

क्र 0 से 0 अधिकारी का नाम

तैनाती

अभ्युक्ति

1. श्री सुरेश स्वस्म श्रीवास्तव

अपर मुख्य वन संरक्षक वन्य
जन्तु, उत्तर प्रदेश, लखनऊश्री सी 0 बी 0 सिंह
की पदोन्नति के
फलस्वरूप रिक्त पद
के समक्ष,

2. श्री रामदास गुप्ता,

अपर मुख्य वन संरक्षक
प्रशासन उत्तर प्रदेश
लखनऊश्री के 0 के 0 माधुर के
स्थान पर।

3. श्री

4. सिंह, भारत सरकार के अधीन प्रतिनियुक्ति पर है, अतः इन्हें अपर मुख्य वन संरक्षक के पद पर दर्शनाथ प्रोन्नति दिये जाने की स्वीकृति प्रदान की जाती है।

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

Attested
D.B. SinghTe
✓

उत्तर प्रदेश सरकार,
वन अनुभाग १।१।
संख्या - 4550/14-1-85
दिनांक - लखनऊ - 10 जुलाई 85.

अधिसूचना
पदोन्नति

भारतीय वनसेवा, उत्तर प्रदेश संवर्ग के अधिकारी श्री देवकी नन्दन लोहनी, मुख्य वन संरक्षक {सामाजिक वानिकी} उत्तर प्रदेश, को पदोन्नत कर 1 जुलाई 1985 के पूर्वान्ति में प्रमुख वन संरक्षक, उत्तर प्रदेश के पद {वेतन रु0 3,000/- पर नियुक्त किया गया।

आज्ञा से,

{ चिवेक नारायण चन्ना }
सचिव

संख्या - 4550/14-1-85

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. अधीक्षक, मुद्रण एवं प्रेषण सामग्री, उत्तर प्रदेश, लखनऊ को। वह कृपया अधिसूचना को उत्तर प्रदेश के राजपत्र में प्रकाशित करवा दें।
2. सचिव, भारत सरकार, पर्यावरण तथा वन मंत्रालय वन तथा वन्य जीव विभाग, कृषि भवन नई दिल्ली।
3. महालेखकार {द्वितीय} उत्तर प्रदेश, ~~मेबर~~ लेखा अनुभाग -3, इलाहाबाद।
4. सचिव मुख्य मन्त्री जी।
5. प्रमुख वन संरक्षक, उत्तर प्रदेश, लखनऊ।
6. प्रबन्ध निदेश, उत्तर प्रदेश वन निगम, सी 932, सेक्टर -सी, महानगर, लखनऊ।
7. शासन के वन अनुभाग- 2, 3, 4।
8. सम्बन्धित अधिकारी / वैयक्तिक पत्रावली।

आज्ञा से

{ सिद्धार्थ बेहुरा }
विशेष सचिव.

Tc

Attested
R.B. Singh

50/66

संख्या 710/TC 13-2-1
दिनांक जुलाई 31, 1985।

भारतीय वन सेवा, उत्तर प्रदेश संवर्ग के निम्नलिखित अपर मुख्य वन संरक्षकों को मुख्य वन संरक्षकों के पदों पर रु. 2500-125/2-2750 के वेतनमान में शासकीय अ.शा.पत्र संख्या 1044/वि.स.वन/85 दिनांक 31 जुलाई 1985 द्वारा अनुमोदित किये जाने एवं उनकी तैनाती उनके समक्ष अंकित पद पर किये जाने की स्वीकृति प्रदान की गई है :-

- 1-श्री एस.एस.श्रीवास्तव - मुख्य वन संरक्षक(पर्वतीय)उ.प्रदेश, लखनऊ।
- 2-श्री के.बी.श्रीवास्तव - मुख्य वन संरक्षक, सामाजिक वानिकी,उ.प्र., लखनऊ।
- 3-श्री हीराबल्लभ जोशी - मुख्य वन संरक्षक(वन प्रबन्ध)उ.प्रदेश, गैलीताल।

उपरोक्त तीनों अधिकारी कृपया अपने नये पद का कार्यभार तुरन्त ग्रहण कर लें। तथा कार्यभार प्रमाणक दो प्रतिलिपियों में इस कार्यालय तथा शासन को भेजने का कष्ट करें।

(डी.एन.लोहबी)
प्रमुख वन संरक्षक, उत्तर प्रदेश,
लखनऊ।

संख्या 710/TC 13-2-1 (मुख्य वन संरक्षक): दिनांकित।

प्रतिलिपि निम्नलिखित को सूचना एवं आवश्यक कार्यवाही हेतु प्रेषित।

- (1) सचिव, वन(एक)अनुभाग, उत्तर प्रदेश शासन, लखनऊ को शासकीय अ.शा.पत्र संख्या 1044/वि.स.वन/85 दिनांक 31 जुलाई 1985 के अनुपालन में।
- (2) बिजी सचिव, माननीय वन मंत्री जी, उत्तर प्रदेश शासन।
- (3) महालेखाकार-तृतीय, जी.ए.न.वतस-1, मजेटेड, उत्तर प्रदेश, इलाहाबाद।
- (4) श्री एस.एस.श्रीवास्तव, अपर मुख्य वन संरक्षक(वन्य जन्तु)। वे कृपया मुख्य वन संरक्षक(पर्वतीय)का कार्यभार श्री के.के.माथुर, मुख्य वन संरक्षक(नियोजन)से ग्रहण करके उन्हें दोहरे कार्यभार से मुक्त करें।
- (5) श्री के.बी.श्रीवास्तव।
- (6) श्री हीराबल्लभ जोशी।
- (7) अतिथि संचालक, इण्डियन पेरिस्टर, प्रो.आ.व्यू पेरिस्ट, देहरादून।
- (8) समस्त मुख्य वन संरक्षक, समस्त वन संरक्षक एवं समस्त अपर मुख्य वन संरक्षक, उ.प्र.।

(डी.एन.लोहबी)
प्रमुख वन संरक्षक, उत्तर प्रदेश,
लखनऊ।

TC

Attested
R.B. Singh

A-82

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.

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.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.

[Signature]
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.

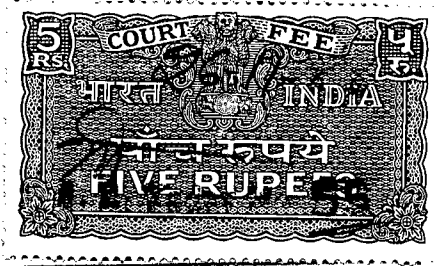
LUCKNOW

DATED 17.11.1992.

[Signature]
APPLICANT

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The Central Administrative Tribunal
Circuit Bench, Lucknow महोदय
[वादी] अधीलान्त
प्रतिवादी (रिप्लान्ड)
S.S. Srivastava का वकालतनामा



S.S. Srivastava

(अधीलान्त)

VS

Union of India & Ors

बनाम

प्रतिवादी (रिप्लान्ड)

नं० मुकद्दमा

सन् 1988

पेशी की ता०

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ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

RAJESH ADUR

R.B. SINGH

वकील महोदय

एडवोकेट

नाम अदालत	नाम
मुकद्दमा नं०	
नाम फरीकान	

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेशी व जबाब देही व प्रश्नोंत्तर 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 निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानों) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (इस्तखती) रसीद से लेवे या वंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होना में मैं भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने परोकार को भेजता रहूंगा अगर मुकद्दमा अदम पेशी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

S.S. Srivastava

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

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स्वीकृत

Accepted
R.B. Singh
SINGH, A-1
10/18, SECTOR 'B'
Lucknow-226007

(5)

Before the Central Administrative Tribunal Allahabad,

Circuit Bench Lucknow.

MP 53/90 (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.

Dated-27/ 28-8.90.

M. V. Rao
(N.P. Sri-vastava)
Special Counsel .

(5)

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 Prakesh Tewari aged 38 Years .

s/o Sri Parameshwar Tewari working as Deputy

. Conservator 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 criteria 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.

...2/-

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 s-tated 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 para⁶(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.

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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

V E R I F I C A T I O N

I, dependent 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 advice and that I have not suppressed any material facts.

Lucknow, Dated, , , , , , , ,


Dependent

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

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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

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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 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.

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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 ^{the} 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.

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 supersession 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 2.7.83 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} ~~an~~ reply to the contents of para 7 of the counter affidavit as in 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} ~~ad~~ that the deponent was not found fit for promotion. The respondents are called upon to prove strictly that the case

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-5-

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 4.7.84⁸ 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 sometime 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.Naturi Chief Conservator of Forests(Hills) retired and the subsequent vacancy of Chief Conservator of Forests occurred on 1.7.85 when Sri D.N. Dwy 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.S. Raturi but his promotion order was deliberately with-held 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 ~~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 ~~has~~ 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} 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. 27, 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 27th day of Sept. 1990
in the premises of U.P. Public Service Tribunal Jawahar Bhawan, Lucknow.

Deponent.

Dated: Lucknow

Sept. 27, 1990.

T.C.
R. B. SINGH
C1077-72, SECTOR 'B'
Alhambra, Lucknow-226005

(2)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

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

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;

3 (6)

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

(6) Confidential roll /character roll of the Sri
Mathura Datt Upadhyaya, Retired Chief Conserva-
tor 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
R. B. SINGH, Advocate
C1077-72, SECTOR 'B'
Meharipur, Lucknow-226006

(250)

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.

B-571

.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.

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

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.I

Respected Sir,

With due regards I have to inform
you that the Special Counsel of State of U.P. ~~Mr.~~
Mr. N.P. Srivastava ~~has~~ ~~been~~ 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 on 8-11-91.

I request the honorable court to
adjourn the said case for ~~two~~ two weeks.

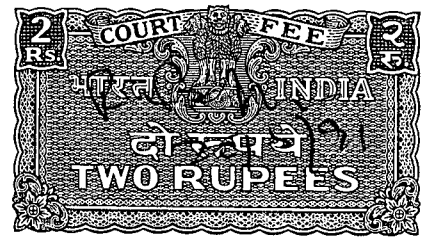
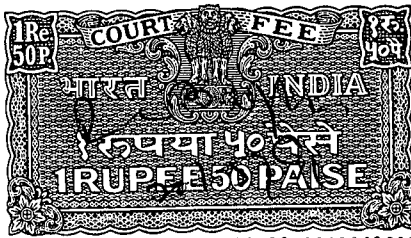
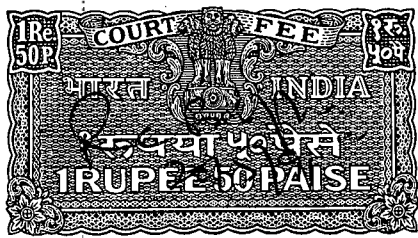
Date: 8.11.91

Yours Sincerely,
J.P. Singh
(J.P. Singh)
Forst Lawyer (ex)
for D.F.O. (Court Case)

हाईकोर्ट इलाहाबाद, लखनऊ बेंच, लखनऊ

51.32

वकालतनामा भिनजानिब S.S. Srivastava



Before The Central Administrative Tribunal Lucknow

S.S. Srivastava

बनाम

Union of India Others

अपीलकर्ता/प्रार्थी

उत्तरवादी

नं मुकदमा 1382 सन् १९८८ पेशी की ता १९८ ई०

नाम अदालत	नं मुकदमा	नाम फरीकन

ऊपर लिखे मुकदमें में अपनी ओरसे Si R.e. BAJPAI

High Court of Allahabad

एडवोकेट महोदय

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

हस्ताक्षर

S.S. Srivastava

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

20/5

महीना

May

सन् १९८८ ई०

Accepted
Rishu
20/5/88
Advocate

In Central Administrative Tribunal,
Lucknow Bench, Lucknow

D. No. 1382/88

(13)

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

24.5.91

Application for adjournment.

My Lords.

The applicant begs to state as under:—

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

2. That the applicant is unable to appear before the Hon'ble Bench due to illness.

Prayer

It is therefore it is prayed that the above mentioned case be adjourned to some future date preferably in July 1991.

N. P. Srivastava

Counsel for

State of U.P.

dear Lucknow
20.5.1991

प्रेषक,

प्रमुख वन संरक्षक,
उत्तर प्रदेश, लखनऊ।



सेवा में,

एडिशनल रजिस्ट्रार,
केन्द्रीय प्रशासनाधिकरण,
लखनऊ बेंच, गांधी भवन,
लखनऊ।

दिनांक: लखनऊ: अप्रैल 7, 89.

विषय:- रजिस्ट्रेशन नं० 1382/88 एस.एस.श्रीवास्तव बनाम
यूनियन आफ इण्डिया व अन्य।

महोदय,

उपरोक्त याचिका को प्रति इस कार्यालय में 6-4-89 को उपलब्ध हुई है जिससे निश्चित समय 7-4-89 पर प्रतिशपथ पत्र दाखिल किया जाना संभव नहीं है। एतदर्थ अनुरोध है कि प्रतिशपथ पत्र दाखिल करने हेतु एक माह पश्चात की कोई अन्य तिथि देने का कष्ट करें।

भवदीय,

हरिकान्त 7/4
प्रमुख वन संरक्षक, उत्तर प्रदेश,
लखनऊ।

पाण्डे/7/4

7/4/89

c/c
(15)
Registered

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

988+0990
No. CAT/CB/LKO/

Dated : 13.3.1989.

Registration No. 1332 of 198 .

S.E. 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, Lodi 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 1988 for Tofile reply by 7.4.89, to which rejoinder may be filed by 13.4.1989.

If no, appearance is made on your behalf, 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 this 13th day of 1988.

dinesh/

For DEPUTY REGISTRAR

Deputy Registrar

Central Administrative Tribunal
Lucknow Bench,
Lucknow

1302/88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

(16)

Misc. Application no of 1988

in

Application no of 1988.

Original

S.S.Srivastava

Applicant

and

Union of India & Others

Respondents

May it pleas 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 dit 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/-
D. R. G. J.

Signature of the Applicant.

[Handwritten signature]

cont.

VERIFICATION



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' (1st 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

संख्या- को.के.331 / 6-E-2-916

प्रेषक,

मुख्य वन संरक्षक,
प्रशासन एवं नियोजन,
उत्तर प्रदेश, लखनऊ।

सेवा में,

रजिस्ट्रार,
केन्द्रीय प्रशासनाधिकरण,
लखनऊ क्षेत्र, लखनऊ।

दिनांक: लखनऊ: अगस्त 29, 89.

विषय :- रजि. नं० 1382/88 श्री एस०एस० श्रीवास्तव बलाम यूनियन
आफ इण्डिया व अन्य।

महोदय,

उक्त वाद दिनांक 30.8.89 को अंतिम मुनवाई हेतु निर्धारित है। इस सम्बन्ध में निवेदन है कि किन्हीं अपरिहार्य कारणों से उक्त वाद का प्रतिपक्ष पत्र तैयार नहीं हो सका है। अतः अनुरोध है कि उक्त वाद में एक माह पश्चात् कोई अन्य तिथि निर्धारित करने की कृपा करें।

भवदीय,

(Signature)

श्री एस.पी. सिंह !
मुख्य वन संरक्षक ! प्रशासन एवं नियोजन !
उत्तर प्रदेश, लखनऊ।

संख्या: को.क. 111 / दिनांकित।

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

श्री एस.पी. सिंह !
मुख्य वन संरक्षक ! प्रशासन एवं नियोजन !
उत्तर प्रदेश, लखनऊ।

संख्या: को.के. २

16-E-2-916

प्रेषक,

प्रमुख वन संरक्षक,
उत्तर प्रदेश, लखनऊ।

सेवा में,

माननीय वाइस चैयरमैन,
केंद्रीय प्रशासनाधिकरण,
लखनऊ बेंच, लखनऊ।

दिनांक: लखनऊ बुलाई 4 89.

विषय:- रजि० नं० 1382/88 श्री स्स.स्स.श्रीवास्तव बनाम
यूनियन आफ इण्डिया।

महोदय,

उक्त वाद दिनांक 5.7.89 को अंतिम सुनवाई हेतु निर्धारित है। इस सम्बन्ध में महोदय से अनुरोध है कि किन्हीं अपरिहार्य कारणों की वजह से उक्त वाद का प्रतिपक्ष 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,

डॉ. हरिकान्त
प्रमुख वन संरक्षक, उत्तर प्रदेश,
लखनऊ।

पाण्डे/4/7

वकालत श्रीमान

महोदय

वादी (मुद्दे)

मुद्दे (मुद्दालेह)

C. P. State Govt का

वकालतनामा

S. S. Srivastava

नं० मुद्दमा 1382/88 बनाम प्रतिवादी (रेस्पान्डेन्ट)
सम पेशी की ता० 16.5. 99 ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Narabada 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 कार्य दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया 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 रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया 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 खिलाफ 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

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९

ई०

Accepted

Narabada

12/5/1988

Before the Honble Central Administrative Tribunal, U.P.
Lucknow

O. A. No. 1382/88

C/S

S. S. Srivastava Applicant

Union of Indira Opposite Party.

Application for adjournment

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

It is therefore proposed that the Honble Court be kindly pleased to adjourn the case to some date in Jan. 1993 as the Applicant is likely to come back in the last week of December, 1992.

23.10.92

Resub
for Applicant.