

INDEX - SHEET

CAUSE TITLE O.A. 200/884 OF 198


Name of the Parties Z. U. Khan

Versus

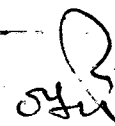
U.O.I

Part A, B and C

Sl.No.	DESCRIPTION OF DOCUMENTS	PAGE
A ₁	Order sheet final	4
A ₂	Order sheet	5
A ₃	Index	2
A ₄	Petition	16
A ₅	Annexure	20
A ₆	Vakalatnama	21
A ₇	Application for Setting Aside	1
A ₈	Counter Affidavit	24
A ₉	Rejoinder	11
A ₁₀	Suppl. Counter Affidavit	4
B ₁	Petition in Bench copy	16
B ₂	Annexure	20
B ₃	Application for Setting Aside	1
B ₄	C. A.	24
B ₅	Rejoinder	11
B ₆	o/c of notices and counter	3
	Nil vakalatnama	

Sc. T. 

R/C.
05/01/2012


5/6/91

A2/1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

O.A./T.A. No. 200 1980(L)

K. D. Khan

Applicant(s)

Versus

D. O. S.

Respondent(s)

Sr. No.	Date	Orders
①	21/11/88	No sitting. Adjourned to 19.12.88 for admission. <i>frish</i> 21/11/88.
②	19-12-88	No sitting. Adjourned to 27/1/89. for admission.
③	27/1/89	No sitting. Adjourned to 22/2/89 for admission. <i>Perm</i> 19/12. <i>Perm</i> 27/1
④	22-2-89.	<u>Hon. D. S. Misra, Jm.</u> On the report of the learned counsel for the applicant Sri Anil Srivastava the case is adjourned to 29-3-89. <i>be</i> Hm.

2

A2/2

O.A. No. 200/88(L)

Hon' Mr. D.S. Mishra, A.M.

Hon' Mr. D.K. Agarwal, J.M.

5 29/3/89

On the request of Shri Anil Srivastava, learned counsel for the applicant the case is adjourned to 7-4-89.

J.M.

A.M.

(sns)

6 7.4.89

Hon. Justice Kaneshwar Nath, V.C.
Hon. D.S. Mishra, A.M.

Hear learned counsel for the applicant. The relief claimed in para 9(c) of the application is entirely different from the rest of the reliefs in the application.

The application is admitted in respect of the matters other than the relief contained in clause (c) of para 9 for which the applicant will be at liberty to file a fresh application. Clause (c) of para 9 is directed to be deleted forthwith.

Issue notice to the respondents to file a counter affidavit within four weeks. Reply affidavit, if any, may be filed within ten days thereafter.

List this case for hearing on 24.5.89.

A.M.

V.C.

OR
Steps filed today. Hence notice issued to the respondents on 3.5.89 through regd.

21/5 OR In compliance of Court's order dt. 7.4.89, notices were issued to the respondents on 3.5.89 through regd. post. Neither reply nor any counter affidavit received. Over has been returned back to the court. Submitted for order.

(A2/3)

(3)

DA 200/20(L)

(11)
21/2/90

Hon. Justice K. Pruthi, VC.
Hon. K. Obayya, AM.

Shri Anil Srivastava is present
on behalf of the applicant.

Shri Anoop Kumar is present
on behalf of O.P. No. 4 and files
concerning to which the applicant
may file rejoinders within two
weeks thereafter. Notices issued

to O.P. 1 to 3 are presumed served.
None is present on their behalf;
the case will proceed ex parte
against them. List for final
hearing on 21/3/90.

Am.

VC

(12)

21-3-90

Hon. D. K. Agrawal JM
Hon. K. Obayya AM

OR

No. RA filed
S. F. H.

Shri Anil Srivastava for Applicant.
Shri Anoop Kumar for respondents 2 & 4.

Counter Affidavit on behalf of
respondents No. 2 is filed today.
Keep it on record. Rejoinders may
be filed within 2 weeks hereof.
List for hearing on 13-8-90.

Am.

Dep
JM.

OR
R.A. to CA filed by
O.P. No. 4 CA filed O.P. No
2.

No. RA to CA filed by
O.P. No 2.
S. F. H. 7/10/90

(16)

(A24)

(4)

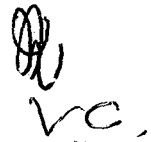
(A. 200/80(L)

11/12/90

Hon. Mr. Justice K. Rati, VC.
 Hon. Mr. K. Obayya, AM.

Sri Anoop Kumar for respondents 2 & 4
 files Supplementary Comptes in
 compliance of the order dt. 13/11/90.
 The learned counsel for the applicant
 says that no rejoinder is being
 filed in reply to it. On the request
 of Sri Anoop Kumar for adjournment
 today, the case is adjourned to
 8/1/91 for final hearing.


 An.


 VC.

(17)

8-1-91

Hon. Mr. D. K. Agrawal, J.M.
 Hon. Mr. K. Obayya, AM.

Sri Anil Srivastava for applicant.
 Sri Anoop Kumar for OP No. 2 & 4.
 Petitioner is ^{an} employee of Dept of
 Housing & Social Welfare, U.P. He was
 sent on deputation from 8/6/87. During
 the deputation period he was posted as
 Joint Coordinator. Adverse entries were
 recorded by the District Magistrate (O.P.
 No. 4) in the years 1984-85. The claim
 petition is directed for expunction of these
 entries. We called upon Sri Anoop Kumar
 Counsel for OP No. 2 & 4 to produce
 before us the C. & R. dossiers files
 containing adverse remarks of 84-85.
 along with orders finally passed
 on the representation against the adverse remarks.

A2/S

♡ ♡


O.A. No. 200/88(L)


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

Hon' Mr A.B. Gorthi, A.M.

6/5/91

We have heard Shri Anil Srivastava learned counsel
for the applicant and Shri Anoop Kumar learned
counsel for the respondents. Judgment reserved.


A.M.


V.C.

(sns)

Hand copy of judgment
K.T. Bhatia against Anil Srivastava
Drunk

17/5/91

Recd Copy of the

Judge

Anoop K

Adl

23/5/91

(A111)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

....

Registration O.A. No. 200 of 1988 (L)

Zahid Ullah Khan ... Applicant

versus

Union of India and others ... Respondents

Hon'ble Justice U.C. Srivasta, V.C.

Hon'ble Mr A.B. Gorthi, A.M.

(By Hon'ble Mr A.B. Gorthi, A.M.)

This is an application under section 19 of the Administrative Tribunals Act 1985, seeking expunction of the adverse entries in the Confidential Reports for the years 1984 and 1985 endorsed by the District Magistrate Bijnor, respondent no.4, in respect of Z.U. Khan, the applicant.

2. The applicant, an employee of Harijan and Social Welfare Department in the State of Uttar Pradesh, was sent on deputation in 1981 to Government of India as Youth Coordinator, Nehru Yuvak Kendra and was posted at Bijnor. While at Bijnor, he was functioning under the District Magistrate of Bijnor who was his District Controlling Officer. The applicant's grievance is that although he had been earning good reports throughout his career, in the Confidential Report for 1984 and 1985, Respondent No.4 had endorsed highly damaging adverse remarks without any basis or justification. The adverse remarks for the year 1984 were to the effect that the applicant lacked professional competence, organisational skill and devotion to duty. His intellectual honesty and

Amir Singh

even his integrity were found to be doubtful. Similarly in the Confidential Report for the year 1985, his professional competence and organisational skill were found to be of poor quality. His public relations were ^{Commented} ~~intended~~ upon ^{as} very bad and further his intellectual honesty and integrity were once again found to be lacking. The applicant while alleging that the remarks endorsed by respondent no.3 were highly subjective as he did not agree to cooperate with respondent no.4 in some of his improper schemes, ~~has~~ brought out evidence of his devotion to duty and organisational skill by producing a certificate given ^{to him} by the Vice Chancellor of G.B. Pant University of Agricultural and Technology, Pant Nagar dated July 12, 1986.

3. Ordinarily this Tribunal would be reluctant to interfere with the assessment made by the government officers on the performance of their subordinates, unless malafides or other serious irregularities are brought to our notice.

Shri D.S. Bains (Respondent no.4) filed his reply affidavit, ~~Besides~~ ^{in therein} asserting that the adverse remarks endorsed by him in the Confidential Reports of the applicant were based on his personal knowledge of the personality ^{traits} ~~test~~ and working of the applicant and after closely watching his activities. Further, it is stated that Respondent No. 4 warned the applicant orally a number of times regarding lapses on his part, but the applicant did not show any improvement even marginally. According to Respondent no.4

Amr

:: A₁ 3 ::

he even took up the case with the Government of India, Ministry of Youth Affairs and Sports for the transfer of the applicant. The counter affidavit filed by the Respondent no.4, however, is conspicuous for its total silence on the facts and circumstances which prompted the Respondent No.4 to make such highly damaging adverse entries in the Confidential Reports of the applicant.

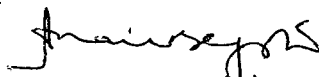
4. Our attention has been drawn by the learned counsel for the applicant to a decision of the Chandigarh Bench of the Tribunal in the case of Krishan Lal Sharma vs. Union of India and others (1987) 4 A.T.C. 709, wherein it was observed thus:-
xxxx "It is not clear as to how the applicant was disciplined as no particular incident was mentioned or communicated to the petitioner. It was also stated that he was irregular, careless and casual but no opportunity, whatsoever, was given. In the absence of these particulars and specially in the background of the facts of this case, these adverse remarks cannot be sustained and are accordingly quashed." Similar observations have been recorded by the Bangalore Bench of this Tribunal in P. Putta Rangappa vs. State of Karnataka and others, (1988) Lab.I.C. 1180.

5. The^{to} applicant had been receiving good Confidential Reports during his career, except for the years 1984 and 1985, ha~~s~~ not been refuted by the respondents. Keeping in view the various

Signature

:: A₁/4 ::

circumstances brought out by the applicant and the inability of Respondent no.4 to specify the facts and circumstances supporting his decision to render adverse remarks in the Annual Confidential Reports of the applicant, we have no hesitation in directing that the adverse remarks in the Annual Confidential Reports for the years, 1984 and 1985 in respect of the applicant be totally expunged and that the applicant be given all the consequential reliefs. We allow the application accordingly, making no order as to costs.


MEMBER (A)


VICE CHAIRMAN

(sns)

May 69, 1991.

Lucknow.

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No.

200 of 1988 (L)

APPLICANT (s)

Zahid Ullah /

RESPONDENT(s)

U.O.9.

(Min. of Human Resources Development).

Particulars to be examined

Endorsement as to result of Examination

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

yes

yes

yes
only two sets only.

yes

-

-

yes

yes. B.D. no. DD 822245
4 alt. 28.10.88

yes

yes

yes by the advocate

Particulars to be ExaminedEndorsement as to result of Examination

- (c) Are the documents referred to in (a) above neatly typed in double space? *yes*
8. Has the index of documents been filed and paging done properly? *yes*
9. Have the chronological details of representation made and the outcome of such representations been indicated in the application? *yes*
10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal? *No.*
11. Are the application/duplicate copy/spare copies signed? *yes*
12. Are extra copies of the application with Annexures filed? *No.*
- (a) Identical with the original? *—*
- (b) Defective? *—*
- (c) Wanting in Annexures *—*
- Nos...../Pages Nos.....?
13. Have file size envelopes bearing full addresses, of the respondents been filed? *No.*
14. Are the given addresses, the registered addresses? *yes*
15. Do the names of the parties stated in the copies tally with those indicated in the application? *yes*
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true? *—*
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? *yes*
19. Whether all the remedies have been exhausted. *yes.*

If approved be listed on 21.11.88 before the Court.

D.S. Srinivas
28/X/88
DR.(T) 28/10/88

Filed on 28. X. 88

To be listed on 21. X. 88

A3/L

In the Central Administrative Tribunal, Circuit Bench,
Sitting at Lucknow.

DR(J)

Original Application No. of 1988.

Registration No. of 1988.

--

Zahid Ullah Khan.

-----Applicant/
Claimant

Versus

Union of India and others.

-----Respondents/
Opp-parties.

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I N D E X.

<u>S.No.</u>	<u>Description of papers.</u>	<u>Page Nos.</u>
1.	Application before Hon'ble Central Administrative Tribunal, Circuit Bench at Lucknow.	1 - 16
2.	Annexure No.1: Appreciation letter dated 12.7.86.	17
3.	" No.2: Letter dt.18.2.86.	18
4.	" No.3: Letter dt.11.9.86.	19-20
5.	" No.4: Letter dt.30.1.84. to D.M.Bijnor.	21
6.	" No.5: Letter dt.9.7.84 to D.M.Bijnor.	22
7.	" No.6: Letter dt.25.10.84 to D.M.Bijnor.	23
8.	" No.7: Letter dt.27.1.85 to D.M.Bijnor.	24
9.	" No.8: Letter dt.9.5.85 to D.M.Bijnor.	25
10.	" No.9: Letter dt.16.8.85 to D.M.Bijnor.	26-27
11.	" No.10: Letter dt.16.9.85 to D.M.Bijnor.	28
12.	" No.11: Letter dt.27.6.85 to D.M.Bijnor.	29
13.	" No.12: Letter dt.11.1.85 to D.M.Bijnor.	30

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A32-

<u>S.No.</u>	<u>Description of papers.</u>	<u>Page Nos.</u>
14.	Annexure No.13: Representation dt.11.5.87.	31
15.	" No.14:Reminder dt.23.9.87.	32
16.	" No.15:Representation dt. 11.5.87.	33
17.	" No.16:Reminder dt.23.9.87.	34
18.	" No.17:Letter dt.19.11.87.	35
19.	" No.18:Reminder dt.17.9.88.	36

Zulham
SIGNATURE OF APPLICANT.

For use in Tribunal's Office:

Date of Filing

or

Date of receipt by Post

Registration No.

(Au/1)

In the Central Administrative Tribunal, Circuit Bench,
Sitting at Lucknow.

Original Application No. 200 of 1988.

Registration No. of 1988.

Filed on 28.10.88
To be listed on 21.11.1988
DR (J)

Filed today
noted for 21-11-88
28-10-88

BETWEEN

Zahid Ullah Khan, aged about 44 years,
son of Sri Hamid Ullah Khan, presently
working as Manager, Rajkiya Unnyan Basti,
Kalyanpur, Kanpur, U.P.

-----Applicant/
Claimant

A N D

1. Union of India through Secretary,
Department of Youth Affairs and Sports under
the Ministry of Human Resources Development,
Shastri Bhawan, New Delhi-110011.
2. State of J.P. through Secretary,
State Youth Welfare Department,
Sachivalaya, Lucknow.
3. District Magistrate, Bijnor.
4. Sri D.S. Bains, I.A.S., the then District
Magistrate, Bijnor, U.P., now Special Secretary,
Industry, Sachivalaya, Lucknow.

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-----Respondents/
Opp-parties.

Am-2-

DETAILS OF APPLICATION:

1. Particulars of the applicant :

- i) Name of the applicant .. Zahid Ullah Khan.
- ii) Name of father .. Sri Hanid Ullah Khan.
- iii) Age of applicant .. Approx. 44 years.
- iv) Designation and Office .. a) Deputation to Govt. of
in which employed or of India as Youth Co-
last employed. Ordinator, Nehru Yuva
Kendra, Bijnor.
(1981 to 1987).
b) Presently working as
Manager, Rajkiya
Unnayan Basti, Kalyanpur,
Kanpur.
- v) Office Address .. Rajkiya Unnayan Basti,
Kalyanpur, Kanpur.
- vi) Address for service .. Rajkiya Unnayan Basti,
of notice. Kalyanpur, Kanpur.

2. Particulars of Respondents:

- i) Union of India through Secretary Department
of Youth Affairs and Sports under the Ministry
of Human Resources Development, Shastri Bhawan,
New Delhi- 110011.
- ii) State of U.P. through Secretary, State Youth
Welfare Department, Sachivalaya, Lucknow.
- iii) District Magistrate, Bijnor.
- iv) Sri D.S. Bains, I.A.S., the then District Magistrate,

Zukhan

A4/3-

Bijnor, U.P., now Special Secretary, Industry,
Sachivalaya, Lucknow.

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

The application is made for expunging the
adverse entries for the years 1984 and 1985
and also for payment of T.A. Bills.

- i) Order No. with reference : a) No.A.19011/7/80-YS.I
to Annexures, its date and : (Annexure-15) dated
by whom it is passed. : 19.11.87 communicated
by K.K.Kirti Under
Secretary to the Govt.
of India, Ministry of
Human Resource Develop-
ment, Department of
Youth Affairs & Sports,
New Delhi.
- b) No.C.28011/1/86-
Y.S.I.(Annexure-3)
dated 11.9.86 communi-
cated to the Govt. of
India, Ministry of Human
Resource Development,
Department of Youth
Affairs and Sports,
New Delhi.
- c) No.C.28011/1/85-Y.S.I.
(Annexure-2) dated

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A4/-4-

18.2.86 communicated by
K.C.Kapoor, Deputy Secretary
to the Govt. of India,
Ministry of Human Resource
Development, Department of
Youth Affairs and Sports,
New Delhi.

- ii) Subject brief .. Expunging of the adverse
entries for the year 1984 and
1985 and payment of T.A.bills.

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

5. Limitation .. The applicant further declares
that the application is within
the limitation prescribed in
Section 21 of the Administra-
tive Tribunals Act, 1985.

6. Facts of the case :

The facts of the case are given below :-

- 6.1. That the claimant was initially appointed as
Reformation Officer in Harijan and Social
Welfare Department in the State of Uttar Pradesh.

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- 6.2. That in July 1981 the claimant was promoted to the post of District Harijan and Social Welfare Officer.
- 6.3. That during claimant's entire service period in the Harijan and Social Welfare Department in State of U.P. the claimant has unblemished and excellent service record to his credit and his work was always been appreciated by his superiors.
- 6.4. That in the year 1981, the claimant was sent on deputation to Government of India as Youth Co-ordinator, Nehru Yuva Kendra and finally he was posted at Bijnor where he worked till June, 1987, i.e. till his coming back to his parent department in the State of U.P.
- 6.5. That though claimant was working on deputation to Government of India but his district controlling officer within the district was District Magistrate of that district. As District Controlling Officer, the District Magistrate, was authorised to approve the tour programmes and other programmes undertaken by the claimant in his official capacity within that district, counter-sign the T.A. bills and etc. of the claimant and to write annual character roll entries of the claimant.

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Au-6

- 6.6 That within the State, the State Controlling Officer of claimant was the Secretary, State Youth Welfare Department, U.P., Lucknow. The State Controlling Officer was empowered to approve the tour programmes undertaken by the claimant in his official capacity out-side the district of his posting but within the State of U.P.
- 6.7 That in Government of India, claimant was under the subordination of Secretary, Department of Youth Affairs and Sports under Ministry of Human Resource Development, Shastri Bhawan, New Delhi. All the bills including T.A. bills, medical bills, etc. of the claimant, counter signed by the competent authority are sent to the said ministry for its payment. Here it may be clarified that claimant was receiving his salary through draft directly from the said ministry as the district or the State Controlling Offices have absolutely no concern with it.
- 6.8 That claimant was working in Bijnor on deputation to Government of India since 1982.
- 6.9 That in 1984 the then Sri O.P. Arya, District Magistrate, Bijnor was transferred from Bijnor and Sri D.S. Bains took over charge as District Magistrate, Bijnor but in the year 1986 Sri

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D.S.Bains was also transferred from Bijnor and another officer Sri K.K.Singh took over charge as District Magistrate, Bijnor from Sri D.S.Bains.

6.10 That during initial days while working with Sri D.S.Bains in Bijnor claimant had good and cordial relations with him but soon after claimant came to know about the real character and the multifarious, unfair and illegal dealings of Sri D.S.Bains.

6.11 That Sri D.S.Bains also sought co-operation of the claimant in his unfair and illegal dealings and tried his best that claimant should also be involved in the said activities and be benefitted (illegally) from it but claimant being an honest sincere and dutiful person refused to co-operate in the unfair and illegal dealings of Sri D.S. Bains.

6.12. That since the claimant did not support/ co-operated in the unfair and illegal dealings of Sri D.S.Bains rather tried to perform his duties honestly, sincerely and more cautiously, Sri D.S.Bains became visibly annoyed with claimant and was keeping a grudge against the claimant so much so that he left no opportunity to harass the claimant.

Zurhan

(Am/-8-)

- 6.13 That it is not out of place to mention here that while working in Bijnor claimant was not awarded any adverse entry by the then District Magistrate, Bijnor from whom Sri D.S.Bains took over charge or by the successive District Magistrate, Bijnor who took over charge as District Magistrate, Bijnor from Sri D.S.Bains.
- 6.14 That while working in Bijnor on deputation claimant's work was very much appreciated by his superiors and others except by Sri D.S. Bains. Even Sri Kripa Narain the former Chief Secretary of J.P. and Ex-Vice-Chancellor, Pantnagar University appreciated the work of claimant very much and gave an appreciation letter in pursuance thereof. A copy of said appreciation letter dated 12.7.86 is being annexed as Annexure No.1 to this application.
- 6.15 That solely out of malafide considerations and only to harass the claimant Sri D.S.Bains gave an adverse entry to the claimant for the year 1984 and again for the year 1985 which were communicated to claimant vide letters dated 18.2.86 and 11.9.86 respectively. Copies of letters dated 18.2.86 and 11.9.86 are being annexed herewith as Annexures No.2 and 3 to this application.

Zekhan

(AMT-9)

- 6.16 That before giving the aforesaid adverse entries for the years 1984 and 1985 respectively Sri D.S.Bains neither asked for any explanation for the same nor gave any warning to the said effect, nor made any inspection note and neither communicated any specific charges/instances for the same.
- 6.17 That a perusal of the said adverse entries which were the only entries adverse in nature, in the entire service record of the claimant would itself indicate that it is given only out of malafide consideration and are prejudicial in nature as the work, performance and conduct of claimant was always found to be appreciable by his superiors and others except Sri D.S.Bains.
- 6.18 That prejudice and malafides of Sri D.S.Bains who was also the District Controlling Officer against the claimant are also apparent from the following facts.
- 18(a) That the various T.A. bills submitted by the claimant for his approved official tours undertaken were deliberately kept pending by Sri D.S.Bains in his office even without asking for any explanation if required from the claimant so that they may become time barred and after Sri D.S.Bains's transfer from Bijnor the same

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Am-10

were returned to claimant without counter signature on it.

18(b) That most of the requests made by the claimant in discharge of his official duties to Sri D.S.Bains were either deliberately not granted or delayed by unnecessarily diverting the same to A.D.M. who had absolutely no concern with the matter and in any case is of the same rank as of claimant and who is not competent to report on such matters. Copies of some of the said letters are being filed herewith as Annexures No.4 to 7 to this application.

18(c) That several letters written by claimant in discharge of his official functions to Sri D.S. Bains for signatures were unnecessarily diverted to other officials who have no direct concern with the matter. Copies of some of the said letters are being annexed as Annexures No.8 & 9 to this application.

18(d) That in many cases, even the orders were not passed by Sri D.S.Bains only because it was forwarded by the claimant. Copy of one of such letter is being filed herewith as Annexure No.10 to this application.

18(e) That Sri D.S.Bains deliberately created hurdles

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(A4-11)

whenever he could cease an opportunity in discharge of claimant's official duty. On several occasions, despite written requests, claimant was not provided with vehicles though it was urgently required by the claimant for discharge of his official duty. Copies of some of said letters are being annexed as Annexures No.11 and 12 to this application.

- 6.19 That claimant made a representation dated 11.5.87 against both the adverse entries given by Sri D.S.Bains. A copy of representation dated 11.5.87 is being annexed as Annexure No.13 to this application.
- 6.20 That when no action was taken on the said representation dated 11.5.87, claimant again sent a reminder dated 23.9.87 of the said representation. A copy of the reminder dated 23.9.87 is being annexed as Annexure No.14 to this application.
- 6.21 That also aggrieved by not counter signing the T.A. bills of claimant by Sri D.S.Bains, claimant submitted a representation dated 11.5.87 alongwith copies of T.A. bills for its payment thereof. A copy of representation dated 11.5.87 and its reminder dated 23.9.87 are being filed herewith as Annexures No.15 and 16 to this application.

Zulhan

A4/-12-

- 6.22 That upon making the aforesaid representations the claimant was informed vide letter dated 19.11.87 that since his T.A. bills have become time barred therefore its payment cannot be made and the matter regarding his adverse entries has already been taken-up with the concern officials. A copy of letter dated 19.11.87 is being annexed as Annexure No.17 to this application.
- 6.23 That it may here be clarified that the T.A. bills are raised only when their tour programmes are approved and if the competent authority himself delays in approving the tour programmes, the official who undertook the tour should not be made to suffer for it.
- 6.24 That in July 1987 the claimant was relieved from Government of India and sent back to his parent department as Harijan and Social Welfare Officer.
- 6.25 That the claimant is presently working as Manager, Rajkiya Unnyan Basti, Kalyanpur, Kanpur under Harijan and Social Welfare Department, Government of U.P.
- 6.26 That claimant's further promotion is due but the aforesaid adverse entries for the years

Zukhan

Au/-13-

1984 and 1985 will create so many problems in the way of claimant's promotion.

6.27 That when no action was taken in pursuance to letter dated 19.11.87 contained in Annexure No.15 to this application the claimant sent yet another representation/reminder dated 17.9.88, a copy of which is annexed as Annexure No.18 to this application.

6.28 That even when no action was taken on the representation dated 17.9.88, the claimant was left with no alternative but to file this claim application before this Hon'ble Tribunal.

7. Details of the remedies exhausted. : The applicant declares that he has availed of all the remedies available to him, details are as follows :-

a) Representations dated 11.5.87 and 23.9.87 contained in Annexures No. 13 to 16 to this application

b) Representation dated 17.9.88 contained in Annexure No.18 to this application.

Zukhan

8. Matter not previously ~~filed~~ filed or pending with any other court.

declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court of law or any other authority or any other Bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

9. Reliefs sought :

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

- (a) quash the adverse entries of the claimant for the years 1984 and 1985 as contained in Annexures No.2 and 3 respectively to this application or in the alternative direct the respondents to expunge the aforesaid adverse entries;
- (b) direct the respondents not to give effect or suspend the said adverse entries contained in Annexures No.2 and 3 to this application;

Zuckhan

this para 9 (C) of
the application is
deleted in compliance
with the Hon'ble
Tribunal's orders
dated 7.6.89.
Sd/-
Counsel for
Applicant.

- (c) ~~direct the respondents to clear and make payment of all the pending T.A. bills of the claimant which have become time barred as stated in the representation dated 11.5.87 contained in Annexure No.15 to this application;~~
- (d) allow all other consequential reliefs;
- (e) allow such other reliefs which this Hon'ble Tribunal may deem just and proper in the circumstances of the case and in the interest of justice; and
- (f) allow this application with cost to the claimant/applicant.

10. Interim order, if prayed for :

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

This Hon'ble Tribunal may be pleased to suspend the adverse entries contained in Annexures No.2 and 3 to this application so that it may not create any problem in the further promotion of the claimant which is due.

Zukhan

Am-16-

11. Particulars of Bank Draft :

- i) Name of the Bank on which drawn.
- ii) Demand Draft No.
- iii) Date

12. List of Enclosures : Annexures No.1 to 18.

Demand Draft of Rs.50/- as
Application fee.

Verification.

I, Zahid Ullah Khan, son of Sri Hamid Ullah Khan, aged about 44 years, working as Manager, Rajkiya Unnyan Basti, Kalyanpur, Kanpur, do hereby verify that the contents of paras 1, 2, 3, 6, 7, 8, 11 and 12 are true to my personal knowledge and paras 4, 5, 9 and 10 are believed to be true on legal advice and that I have not suppressed any material fact.

A P P L I C A N T.

Lucknow, dated,
.10.1988

Through:
(Anil Srivastava)
Advocate.

To,

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

Zahid Khan

In the Central Administrative Tribunal, Circuit Bench,
Sitting at Lucknow.

O.A.No. of 1983.
Reg.No. of 1983.

AS/1

17

Zahid Ullah Khan.

-----Applicant/Claimant.

Vs.

Union of India and others.

-----Respondents/Opp-parties

ANNEXURE NO. 1

TELE. { Phone : OFFICE 2
: RESI. 1
Gram : PANTVARSITY, PANTNAGAR

Kripa Narain

VICE CHANCELLOR



Govind Ballabh Pant
University of Agriculture & Technology
PANTNAGAR-263145
INDIA

No. _____
Date July 12, 1986

TO WHOM IT MAY CONCERN

This is to certify that Shri Zahidullah Khan, Youth Coordinator, Nehru Youth Kendra, Bijnor, U.P., under the Ministry of Human Resources and Development (Department of Sports and Youth Affairs), Govt. of India, has organised nine-days Youth Leadership Training Camp from the last week of February, 1986, at this University. The Camp was a grand success, owing mainly to dedication and sincere hardwork put in by Shri Khan.

I have been highly impressed by his zeal and utter devotion to duty.

I wish him all success in life.

Zahid Khan

Kripa Narain

(Kripa Narain)
Vice-Chancellor
12.7.1986

True Copy
Attested
[Signature]

In the Central Administrative Tribunal, Circuit Bench,
Sitting at Lucknow.

O.A.No. of 1983.

Reg.No. of 1983.

AS/2

Zahid Ullah Khan.

-----Applicant/Claimant.

Vs.

Union of India and others.

-----Respondents/Opp-parties

ANNEXURE No. 2

Registered.
Confidential.

No.C 28011/1/85-Y.S.I
Government of India
Ministry of Human Resource Development
(Deptt. of Y.A and Sports)

New Delhi dated the 18th February, 1986.

To

Shri Zahid-ullah-Khan,
Youth Coordinator,
Nehru Yuva Kendra,
Bijnor.

Subject:- Annual Confidential Report for the year 1985 -
Communication of adverse comments.

Sir,

I am directed to say that the Reporting Officer has made several adverse remarks in your Annual Confidential Report for the year 1984. Accordingly to this Report, you have been found professionally incompetent, lacking direction and foresight and having no organisational skill. It has been found that your devotion to duty and commitment to the tasks assigned to you have been only average; your human relations have been very poor and public relations have been very bad. Intellectual honesty has been wanting in you, your creativity is poor and you had no innovative quality. Your integrity has also been reported to be doubtful. The repeated oral warnings of the Reporting Officer could have effected no improvement in your behaviour and working.

2. You are advised to send your explanation, if any, in this regard to this Department within a period of one month.

Yours faithfully,

Zahid Khan
Deputy Secretary, the Govt. of India

*True copy attested
Jat Singh
Adv.*

In the Central Administrative Tribunal, Circuit Bench,
Sitting at Lucknow.

O.A.No. of 1983.

Reg.No. of 1983.

As 3

19

Zahid Ullah Khan.

-----Applicant/Claimant.

Vs.

Union of India and others.

-----Respondents/Opp-parties

ANNEXURE No. 3

Registered.
Confidential.

N.C 28011/1/86-Y.S.I
Government of India
Ministry of Human Resource Development
(Deptt. of Y.A & Sports)

New Delhi dated the 11th September, 1986.

MEMORANDUM.

Shri. Zahiddullah Khan, Youth Coordinator, Nehru
Yuva Kendra, Bijnor is hereby informed that his
Confidential Report for the year 1985 contains the
adverse remarks as indicated in the Annexure.

2. In case, Shri Khan wishes to represent
against these remarks in his confidential report
he may do so within 30 days of the receipt of
this memo.

(Signature)
(R.K.Saini)

Under Secretary to the Govt. of India

Shri Zahiddullah Khan,
Youth Coordinator,
Nehru Yuva Kendra,
Bijnor.

Z. Khan

*True copy
after
[Signature]
[Signature]*

AS/4

Annexure.

1 (a) Does the reporting Officer agree with all that is recorded under Part II by the officer, if not innumerate precisely the extent of dis-agreement and the reasons thereof.

He lacks organisational skill. In training programme effect on the participants was found missing.

(b) General comments on the results achieved and the quality of knowledge, delegated authority and conceptual and professional skills on the job.

His performance is of very poor quality. He lacks initiative and professional ability.

2. (Comment clearly and in unambiguous terms on the following attributes of the Officer in relation to his performance.

i) Commitment to the tasks assigned

Average

ii) Human relations (His conduct with his colleagues, superiors and subordinates) and capacity to get work done.

Poor

iii) Devotion to duty

Average

iv) Public relations (including liaison with State Government/ district level department of the State Governments.

Very bad.

v) Intellectual honesty, creativity and innovative qualities -

Lacks intellectual honesty. Creativity and innovative qualities very poor.

vi) Integrity -

Totally doubtful.

3. Please indicate if on any of the items in this part the reporting Officer administered written or oral warning on or reprimand and how the officer reacted thereafter.

I have not found any improvement in this Officer during the year under reference and he has proved himself to be totally irresponsible. He has been charged with the duty of looking after the work of the Officer who has been transferred to another district. He has not been able to do his work properly and has caused a lot of trouble.

Chickam

X X X

In the Central Administrative Tribunal, Circuit Bench,
Sitting at Lucknow.

22

O.A.No.
Reg.No.

of 1983.
of 1983.

AS/6

Zahid Ullah Khan.

-----Applicant/Claimant.

Vs.

Union of India and others.

-----Respondents/Opp-parties

ANNEXURE No. 5

जिलाधिकारी
बिजनौर।

Annex 5
(2) 18

अनु सचिव, भारत सरकार खेल विभाग नई दिल्ली के पत्र संख्या 11-2/84-वाई एस-11 दिनांक 22 मई 1984 प्रदर्शक के द्वारा राष्ट्रीय सेवा कार्मियों हेतु वर्ष 84-85 हेतु 6200/- की धनराशि मानदेय, टी0ए0आदि हेतु आवंटित किये हैं। मन्त्रालय के निर्देशानुसार सामान्य प्राप्ति रसीद 6200-00 छः हजार दो सौ 00 की प्रथम किस्त, आपके प्रतिहस्ताक्षरित करवाकर वेतन एवं सेवा कार्यालय नई दिल्ली को भेजा जाना है। कृपया सम्मुख पृष्ठ पर प्रस्तुत सामान्य प्राप्ति रसीद पर हस्ताक्षर करने का कष्ट करें।

Copy (1) to ace
& reply
11/7

जुल्हान
ज़ाहिद उल्ला खान
युवक समन्वयक

9-7-84

zu Khan

True copy
attested
Amir Sam
Adm

O.A.No.

of 1988.

A5/1

Reg.No.

of 1988.

Zahid Ullah Khan.

-----Applicant/Claimant.

Vs.

Union of India and others.

-----Respondents/Opp-parties

ANNEXURE No.6

जिलाधिकारी
बिजनौर

13

नेहरू युवक केन्द्र बिजनौर जो कि भारत सरकार
शिक्षा मन्त्रालय के अधीन जनपद बिजनौर में भी स्थापित है।
इससे सम्बन्धित ग्रामीण युवाओं का युवा नेतृत्व प्रशिक्षण शिविर
दिनांक 26-10-84 से दिनांक 30-10-84 तक ग्राम गोपालपुर
विकास खण्ड किरतपुर जिला बिजनौर में आयोजित किया जा
रहा है। उक्त कार्यक्रम ~~26-10-84~~ दिनांक 27-10-84 को
मण्डलायुक्त, मुरादाबाद श्री मोहनंदरसिंह आई.ए.एस. वद्वारा
सम्पन्न किया जायेगा।

10

इस कार्यालय में राजकीय वाहन नहीं है। अतः
अनुरोध है कि दिनांक 26-10-84 से दिनांक 30-10-84
तक छः दिन के वास्ते कोई जीपगाड़ी उपलब्ध कराने जावत
आदेश देने की कृपा करें। उक्त अवधि में पेट्रोल/डीजल का
व्यय नेहरू युवक केन्द्र बिजनौर वहन करेगा। इस सम्बन्ध में
पताका ४४ पर मुख्य सचिव, उ०प्र० शासन का पत्र संख्या 1493/
दिनांक 22 अक्टूबर 80 भी प्रस्तुत है।

Zakka

25-10-84
जाहिर उल्ला खान
उक्त सम्बन्धित

ADN (1) आ-को करें
फ-या आ-को करें
प्रमाण जारी है ?
26/10

True Copy
attested
Sh. S. D. S.
Adv.

O.A.No. _____ of 1983.
Reg.No. _____ of 1983.

AS/8

24

Zahid Ullah Khan.

-----Applicant/Claimant.

Vs.

Union of India and others.

-----Respondents/Opp-parties.

ANNEXURE No. 7

(1) Annex 7

8

विभिन्न विभागों
के निम्नलिखित

भारत सरकार के युवा मन्त्रालय एवं क्रीडा विभाग
के अधीन नेशनल युथ केंद्र जवाहर विज्ञानोत्तर में भी स्थापित है।
इसके ग्रामीण नेशनल युथ केंद्र विभिन्न विभागों के विभिन्न
ग्रामों में स्थापित है। वर्ष 1985 युवा वर्ष के रूप में मनाया
जा रहा है। ऐसे ग्रामीण क्षेत्रों में जाकर ऐसा मकसद किया है,
कि ग्रामों की विभिन्न समस्याओं के निराकरण के सम्बन्ध में
सम्बन्धित विभाग के अधिकारियों का ज्ञान अति आवश्यक है।
अतः ये रायत्री और से सम्बन्धित विभागों के अधिकारियों
हेतुका का आदेश करता है कि पुराने कर रहा हुआ कार्य
हस्तांतर करने का कष्ट करें। उन्हें आवश्यकानुसार सम्बन्धित
अधिकारियों को भेज दिया जायेगा, सम्बन्धित ग्राम की समस्या
को ध्यान में रखते हुए।

Zahid Ullah Khan

जाकिर उल्ला खान
युवा सभित्तक
नेशनल युथ केंद्र विज्ञानोत्तर।
27-1-85

YOUTH Coordinator

Pl. observe

60
9/1/85

ADP (1) 19/1/85

True copy attested
Anil Srivastava

O.A.No. of 1983.
Reg.No. of 1983.

25
AS/9

Zahid Ullah Khan.

-----Applicant/Claimant.

Vs.

Union of India and others.

-----Respondents/Opp-parties

ANNEXURE No. 8

Ann 8

जिलाधिकारी
जिल्ला नौर ।

महोदय, नेहरू युवक केन्द्र जो इस जनपद में कार्यरत है, इसके
द्वारा गत माह फोटोग्राफी का प्रशिक्षण एक माह का
पीपुल्स कालेज हल्द्वानी में लगा था,। यह प्रशिक्षण केन्द्र
कृषि उत्पादन आयुक्त के अधीन तयानित है। वहाँ पर
दाखले के अन्तर्गत अनेक प्रकार के प्रशिक्षण युवकों को प्रदान
किये जाते हैं। इस केन्द्र के युवक विभिन्न व्यक्तियों में
प्रशिक्षण लेने को तैयार है, यदि उनके नाम आपके द्वारा
आचार्य प्रसार प्रशिक्षण केन्द्र पीपुल्स कालेज हल्द्वानी को
भेजे जाय । प्रताका-अ पर पीपुल्स कालेज की कार्य योजना
आपके अवलोकनार्थ प्रस्तुत है। तथा जो युवक दाखले के
अन्तर्गत प्रशिक्षण लेना चाहते हैं, उनके नाम भी प्रस्तुत हैं।
आपकी ओर से आचार्य, प्रसार प्रशिक्षण केन्द्र हल्द्वानी
को इस सम्बन्ध में पत्र लिखा गया है, जिसकी प्रतिलिपि
जिला विकास अधिकारी को भी प्रस्तुत है। आपके
हस्ताक्षर हेतु प्रस्तुत। कृपया हस्ताक्षर करने का कष्ट करें।

Zahid Khan

जिला विकास अधिकारी
जिल्ला नौर
9-5-85

13/5

True Copy attested
Shail Givank
Adv

O.A.No. of 1988.
Reg.No. of 1988.

AS/10 26

Zahid Ullah Khan.

-----Applicant/Claimant.

Vs.

Union of India and others.

-----Respondents/Opp-parties.

ANNEXURE No. 9

जिलाधिकारी

महोदय, पताका-अ पर अनुभाग अधिकारी भारत सरकार
का मामले एवं गेल विभाग के पत्र संख्या ए-2-153/85-एन एस बाई-1
दिनांक 5 अगस्त 1985 का अवलोकन करते का कष्ट करे। नेहरु युवक
केन्द्र प्रिनसिपल से दैनिक मजदूरी पर चौकीदार कार्य करते है। इसकी
दैनिक मजदूरी का मामला काफी समय से बिबाराधीन था। इस सम्बन्ध
में उक्त पत्र में लिखा है कि उ0प्र0 सरकार के अधीन प्लारिफ एंड
खर उद्योगों में कार्यरत दैनिक मजदूरों की भर्षित 11-508 ग्यारह स्वये-
स्वास सेवा की दर से नेहरु युवक केन्द्र के चौकीदारों को भी दैनिक
मजदूरी दिलाने हेतु जिलाधिकारी का अनुमोदन प्राप्त कर ले।
प्रतः कृपया पताका- ब के पेरा-1 के अनुसार जैसा कि उ0प्र0 सरकार
द्वारा उ0प्र0 में अनुमोदित नियोजनों में नियोजित कर्मचारियों की
न्यूनतम दैनिक मजदूरी की दर निर्धारित की है। इसी दर से इस
न्यायालय के अन्रिकल्ड चौकीदारों को 11-508 ग्यारह स्वये-स्वास
सेवा प्रतिदिन की दर से दैनिक मजदूरी भुगतान हेतु अनुमोदन करने का
कष्ट करे।

सम्बन्ध पृष्ठ पर आपके आदेश हेतु आलेख प्रस्तुत है,
कृपया हस्ताक्षर करने का कष्ट करे।

Zahid Ullah Khan
16-8-85

*O.C. Kahan to
Warden & Regisrars
20/8/85*

जिलाधिकारी

*विशेष न्यायाधीश B-11-50 दिनांक 16-8-85
न्यायाधीश के आदेश पर मजदूरी
नियोजित कर्मचारियों की न्यूनतम दैनिक मजदूरी*

जिलाधिकारी

महोदय, पताका-अ पर अनुभाग अधिकारी भारत सरकार का मामले एवं गेल विभाग के पत्र संख्या ए-2-153/85-एन एस बाई-1 दिनांक 5 अगस्त 1985 का अवलोकन करते का कष्ट करे। नेहरु युवक केन्द्र प्रिनसिपल से दैनिक मजदूरी पर चौकीदार कार्य करते है। इसकी दैनिक मजदूरी का मामला काफी समय से बिबाराधीन था। इस सम्बन्ध में उक्त पत्र में लिखा है कि उ0प्र0 सरकार के अधीन प्लारिफ एंड खर उद्योगों में कार्यरत दैनिक मजदूरों की भर्षित 11-508 ग्यारह स्वये-स्वास सेवा की दर से नेहरु युवक केन्द्र के चौकीदारों को भी दैनिक मजदूरी दिलाने हेतु जिलाधिकारी का अनुमोदन प्राप्त कर ले। प्रतः कृपया पताका- ब के पेरा-1 के अनुसार जैसा कि उ0प्र0 सरकार द्वारा उ0प्र0 में अनुमोदित नियोजनों में नियोजित कर्मचारियों की न्यूनतम दैनिक मजदूरी की दर निर्धारित की है। इसी दर से इस न्यायालय के अन्रिकल्ड चौकीदारों को 11-508 ग्यारह स्वये-स्वास सेवा प्रतिदिन की दर से दैनिक मजदूरी भुगतान हेतु अनुमोदन करने का कष्ट करे।
Zahid Ullah Khan

*True Copy attested
Shri Kant Singh*

AS/11

(2)

विभागीयकारी

महोदय, सम्मान पत्रों पर अनुभाग विभागीय
 एम.एम.नं-1 का मागने के तहत विभाग नए दिल्ली
 के पत्र संख्या एम-2-153/82-दिनांक 28-4-85 के माग में
 निवेदन करना है कि, इस केन्द्र में दैनिक गजदूरी पर दो
 चौकीदार कार्यरत हैं, जिनके कई वर्षों से माग-00 माग
 माग प्रतिक्रिया की दर से भुगतान किया जा रहा है।
 इसी का धराशास्त्र से इनमें जीवन सापन करने में
 कठिनाई का सामना करना पड़ रहा है। अतः अनुरोध
 है कि माग को पेट विभाग के द्वारा वे दैनिक गजदूरी
 गजदूरी की दर से भुगतान कराने का कदम लें, ताकि
 इनमें भी उनी दर से दैनिक गजदूरी भुगतान किया जा
 सके।

जाकिर उल्ला राणा
 युवाक समिति
 18-5-85

जीलाधिकारी / प्रवासी आदीकारी नगर
 गसोदम

कलकट में है बिना गजदूरी पर कोर गो
 नगरवासी नगरित नहीं हैं और इस रजकता में
 शोच शोषणोंका भी उपलब्ध नहीं है। कलकट
 में है बिना गजदूरी पर कोर नगर नगरी करमा
 जाता है। अतः दो बिना गजदूरी को दो नगरातमें
 उपलब्ध नहीं है।

मोहन

0110-4441
 18/5

caravan

जाकिर उल्ला राणा के निवास गजदूरी
 नगरवासी नगरित नहीं हैं और इस रजकता में
 शोच शोषणोंका भी उपलब्ध नहीं है। कलकट
 में है बिना गजदूरी पर कोर नगर नगरी करमा
 जाता है। अतः दो बिना गजदूरी को दो नगरातमें
 उपलब्ध नहीं है।

True copy attested
 Shri Sivaiah
 Shri

O.A.No. of 1988.
Reg.No. of 1988.

AS/12

28

Zahid Ullah Khan.

-----Applicant/Claimant.

Vs.

Union of India and others.

-----Respondents/Opp-parties

ANNEXURE No. 10

Page 10

प्रतिवादी

महोदय, नेहरू युवक केन्द्र विजनौर की वर्ष 1984-85 की कार्य योजना की पत्रावली भेजे हुए आपको नहीं मिले गये है। आपने इस पत्रावली को श्री इन्द्रवीरसिंह यादव परगनाधिकारी विजनौर को आवश्यक कार्यवाही हेतु आपने भेजी थी। परन्तु अभी तक 3 वीं पर कोई कार्यवाही नहीं हुई है। जिससे अनावश्यक रिलेक्स हो रहा है। इसमें शीघ्र कार्यवाही होना आवश्यक है।

2- इस कार्यालय के भवन सम्बन्धी पत्रावली आपको भेजी गई थी, उसे भी आवश्यक कार्यवाही हेतु श्री इन्द्रवीरसिंह यादव, परगनाधिकारी विजनौर को आवश्यक कार्यवाही हेतु दी गई थी। परन्तु आपको नहीं मिले गये अभी तक आवश्यक कार्यवाही नहीं हुई।

3- युवकों के अन्तराष्ट्रीय गुला वर्ष हेतु 10,000-00 दस हजार रुपये का विशेष आवंटन प्राप्त हुआ था, युवकों ने इच्छा प्रकट की थी कि वे अन्य राज्यों के नेहरू युवक केन्द्रों के कार्यक्रम को देखें एवं उसमें भाग लें, जिससे वे राष्ट्रीय एजता एवं विकास में सहभाग्य दें सकें। यह पत्रावली मैंने अपने नोट दिनांक 2-9-85 द्वारा आपके अनुमोदनार्थ भेजी थी, जिसमें मन्त्रालय की गाइडलाइन्स F6-16 दिनांक 6-4-85 भी संलग्न भेजी थी अभी तक आपके कार्यालय से वापस प्राप्त नहीं हुई है।

4- मैंने अपना भ्रमण कार्यक्रम आपके अनुमोदनार्थ दिनांक 6-9-85 को भेजा था परन्तु वह पत्रावली भी अभी तक आपके

यहाँ से वापस प्राप्त नहीं हुआ है। दि. 16-9-85 को मेरे लेखानिधिक को आपके द्वारा भेजा गया पत्र, आपकी कार्यालय के बारे में D.D. 01 मिली है। इससे उक्त पत्रावली पर शीघ्र आवश्यक कार्यवाही करने का कष्ट करे।

ज़ाहिद उल्ला खान

16-9-85

Take up with Secy

True Copy attested
Ant. Singh
Adv.

Zahid Ullah Khan.

-----Applicant/Claimant.

Vs.

Union of India and others.

-----Respondents/Opp-parties

ANNEXURE No. 11

जिलाधिकारी

महोदय, लखनऊ से एक सांस्कृतिक पार्टी जिनमें 12 कलाकार युद्ध/प्रतिष्ठा हैं, इस केन्द्र के ग्रामीण रूथ क्लबों में कार्यक्रम करने दिनांक 28-6-85 को आ रहे हैं, जिन्हें ग्रामीण क्षेत्रों में अपने कार्यक्रम दिखाने हैं। अतः

अनुरोध है कि दिनांक 28 एवं दिनांक 29-6-85 दो दिन के लिए किसी सरकारी विभाग की जीप इस केन्द्र हेतु उपलब्ध कराने की कृपा करें। पेट्रोल एवं डीजल की व्यवस्था इस केन्द्र द्वारा की जाएगी।

18/6/85

concerned to make available these vehicles

जाहिर उल्ला खान
27-6-85

अतिथियों को पार्किंग की व्यवस्था को सड़क प्रयोग प्रयोग में रखी, अतः जीप की आवश्यकता है।

जिलाधिकारी

महोदय, नेहरू युवा केन्द्र बिजनौर से सम्बंधित ग्रामीण नेहरू युवा क्लबों की जिलास्तरीय खेलकूद प्रतियोगिता दिनांक 7 एवं 8 अगस्त 85 को नेहरू स्टेडियम शहर बिजनौर में आयोजित की गई है, जिसकी व्यवस्था यदि हेतु जीप की आवश्यकता है। अतः अनुरोध है कि किसी सरकारी विभाग की जीप को उक्त दो दिनों हेतु इस केन्द्र हेतु उपलब्ध कराने का कष्ट करें। पेट्रोल/डीजल की व्यवस्था इस केन्द्र द्वारा की जाएगी।

जाहिर उल्ला खान
1-8-85

जिलाधिकारी

महोदय, दिनांक 29-7-85 को एकादश के ग्रामीण युवाओं की बैठक नेहरू युवा केन्द्र बिजनौर में हुई, जिसमें यह तय किया गया कि दिनांक 7 एवं 8 अगस्त 85 को जिलास्तरीय खेलकूद प्रतियोगिता नेहरू स्टेडियम बिजनौर में आयोजित की जाएगी। अतः अनुरोध है कि मेरे द्वारा उक्त प्रोग्राम निश्चित किया गया। मैं इसके लिए पूर्ण रूप से रक्षित हूँ तथा इसके लिए मन्त्रालय या अन्य जहाँ से अनुमति प्राप्त करने की आवश्यकता नहीं है। उक्त तिथियों हेतु जीप की निश्चित आवश्यकता है, अतः उक्त दो दिनों हेतु जीप उपलब्ध कराने की कृपा करें।

जाहिर उल्ला खान
6-8-85

Zahid Khan

True copy attached
Zahid Khan

O.A.No. of 1988.
Reg.No. of 1988.

As/14

30

Zahid Ullah Khan.

-----Applicant/Claimant.

Vs.

Union of India and others.

-----Respondents/Opp-parties

ANNEXURE No. 12

Ann 12

(C)

12

जिनाकारी
विजयपुर

महोदय, भारत सरकार, गैर विभाग के जयपुर विभाग.
के पत्र संख्या एफ 8-4/84-1 तारीख 19/21-11-84 के
द्वारा स्वगत किया गया है कि कि कि कि कि कि 12 जनवरी 85
से दिनांक 19 जनवरी 85 तक सप्ताह सप्ताह जाता जायेगा। कि में जयपुर
के अधिकारियों द्वारा सुझावों को राष्ट्रीय एला, विभाग आदि
विभाग पर समीक्षा किया जाता है। उक्त पत्र जयपुर विभागों को समीक्षा
है।

उक्त पत्र में मिले है कि जयपुर के विभिन्न गांवों में
दिनांक 18 जनवरी 85 को जयपुर के अधिकारियों द्वारा सुझावों
को समीक्षा किया जायेगा। उक्त पत्र में पत्र पूर्ण को जयपुर
करवाकर रत करवा किया गया है। उक्त दिनांक 17-1-85 तथा
दिनांक 18-1-85 दो दिनों के लिए जयपुर सरकार विभाग की
जयपुर केन्द्र हेतु जयपुर जयपुर की जयपुर को जयपुर/जयपुर
व्यवस्था का केन्द्र के द्वारा जयपुर की जायेगी।

11-1-85

11-1-85

Ann (D) to Spu

Deco

To pl arrange for
a vehicle for 17.1.85
and 18.1.85 as discussed
on phone today.

Zur Khan

14/1

Spru

15/1/85

15/1/85

Ann C

True copy
attached
for info

15/1/85

(Zahid Ullah Khan)

O.A.No. of 1983.
Reg.No. of 1983.

AS/16

32

Zahid Ullah Khan.

-----Applicant/Claimant.

Vs.

Union of India and others.

-----Respondents/Opp-parties.

ANNEXURE No. 14

Reminder

Respected Sir,

With reference to my memo letter dated 11-5-87 to your deptt, regarding expiation my adverse entry 1984 & 1985 given by the than D.M. Son D.S. Bains.

Investigation may be made by W.Y.K. field supervisory agency "GDRA" for justice. I want justice for detail please see my letter dated 11-5-87 of explanation.

The than I was on deputation as youth coordination Mehrungunak Kendra, Bijnor, U.P.

Yours faithfully,

To P.K.K. Kirti

Under Secretary

Deptt of Sports & Youth Affairs
Govt of India

New-Delhi

Zahid Ullah Khan

True copy attested
for Sir
for

फोन : 530

No. 47 / N.Y.K. (B)/19



सत्यमेव जयते

Registrar

Dated 1-5-85

To

also Affixed four attached

The Secretary,
Department of Youth Affairs & Sports,
Government of India, New Delhi.

SUB: ORDER FOR PAYMENT OF ELEVEN TA BILLS TIME BARRED
DUE TO NOT SIGNED BY THE THEN D.M.

Str

My T.A. Bills from Jan. 85 to Oct. 85 total eight

1. Outside Distt. Jan to April 85 2226.80, 2: March to April 1075.30, May 436.50, June 523.80, July 444.70 Aug. 264.30 Sept. 254.50 Oct. 297.70, which were not signed by the then

District Magistrate SH. D.S. Bams of Bijnore U.P. He kept pending

for several months and thus became time barred, given back

(photo copy attached) Got that without his sign or any objection,

the proof is T.A. Bill clerk of Collectorate affixed seal of District Magistrate with name below initials. All approved tour programmes attached herewith.

So, please on the place of Sh. D.S. Bains the then D.M.

you may sign and pass order for payment. Mr. Bains used to

harass me for his own interest, the proof are my adverse entries and documentary proof reply of that, take necessary

action. Jan. 1987 T.A. Bill 562.40 is also time barred.

its payment also pass orders. Two T.A. bills are pending

in your Department Ministry of Rs. 1047.50 & 392.00, Total

pending T.A. of about Rs. 7,25.50. Enclosures

Enclosures Total 9 (Nine) TA Bills of total amount

Six thousand eighty six in original alongwith Tour programme

approved by D.M. Total printing TA is Rs.7,525.50.

Yours faithfully,

पट्ट पत्र राजस्व सं: 3096/506-6-87

P.O. केनाटवे पोस्ट नई दिल्ली के श्री के.के.

कोर्टी १२०० खर्च को भेजा गया मुम्बई

Separately for DR, Moradabad & Jhansi

~~Zak Khan (Zahid Ullah Khan)~~

Zahid Ullah Khan.

-----Applicant/Claimant.

Vs.

Union of India and others.

-----Respondents/Opp-parties.

ANNEXURE No. 16

Memo

23-9-88

Respected Sir,

My following T.A. bills are pending in your office at the Court of Sri Khanna. U.D.C. since long, detail is as follows:-

- (1) Jan to April 85 - Rs 2226 = 80 (2) March to April 1075 = 50 (3) May 436 = 50 (4) June 523 = 80 (5) July 444 = 70 (6) Aug 226 = 30 (7) Sept 254 = 50 (8) Oct 297 = 70 (9) Jan 87 562 = 45 (10) Rs 1047 = 50 (11) Rs 392 = 00 Total amount is Rs 7525 = 50

Additional allotment for also above bills is given by you in 1987-88, most of the above bills were not signed by the then D.M. Sri D.S. Bains. He kept pending, after his transfer, I got back with out signed, because he want to harass me for his own interest thus, he also gave me adverse entry.

Although the tours are approved attached with the bills you pl. sign on place of D.M. & send to P.A.O for payment. The then I was Y.C. N.Y.K. Biju, yours faithfully,
Zahid Ullah Khan
To D.A.K.K. Kishor
Under Secretary
Deptt Sports Govt India
New Delhi

True Copy
Retained
in
File

In the Central Administrative Tribunal, Circuit Bench,
Sitting at Lucknow.

C.A.No. of 1983.
Reg.No. of 1983.

AS/19

35

Zahid Ullah Khan.

-----Applicant/Claimant.

Vs.

Union of India and others.

-----Respondents/Opp-parties

ANNEXURE No. 17

No.A.19011/7/80-YS.I
Government of India
Ministry of Human Resource Development
Department of Youth Affairs and Sports

New Delhi, dated the 19th November, 1987.

To

✓ Shri Zahid Ullah Khan,
District Harijan & Social Welfare Officer
District Hamirpur (UP)

Sir,

I am directed to refer to your letter dated 21.9.1986 and to say that your pay fixation order has already been issued vide this Department's Office Order 275/87 dated 3.8.87 (copy enclosed). Regarding pending claim of T.A. bill, it is stated that as per rules, the right of Government Servant to T.A. and daily allowances is forfeited or deemed to have been relinquished if the claim is not preferred within one year after completion of the joining. With reference to your letter regarding erasing of adverse entry in the Confidential Report, I am to say that the matter has already been taken up with concerned District Magistrate/State Controlling Officer.

Yours faithfully,

(R.K. Kirty)

Under Secretary to the Govt. of India.

True Copy attached
and sent
Adv

Zahid Ullah Khan.

-----Applicant/Claimant.

Vs.

Union of India and others.

-----Respondents/Opp-parties.

ANNEXURE No. 18

To: Secretary

Registered

Department of youth affairs &
Sports Govt of India,
Shastri - Bhawan, New Delhi

Memo

17-9-88

Subject: - Reminder regarding ex-funation of my
adverse entries 1984 & 1985 & payment of Pending
T.A. bill & Medical bill of Zahid Ullah Khan Ex Youth
Coordinator N.Y.K. Bijnor, U.P.

Sir, with reference to my letter no memo dated 11-5-87
in which I have submitted to you my explanation
of above adverse entries with all documentary proofs
of wrong, unjust, please take final action.

I have submitted my T.A. Bills with reference to
my letter no 47 dated 11-5-87, the T.A. bills are of Rs 2226=80,
1075=30, 436=50, 523=80, 444=70, 264=30, 254=50, 297=70, 565
1047=50, 392=00 are kept pending in your deptt. for details
see letter dated 11-5-87 along with reason of such action.

one Medical bill of Rs 785=00 is pending for
payment in your P.A.O it was submitted on 14-9-87 after
removing objection.

those all matters are pending at that time
when I was youth coordinator N.Y.K. Bijnor
Bijnor, U.P on deputation, but now I am working
in my parent deptt.

Several reminders already have being
sent to your deptt in the above matter but the matter
is still pending, please take an early final action
in above matter. I will be thankful to you.

Yours faithfully

Zahid Ullah Khan

Zahid Ullah Khan
Manager

GOVT UNWYAN BASTI
KANAYANPUR,
DISTRICT - KANPUR (CITY)
U.P.

True copy attached
[Signature]

AG/21

व्यदलनत श्रीडलन

डहोदड

वलदी (डुदई)
डुरतलवलदी (डुदललेह)

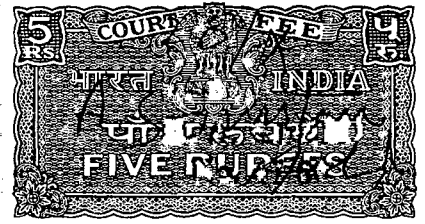
कल वकललतनलडल

O.A.No. ४1988
Registration No. ४1988

Zahid ullah Khan

vs.

Union of India & ors



वलदी (डुदई)

वनलड

डुरतलवलदी डुदललेह

नं० डुकदडल सन १६ डेशी की तल० १६ ई०

ऊडर ललखे डुकदडल डें अषडी ओर से श्री

ANIL SRIVASTAVA, Adv. एडवोकेट

डहोदड

वकील

को अडनल वकील नलडुक्त करके डुरतलऑल (इकरलर) करतल हूँ ओर ललखे देतल हूँ इस डुकदडल डें वकील डहोदड स्वथं अथवल अनड वकील डुरल जो कुछ डैरवी व जललवदेही व डुरश्नोत्तर करें डल अनड कोई कलगऑ दलखलल करे डल लौटलवे डल हमलरी ओर से डलगरी जलरी करलबें ओर रुपडल वसूल करें डल सुलहनलडल डल इकललल दलवल तथल अडील व नलगरलनी हमलरी ओर से हमलरे डल अडने हसुतलऑर सें दलखलल करें ओर तसुदीक करें डल डुकदडल उठलवें डल कोई रुपडल जडल करें डल हमलरी डल वलडऑ (डुरीकसलनी) कल दलखलल कलडल रुपडल अडने डल हमलर हसुतलऑर-डुदत (दसुतखती) रसुीद से लेवे डल डंच नलडुक्त करें । वकील डहोदड डुरल की गई वल कलरुडलहल हमको सुरुथल सुवीकलर है ओर होगी डै वल ओ सुवीकलर करतल हूँ कल डै हर डेशी स्वथं डल कलसी अडने डुरीकलर को डैजतल रहूंगल अगर डुकदडल अदड डैरवी डें एक तरुडल डुरे खललल डैसलल हो जलतल है उसकी जलडुडलरी ओर वकील डुर न होगी । इसललल वल वकललतनलडल ललख दलडल कल डुरडलण रहे ओर सडल डुर कलड अलने ।

डलड अदलकत	डुदललेह	डलड डुरीकलर
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हसुतलऑर: Zahid Khan 26-10-88

सलची (डलवलह).....सलची डलवलह.....

दलनलंकु..... डहीनल.....

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT BENCH,

LUCKNOW

(A7/1)

O.A. No. 100/89(L)

Z.U. Khan

Applicant

Versus

Union of India and others

Respondents

APPLICATION FOR SETTING ASIDE ORDER DATED 21.2.90
FOR EXPARTE HEARING

The abovenamed opposite party no.2 respectfully
begs to state as under :-

That for the facts and reasons stated in the
accompanying Counter Affidavit it is respectfully
prayed that the order dated 21.2.90 for exparte hearing
may be set aside and the attached Counter affidavit may
be taken on record.

Lucknow,

Dated: 21-3-90

Anoop Kumar
(Anoop Kumar)
Advocate

Counsel for opp.party No.2.

Recd & approved
Adv
21/3/90
1 pm

Filed
L
21/3/90

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT BENCH,

LUCKNOW

(A8/1)

O.A. No. 200/89(L)

Z.U. Khan

Applicant

Versus

Union of India and others ---

Respondents

COUNTER AFFIDAVIT ON BEHALF OF STATE OF U.P.
OPPOSITE PARTY NO.2.

I, Smt. Maya Jagdish, aged about 41 years wife of Sri Jagdish Srivastava at present posted as Section Officer in Yuva Kalyan Anubhag, Civil Secretariat, Lucknow do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the ²⁷Section Officer yuvakalyan Anubhag civil secretariat Lucknow. ²⁷ and as such is fully conversant with the facts of the case. The deponent is duly authorised to file Counter affidavit on behalf of answering opposite party no.2. True copy of the authorisation letter is being filed herewith as Annexure No. CA-1.
2. That the deponent has read the contents of the application supported with an affidavit of Z.U.Khan (hereinafter referred as an affidavit) and after fully understanding the same is filing this Counter affidavit to controvert the same.



3. That the contents of the affidavit except para 6.6 do not relate to the answering respondents and the same relates to the department of Harijan and Social Welfare, Distt. Magistrate Bijnor opposite party No.3 and Sri D.S. Bainsely^{O.P.4 233} hence need no comment. However it is stated that in the year 1981 the applicant was appointed as ²³³Youth Coordinator Nehru ²³³Yuva Kendra Bijnor on deputation. It is further stated that Sri D.S. Bainsely^{O.P.4 233} the then District Magistrate Bijnor had recorded adverse remarks in the confidential report of the applicant for the year 1984 and 85. The then District Magistrate Bijnaur sent those confidential reports to the Government of U.P. and the same were forwarded to Union of India duly countersigned by Sri B.S. Saxena the then Special Secretary to Government U.P. and Sri M.M. Verma Special Secretary to Govt. U.P. for necessary action. The photocopy of the letter No. ^{582/50-Y.K./88} 32187/50 Y.K./9.G.P./233 ³⁰⁻⁴⁻⁸⁸ 1607/50-Y.K.-3-AP/86 ¹³⁻⁸⁻¹⁹⁸⁶ 36 dated 12.7.89 and ^{3092/50 Y.K./1987} 3092/50 Y.K./1987 dated 16.9.87 are being annexed herewith as Annexure No. CA-2 and CA-3.

4. That in reply to the contents of para 6.6 of the affidavit it is stated that the same relates to the T.A. Bills regarding which relief No.(C) in para 9 ²³³affidavit has already been deleted vide Tribunal's order dated 7.4.89 hence the same are irrelevant in the present case. However it is stated that vide letter No. 122/Ali-86 dated 30th June 1986 the then District Magistrate Bijnaur reported that the T.A. bills submitted by the applicant was false and the Govt. of U.P. has only forwarded the same vide letter Nos. ²³³461/50-Y.K.-17(N.Y.K.)/86 dated 10.3.87 to the Union of India for necessary action. The photocopy of the



AB-3-

letter dated 30.6.86 and 10.3.87 are being filed herewith as Annexure No. CA-4 and CA-5.

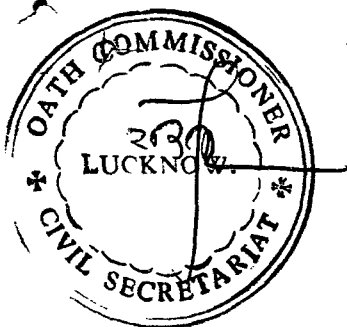
5. That the file of the case was under process for instructions and the same was received late from last department therefore the Counter affidavit could not be filed earlier and the delay/^{if bonafide} ~~is~~ any is ^{20/}liable to be condoned and the order dated 21.2.90 also to be set aside.

Lucknow, March 21, 1990

Dated:

M. Jagdish

DEPONENT



VERIFICATION

I, the abovenamed deponent do hereby verify that the contents of this Counter affidavit from paras I to IV ^{20/} ~~partly~~ ^{20/} ~~are believed~~ true to my own knowledge on the basis of records and those of paras to 5 part ^{20/} ~~are believed~~ by me to be true. ^{20/} ~~No part of it is false~~ and nothing material has been concealed, so help me God.

M. Jagdish

DEPONENT

I, R.K. Srivastava ^{yourself section} ~~V.D.A. Advocate~~ do hereby declare that the person making this affidavit and alleging himself to be Srinivasi Maya Jagdish is the person who is known to me from the perusal of record produced before me in this case.

Solemnly affirmed before me ^{20/} on the day of 21/3/90 ^{20/} a.m./p.m. who has been identified by the aforesaid.

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

amrkhur

२४/५

अधिकारी

श्रीमती मायाजगदीश, अनुभाग अधिकारी, युवा कल्याण
हॉट को उत्तर प्रदेश सरकार की ओर से श्री जाहिद उल्लाह हॉट बनाम
यू०ओ०आई० तथा उत्तर प्रदेश सरकार व अन्य के वाद में प्रदेश सरकार की
ओर से प्रति शपथपत्र दाखिल करने हेतु सूत्रद्वारा अधिकृत किया जाता
है।

प्रमाणित

21/3/80
(वल्लभ गुप्ता)
वर्तमान पब्लिशरी,
वाय । दिवानी वाद । अनुभाग,
उ० प्र० सचिवालय, लखनऊ

हो/-----

डा० इन्दु प्रकाश शेरन,
सचिव,
युवा कल्याण एवं क्षेत्रीय विकास विभाग,
उत्तर प्रदेश, शासन ।



प्रेषक,

श्री भुवन-चन्द्र जोशी,
असुसचिव,
उत्तर प्रदेश शासन।

सेवा में,

अवर सचिव,
भारत सरकार, मानव संसाधन विकास मंत्रालय,
युवा कार्य एवं खेल विभाग, शास्त्री भवन,
नई दिल्ली।

580/9 (GP)/08

Serial 6

युवा कल्याण अनुभाग: लखनऊ: दिनांक: 01 अप्रैल, 1988
विषय:- उत्तर प्रदेश में कार्यरत युवक समन्वयकों की गोपनीय प्रविष्टियाँ महोदय,

मुझे निम्नलिखित युवक समन्वयकों की प्रत्येक के सम्मुख अंकित वर्षों की गोपनीय प्रविष्टियाँ आवश्यक कार्यवाही हेतु भेजने का निर्देश हुआ है।

2- यहाँ पर उल्लेखनीय है कि तत्कालीन विशेष सचिव, श्री एच0 स्म0 31.12.88 को सेवा निवृत्त हो चुके हैं। तथा ये प्रविष्टियाँ बहुत पुरानी हैं। अतः इन्हें मूल रूप में आवश्यक कार्यवाही हेतु प्रेषित किया जा रहा है।



क्रम सं० समन्वयक का नाम एवं जिला प्रविष्टियों की अवधि

- 1- कुमारी कनिज फातिमा, फतेहपुर 1-1-80 से 17.9.80, 1.1.81 से 31.12.81 तक 1.1.82 से 10.9.82 तक 1983, 1984
- 2- श्री मंगरू राय शास्त्री, मिर्जापुर 1980-81, 1981-82, 1982-83, 1986
- 3- श्री डी0डी0 शर्मा, मथुरा 1980-81, 1981-82, 1982-83, 1983
- 4- श्री हरीश चन्द्र रौतेला, चम्पली 1986-87
- 5- श्री राम रघुपाल शर्मा, पिथौरागढ़ 1982-83, 83-84, 84-85, 1985-86
- 6- श्री जवाहर लाल यादव, प्रतापगढ़ 1986-87
- 7- श्री चन्द्र शेखर सिंह, आजमगढ़ 1986-87
- 8- श्री एस.के. चन्देल, पौड़ीगढ़वाल 1982-83, 1983-84, 1986-87
- 9- श्री नरेन्द्र नाथ तिवारी, अलीगढ़ 1983-84, 1986-87
- 10- श्री जाहिर उल्ला खाँ, बिजनौर 1982-1984

A.8/6

Annex-3

गोपनीय/विशेष ५१ पाठक द्वारा

सं 1607/50-8040-3/वी०पी०/86

श्रेष्ठ,

श्री हरिश्चन्द्र बाजोधी,
संयुक्त सचिव,
उत्तर प्रदेश शासन ।

सेवा में,

अवर सचिव,
भारत सरकार,
मानव विकास संसाधन मंत्रालय,
शास्त्री भवन, नई दिल्ली ।

546 9 (CP) / 86
Page 2

पुष्पा कल्याण अनुभाग:

लगातः दिनांक 13-8-1986

विषय:- उत्तर प्रदेश में कार्यरत कुछ सम्मन्धकों की गोपनीय प्रविष्टिदियाँ ।

अधीनस्थ,

उपरोक्त विषय के संबंध में लगे यह कहने का निर्देश हुआ है कि वर्ष 1985 में कार्यरत विशेष सचिव पुष्पा कल्याण सेवा नियुक्त हो चुके हैं, निम्नलिखित कुछ सम्मन्धकों की प्रत्येक के सम्पूर्ण अंशों की गोपनीय प्रविष्टिदियाँ वर्तमान विशेष सचिव, क्षेत्रीय विकास एवं पुष्पा कल्याण उत्तर प्रदेश शासन के प्रतिष्ठिताधारी के उपरान्त आचरण कार्यवाही हेतु भेजी जा रही है जिसका प्राप्ति स्वीकार करने का कट कर:-

क्रम सं०	सम्मन्धक का नाम तथा जिला	संलग्न प्रविष्टिदियों की अवधि
1-	श्री सीताराम प्रसाद गोरखपुर	1984 व 1985
2-	श्री डी०डी० शर्मा मथुरा	1985
3-	श्री मोहम्मद आदिल सीतापुर	1985
4-	श्री मंगल राम शास्त्री मिर्जापुर	1984-85
5-	श्री रतनदेव पन्डेल वी०डी० गढ़वाल	1985-86
6-	श्री श्रीराम नारायण तदतैना, रायबरेली	1985
7-	श्री जाहिर उल्लाह खान बिजनौर	1985 ✓
8-	श्री हुमारी पद्मा अग्रवाल कलकत्ता	1985-86

अधीनस्थ,

८०

1 हरिश्चन्द्र बाजोधी ।
संयुक्त सचिव

लगातः आठ



A8/7

Amu-4

शा0प0सं0-461/पचास-यु0क0-88/7डब्लू/86

प्रेषक,

श्री सुप्रमाल सिंह,
संयुक्त सचिव,
उत्तर प्रदेश, शासन ।

सेवा में,

श्री के0के0 कीर्ति,
अवर सचिव भारत सरकार,
मानव संसाधन विकास मंत्रालय,
युवा कार्यक्रम और खेल विभाग,
नई दिल्ली ।

युवा कल्याण अनुभाग:

लखनऊ: दिनांक: 10 मार्च, 1988

विषय:- नेहरू युवक केन्द्र बिजनौर, श्री जातिद्व. उल्ला खां युवा समन्वयक
के बिलम्बित यात्रा भत्ते का दावा ।

महोदय,

उपर्युक्त विषयक भारत सरकार के पत्र संख्या-19011/7/80-एन.एस्.

वाई-1 दिनांक 29-4-86 तथा शासन के पत्र संख्या-भा0सं044111/50-यु0क0/
17एन0प्राई0के0-86 दिनांक 14 मई, 1986 का संदर्भ ले, मुझे यह कहने का निर्देश
हुआ है कि प्रश्नगत मामले में जिलाधिकारी बिजनौर से उनके पत्र सं0-122/अति/
86 दिनांक 30-6-86 में प्राप्त आख्या की एक प्रतिलिपि संलग्नकर भेजी जा
रही है ।

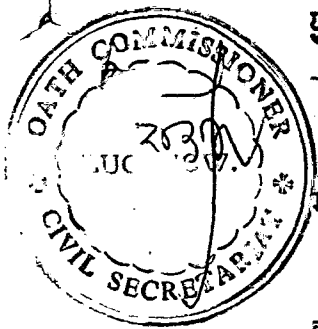
संलग्नक: उपरोक्तानुसार ।

भवदीय,

ह0/-----

जयपाल सिंह,

संयुक्त सचिव ।



डी० एस० बैन्स,
जिलाधिकारी ।

अ०सा०पत्रसं० 122/आलि-86

जिलाधिकारी भवन,
बिजनौर

दिनांक: 30, 1986

प्रतिलिपि

Annex

A8/8

प्रिय राजाराम,

नेहरू युवक केन्द्र, बिजनौर में कार्यरत युवा समन्वयक, श्री जाख्खि गुल्लाखां के यात्रा भत्ता दावों के विषय में कृपया अपने अ०सा०पत्र सं०-भा०स०44/50-यु०क०-17111एनवाइकी1/86 दिनांक 28-6-86 का सन्दर्भ लेने का कष्ट करें। इस सम्बन्ध में अवगत कराना है कि इन्होंने टेक्सी से यात्रा भत्ता चार्ज किया था जोकि झूठा प्रतीत होता है तथा यह इस सम्बन्ध में अपनी स्थिति स्पष्ट नहीं कर सके हैं और उल्टे क्लर्कट के बिल लिपिक से गलत तरीके से पेश आये हैं। लगभग आठ माह का समय इनके द्वारा अपनी स्थिति इस सम्बन्ध में स्पष्ट न कर पाने के कारण इनके बिल रुके हुये हैं।

श्री खां के सम्बन्ध में यह भी अवगत कराना है कि पिछले वर्ष मेरे द्वारा इनको वर्ष 1984 की प्रतिकूल प्रविष्टि अंकित की गई थी। सम्भवतः उस सम्बन्ध में कोई कार्यवाही नहीं की गई है। इस वर्ष 1985 की जो प्रविष्टि मेरे द्वारा इनके कार्य एवं आचरण के सम्बन्ध में अंकित की गई है तथा सचिव युवा कल्याण को भेजी जा रही है वह भी प्रतिकूल है। कृपया इस सम्बन्ध में कार्यवाही करने का कष्ट करें।

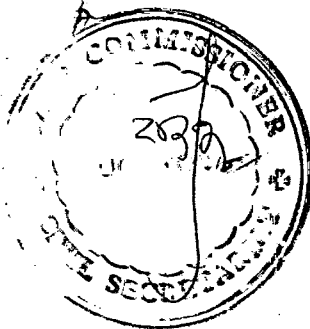
सादर,

भवदीय,

EO/---oo

डी०एस० बैन्स ।।

श्री राजाराम,
संयुक्त सचिव,
उत्तर प्रदेश शासन
युवा कल्याण अनुभाग,
लखनऊ ।



BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

O.A. No. 200/88(L)

F.F.:

Zahid Ullah Khan

Applicant

Versus

Union of India and others

Respondents.

APPLICATION FOR CONDONATION OF DELAY IN FILING
COUNTER AFFIDAVIT

The abovenamed respondent No.4 respectfully begs to
state as under :-

1. That due to inadvertance the Counter affidavit
could not be filed earlier.
2. That the delay is bonafide and is liable to be condoned.

Wherefore it is respectfully prayed that delay in
filing Counter affidavit may be condoned and the attached
Counter affidavit may be taken on record.

Lucknow :

Dated : 19-2-90
21

Anoop Kumar
(Anoop Kumar)
Advocate
Counsel for the respondent No.4.

Recd duplicate
Adv.
21-02-90

A 8/10

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT BENCH,
L U C K N O W.

O.A. No. 200/88 (L)

Zahid Ullah Khan

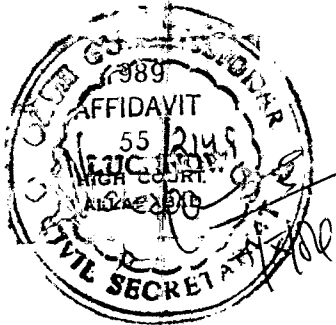
... Applicant

Versus

Union of India & others.

... Respondents

COUNTER AFFIDAVIT ON BEHALF OF SHRI D.S. BAINS,
RESPONDENT NO.4 TO THE APPLICATION OF ZAHID ULLAH KHAN.



I, Sri D. S. Bains, aged about 43 years, Son of Late Sri Babu Ram Bains, at present posted as Special Secretary to U.P. Government, Industries Department, Lucknow do hereby solemnly affirm and state on oath as under:

- (1) That the deponent is opp.party no.4 and as such is fully conversant with the facts of the case. The deponent has read the contents of application filed by Zahid Ullah Khan (hereinafter referred as an applicant) and after fully understanding the same is filing the Counter Affidavit to controvert the same.
- (2) That the contents of paragraph 1 to 5 of the application do not concern the deponent. Hence no comments.
- (3) That the contents of para 6(1) to (4) do not concern the deponent, hence no comments.
- (4) That the contents of paragraph 6(5) of the application is not disputed.
- (5) That the contents of paragraph 6(6) of the application does not concern the deponent, hence no comments.

Handwritten signature

(contd...2)

A 8/11

(6) That contents of paragraph 6(7) of the application; no comments.

(7) That contents of paragraph 6(8) of the application; no comments.

(8) That contents of paragraph 6(9) relates to the deponent only in so far as it relates to deponent taking over charge as District Magistrate, Bijnor. The deponent took over charge as District Magistrate, Bijnor on 24.11.1983 and relinquished the charge on 2.7.1986.

(9) ✓ That the allegations made against the deponent in para 6(10), (11) and (12) are totally false, mischievous and atrocious. The same have been levelled by the applicant to cover up his own shortcomings and misdoeds and to divert the attention of this Hon'ble Tribunal. The allegations are denied.

(10) That contents of paragraph 6(13) of the application does not concern the deponent, hence no comments.

(11) That in regard to para 6(14) of the application it may be stated that the deponent recorded the adverse entries against the applicant purely on merit and on objective assessment of the applicant's work and conduct during the reporting period. The appreciation letter referred to by the applicant is of 12.7.86 while the subject matter of the application relates to adverse entries for 1984 and 1985.

(12) That contents of para 6(15) are admitted partially only to the extent that the applicant was given adverse entries by the deponent in the annual confidential reports for the year 1984 and 1985. The deponent recorded the adverse entry based on knowledge of personality traits

(contd...3)



Agree.

A 8/12

-3-

and working of the applicant after closely watching his activities.

(13) That in regard to para 6(16), it is to be stated that the entries in question were recorded in the annual confidential report of the applicant on an objective assessment of the work and conduct of the applicant. The applicant was warned orally a number of times regarding lapses in his part but he did not improve even marginally so much so that the deponent was compelled to write to the Under Secretary, Govt. of India, Ministry of Youth Affairs and Sports, New Delhi for transfer of the applicant out of district vide D.O. letter No. 72/ST dated 13.6.1985 - Annexure-I stating that the applicant has lost sense of balance and proportion and that there were numerous complaints against him even regarding his character. This was followed up by reminder dated 3.10.1985 (Annexure-II).

(14) That contents of para 6(17) of the application is not admitted and it is denied that the entries were recorded out of any mala fide consideration. The deponent has no comments to offer on the averment of the applicant that his work and conduct was found to be appreciable by other officers, only thing the deponent can say is that the entries recorded by the deponent are based on objective assessment of the work and conduct of the applicant during the relevant period. The Character Roll of the applicant is maintained by the Administrative Department of the applicant viz. Harijan and Social Welfare Department of Govt. of U.P. and that department can comment on it. That Department has, however, not been made a party by the applicant.

(contd...4)



Amu.

A 8/13

-4-

(15) That in regard to para 6(18) (a), the deponent submits that the work relating to T.A. Bills etc. is looked after by a designated officer. D.M. does not look to these matters directly at his own level. The deponent used to pass on all such papers with his orders to concerned officers the very same day or next day. The T.A. bill of the applicant did not remain pending with the deponent. Therefore my insinuation that the T.A. bills of the applicant were kept pending or that their payment was withheld by the deponent is not only baseless but also irrelevant in so far as the application relates to expunction of adverse entries awarded to the applicant in the years 1984 and 1985. In my case, if the applicant did not get payment of T.A. bills in time it must have been because of some particulars wanting or shortcoming in the T.A. bills. The T.A. bills referred to by the applicant must not have been prepared and submitted as per Govt. orders/as per rules as is evident from deponent's D.O. letter No. 122/¹²11/86, dated 30.6.86 addressed to the Secretary to Govt. U.P. 'Youth Welfare Department, Lucknow-Annexure-III. In any case the relief sought by the applicant in regard to T.A. bills has been ordered by the Hon'ble Tribunal to be deleted. Therefore, it is now no more relevant.

(16) That in regard to para 6(18) (b) and (c) of the application it may be stated that as Collector and District Magistrate the deponent called for report from A.D.M. (D)/ District Development Officer or their concerned officers to ensure that the work is executed as per Govt. Orders/rules. It is incorrect to say that the report was called for from other officers to delay the matters.

(17) That contents of paragraphs 6(18)(d) and (e) of the application is not admitted. Annexure No. 11 and 12



Amu

filed by the applicant do not bear out the allegation of the applicant. On the contrary orders of the deponent on Annexure 11 filed by the applicant would show that the deponent had passed orders to make vehicle available to the applicant on the same date on which the note was put up by the applicant. On another note dated 1.8.85 Annexure 11, from the applicant for a vehicle, it was enquired as to who had fixed the programme. The applicant submitted a note in reply on 5.8.85 but nothing has been indicated as to final outcome in the matter. It is, therefore, not possible for the deponent to offer any comments. Annexure 12 is a note dated 11.1.1985 from the applicant asking for vehicle for two days on 17 & 18 January, 1985. It would be evident from the notings on this Annexure that orders were given to make a vehicle available to the applicant.

(18) That contents of para 6(19) of the application needs no comments.

(19) That in regard to para 6(20) of the application, it may be stated that the representation of the applicant against the adverse entries were referred to the deponent by the D.M., Bijnor in January, 1989. The deponent required records from Bijnor for sending his comments. Complete records have still not become available. Efforts it is said are being made to locate and collect them.

(Annexure IV)

(20) That para 6(21), (22) and (23); the applicant's claim regarding payment of T.A. bills has not been admitted by the Hon'ble Tribunal and ordered to be deleted. Hence no comments on this para of the application are submitted.

(21) That contents of para 6(24) does not concern the deponent.

(contd...6)



duw

A8/15

(22) That contents of para 6(25) does not concern the deponent.

(23) That contents of para (26) does not concern the deponent.

(24) That contents of paras 6(27) and (28) needs no comments, as neither the representation dated 19.11.87 nor reminder dated 17.9.88 referred to by the applicant, is addressed to the deponent.



(25) That the work and conduct of the applicant had not been upto the mark and the adverse entries given to him in 1984 and 1985 represented the honest assessment of the deponent regarding the work and conduct of the applicant. There were complaints against him from public about his work and conduct. The papers relating to their complaints are not forthcoming and efforts are being made to locate them as would be evident from D.M. Bijnor's letter No. 398/7.31-1989 dated 6.9.89. Copy annexed as Annexure IV.

(26) That the deponent further submits that the various wild allegations that have been made by the applicant in paras 6(9), (10) and (11) of the application ~~entries~~ are vague, false, unfounded and presumptive and bearout the mental make up of the applicant. The deponents' letter dated 13.6.85 (Annexure-I) addressed to the Under Secretary to the Govt. of India, Ministry of Youth Affairs & Sports, New Delhi, regarding applicants' transfer refer to this aspect of his personality. The applicants' intellectual level and his capabilities would be evident from a mere reading of his representation regarding adverse entries- Annexure 13 of the application. On one occasion the ~~applicant~~ applicant even submitted a draft of his own

(contd...7)

Done

A8/16

-7-

C.R. entry to the deponent to be signed by him (deponent). A photo copy of the same is annexed as Annexure V to this written statement. The deponent, however, gave his own independent assessment in the entry. There is no merit in the applicant's allegation that adverse entries were given out of my annoyance and grudge against the applicant or to harass him. The entries given by the deponent to the applicant have been given with all the sense of responsibility attached to a reporting officer and the entries represent true and correct assessment of the work and conduct of the applicant.



Lucknow: Dated:

4.10.1989

Deponent

[Signature]

VERIFICATION

I, D. S. Bains, the abovenamed deponent do hereby verify that the contents of this Counter Affidavit from para 1 to 26 are true to my knowledge on the basis of records. No part of it is false and nothing material has been concealed, so help me God.

Signed and verified this 4th day of October 1989 at Lucknow.

Lucknow: Dated:

4.10.1989

Deponent

[Signature]

I know the deponent personally who has signed before me.

[Signature]

(K.D. SRIVASTAVA)
JOINT SECRETARY
HOME DEPARTMENT
SECRETARIAT

Serial No. 5572149
Sworn (or affirmed) by *Sr. D. S. Bains, Spl. Secy.*
to Govt. of U.P. Industries Deptt. *1st Secy.*
(who was identified by by *Sr. K. D. Srivastava, Joint Secy.*
to Govt. of U.P. Home Deptt. *1st Secy.*)
on the 4th October 1989
at 4.00 PM. *CA No. 200/80(L)*
of 1980 *Central*
Administrative Tribunal, Circuit Bench, *Secy.*
Received *only*
[Signature]
Oath Commissioner
& Section Officer
Judicial (Subordinate Courts) Section

The deponent has read the affidavit and understands the contents thereof

Dated 4.10.1989

[Signature]

Oath Commissioner

& Section Officer

Judicial (Subordinate Courts) Section

[Signature]

BEFORE THE ADMINISTRATIVE TRIBUNAL CIRCUIT BENCH,
LUCKNOW

O.A.No. 200/88

Zahid Ullah Kha

A 8/17

....

Applicant

Versus

Union of India & ors.

....

Respondents

ANNEXURE NO.--I

No. 22/ST

Dt. 13.6.1985

Dear Sri K.P.U.,

Sri Zahid-ullah-kha, Youth Coordinator
is posted in this district for the last three
years, I believe he has lost sense of balance and
proportion and there are numerous complaints
against him over regarding his character. All
my efforts for improvement have gone in vain. It is
in the fitness of things that he is immediately
shifted from this district. In fact he does not
deserve to remain in any field post. You are,
therefore, requested to immediately get him transferred
out of this district.

Yours sincerely,

(Sd/-) (Sd/-)

Sri K.P.U.,
Under Secretary to Govt of India,
Department of Youth Affairs & Sports,
Ministry of Education,
New Delhi.

BEFORE THE ADMINISTRATIVE TRIBUNAL CIRCUIT BENCH,
LUCKNOW

A8/18

P.A.No. 200/84

Zahid Ullah Kha

....

Applicant

Versus

Union of India & ors.

....

Respondents

ANNEXURE NO. II

3.10.86

Dear Sri Karty,

Please refer to my D.O. letter No. 72/82 dated 13.6.86 regarding transfer of Sri Zahid-Ullah Khan, Youth Coordinator from this district. No orders of his transfer from this district have yet been received. Kindly expedite.

Yours sincerely,

(D.S. Bains)

Sri K.K. Karty,
Under Secretary to Govt. of India,
Department of Youth Affairs & Sports,
Shastri Bhawan, New Delhi.

3/X

BEFORE THE ADMINISTRATIVE TRIBUNAL CIRCUIT BENCH,
LUCKNOW

O.A.No. 200/86

A8/19

Zahid Ullah Kha

....

Applicant

Versus

Union of India & ors.

....

Respondents

ANNEXURE NO. III

डीएसडी, जिलाधिकारी।

आदेश सं० 122/आलि-86
जिलाधिकारी भवन,
छिन्नौर
दिनांक: जून 30, 1986

मेडर युवा केन्द्र, छिन्नौर में कार्यरत युवा सगन्धक, श्री आरिफ अल्लाहों के वाता भत्ता दावों के विषय में कृपया अपने आदेश सं० 122/आलि-86/30-यु०-1711/संवा 1/86 दिनांक 26-6-86 का सम्बन्ध देने का कष्ट करें। उक्त सम्बन्ध में उल्लेख करना है कि उन्होंने दस्तावेजों से वाता भत्ता चार्ज किया था जोकि झूठा प्रतीत होता है तथा वह क सम्बन्ध में अपनी स्थिति साबित नहीं कर रहे हैं और उल्लेख क्वार्टर के जिला अधिकारी के यहाँ सरांके से पेश आये हैं। कृपया आठ माह का समय उनके द्वारा अपनी स्थिति इस सम्बन्ध में साबित न कर पाने के कारण अपने विचार लें होंगे।

जि उक्त के सम्बन्ध में अभी उल्लेख करना है कि पिछले वर्ष मेरे द्वारा काली वर्ष 1984 की प्रविष्टि प्रविष्टि अंकित की गई थी। सम्बन्ध: उक्त सम्बन्ध में कोई कार्यवाही नहीं की गई है। इस वर्ष 1985 की जो प्रविष्टि मेरे द्वारा काली वर्ष एवं आगमन के सम्बन्ध में प्रविष्टि की गई है तथा उक्त युवा सगन्धक ने भेजी जा रही है वह भी प्रविष्टि है। कृपया उक्त सम्बन्ध में कार्यवाही करने का कष्ट करें।

भवदीय,

डीएसडी, जिलाधिकारी।

30/6

श्री राजाराम,
सुपरी, जिला,
उत्तर प्रदेश सरकार,
युवा सगन्धक अल्लाह,
जिला

Zahid Ullah Kha

....

Applicant

Versus

Union of India & ors.

....

Respondents

ANNEXURE NO. IV

श्याम सुन्दर
जिलाधिकारी

अर्ध शासकीय पत्रांक 3418/म0310-1989

कार्यालय जिलाधिकारी-बिजनौर

दिनांक सितम्बर 6, 1989

प्रिय श्री साहब,

श्री ज़ाहिद उल्ला खां तत्कालीन जिला युवा समन्वयक बिजनौर के विरुद्ध शिकायतों की जांच के सम्बन्ध में जो सूचना आपके द्वारा चाही गयी है उसके सम्बन्ध में अवगत कराना है कि उस समय कैम्प कार्यालय की डाकबही सं0116 के द्वारा (फोटो कॉपी सहायन) के द्वारा श्री खां के विरुद्ध जांच के सम्बन्ध में कागजात तत्कालीन अपर जिलाधिकारी वि0रा0 बिजनौर को भेजे गये थे, जिसे उनके तत्कालीन आशुलिपिक श्री झिन्कू सिंह ने प्राप्त किये थे। बहुत तलाश करने पर ये कागजात अपर जिलाधिकारी वि0रा0 के कार्यालय में उपलब्ध नहीं हो पाये हैं। श्री झिन्कू सिंह द्वारा यह कागजात चार्ज में भी अपने उत्तराधिकारी को नहीं दिये गये हैं। इस सम्बन्ध में एक रेडियोग्राम जिलाधिकारी गोरखपुर, जहाँ कि आजकल श्री झिन्कू सिंह कार्यरत हैंको भी दि0 9-8-89 को दिया गया है जिसकी प्रतिलिपि आपको भी प्रेषित की गयी है। तत्तथ तत्तथ हेतु इस रेडियोग्राम की फोटो प्रति मैं आपको साथ में पुनः प्रेषित कर रहा हूँ। इस रेडियोग्राम का न तो कोई उत्तर प्राप्त हुआ है न ही श्री झिन्कू सिंह ने वहाँ आकर स्थिति स्पष्ट की है। ये मामला काफी पुराना हो गया है तथा इस समय इस सम्बन्ध में कोई अभिलेख उपलब्ध नहीं हो पा रहा है।

आपके द्वारा वांछित उस अधि की पिछले सम्बन्धी बैचों के कार्यवाही विवरण साथ में प्रेषित कर रहा हूँ। श्री अनिल कुमार चतुर्वेदी वर्तमान जिला युवा समन्वयक द्वारा अवगत कराया गया है कि उनके कार्यालय में भी श्री खां की कोई व्यक्तिगत पत्रावली या अन्य पत्रावली उपलब्ध नहीं है।

स/य/

जा/ए/

भगनिष्ठ

श्री डी0रू0 केन्स,
विशेष सचिव,
लघु उद्योग, उ090 शासन,
लखनऊ।

श्याम सुन्दर।

TO - D.M. GOREKHPUR-LI- SRI D.S. BANIS JOINT
SECY- SMALL INDUSTRIES-LUCKNOW.

FROM- D.M. BISHNOR

No. MEMO-AO-ST-89 DATED 9-8-89

SRI JHINKU SINGH STENO. WHO IS
POSTED IN YOUR DISTT AS STENO TO ADM
W/AG WORKING AS STENO TO ADM (F.R.) BJR(C)
IN THIS CAPACITY HE HAD RECIEVED TWENTY
PAPERS IN CONNECTION WITH COMPLAINTS
AGAINST SRI ZAHID-ULLA-KHAN THE THEN
YOUTH CO-ORDINATOR BISHNOR IN DECEMBER
84(C) NO RECORD REGARDING THIS IS TRACEABLE(C)
THOSE PAPERS ARE URGENTLY REQUIRED BY
THE THEN COLLECTOR SRI D.S. BANIS(C)
KINDLY DIRECT TO SRI JHINKU SINGH TO COME
BISHNOR AND GET THE PAPERS TRACED OR
SUBMIT HIS REPORT IF HE HAS ANY KNOWLEDGE
REGARDING MOVEMENT OF THESE PAPERS(C)

Recd at
12 to
11/8

A.D.M. (F.R.)
BISHNOR

BEFORE THE ADMINISTRATIVE TRIBUNAL CIRCUIT BENCH,
LUCKNOW

O.A.No. 200/88

AB/22

Zahid Ullah Kha

.... Applicant

Versus

Union of India & ors.

.... Respondents

ANNEXURE NO.

22

Zahid Ullah Khan
Yuth Co-Ordinator

Nehru Yuvak Kendra
Bijnor.

No 126 / Date 28-6-85

Respected Sir,

My confidential report you want to send for the year 1984-85,
of my ~~also~~ in this connection you have demanded from me the necessary
information as per instructions, I am sending all, along with enclosures
in this letter. Thanking you for an early action.

Enclosure all concerned papers of
C.O.R.

Sri Darshan Singh B.S.
I.A.S.

Distt. Magistrate
Bijnor.

Yours faithfully

Zul Khan
(Zahid Ullah Kha)

S.T.

DM
28/6/85

From:-

Distt. Magistrate
Bijnor U.P.

AB/23

To,

By name
Yuwa Kalyan Sachive
Uttar Pradesh Shashan
Sachivalaya Lucknow U.P.

No. _____

Dated _____

Subject:- Writing reviewing of Annual Confidential report for the year 1984 of Shri B Zahid Ullah Khan Youth Co-Ordinator Nehru Yuvek Kendra, Bijnor. U.P.

Sir,

In compliance of the Govt. of India department of sports letter No. C. 28011/1/85 Y.S. I dated Feb. 4, 1985 on the subject noted above, from Shri K.K. Kirti, Under Secretary Govt. of India Department of Sports New Delhi, addressed to Youth Co-ordinators of all N.Y.Ks and copy of which is given to all Distt. Magistrates. I have to honour to forward herewith ^{an send} Part III - assessment of reporting officer in connection of annual confidential report for the year 1984 of Shri Zahid Ullah Khan Youth Co-Ordinator Nehru Yuvek Kendra U.P. along with part I & part II personal data Part IIInd (Self appraisal of YC) and part IVth for necessary action as per direction given in the referred letter of the department.

You may kindly give the remark on the Part IVth (enclosed in blank as reviewing officer and send all these ~~concoming~~ documents to the department of sports Govt. of India for necessary action.

Encl:- As above
in two copies

Yours faithfully

(D. S. Bhas)
Distt. Magistrate
Bijnor U.P.
Dated:-

No. _____/NYK/

Copy forwarded to Shri K.K. Kirti, Under Secretary, Govt. of India Department of Sports, Shastri Bhawan, New Delhi for information in reference to the above referred letter.

(D. S. Bhas)
Distt. Magistrate
Bijnor U.P.

27/

AB/24

-II-

Part III Assessment of Reporting officer.

1. (a) Does the Reporting officer agree with all that is recorded under part II by the officer.
If not, enumerate precisely the extent of disagreement and the reasons therefor. Yes
- (b) General comments on the results achieved and the quality of performance and application of knowledge, delegated authority and conceptual and professional skills on the job. Good
2. Comment clearly and in unambiguous terms on the following attributes of the officer in relation to his performance.
- i) Commitment to the tasks assigned: Good
- ii) Devotion to duty. Good
- iii) Human relations (his conduct with his colleagues, superiors and subordinates) and capacity to get work done) Good
- iv) Public relations (including liaison with state Government/district level department of the State Governments Good
- v) Intellectual honesty, creativity and innovative qualities. Good
- vi) Integrity. Good and satisfactory integrity certify
3. Please indicate if on any of the items in this part the Reporting officer administered any written or oral warning or ~~or~~ Counselling and how the officer reacted thereafter. No

Signature of the reporting officer

Name in Block
letters DARSHAN SINGH BANS

Designation :- Distt. Magistrate
Bijnor U.P.

Date :-

A9/1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH
LUCKNOW.

ORIGINAL APPLICATION NO. 200 of 1988

ZAHID ULLAH KHAN APPLICANT

v/s

UNION OF INDIA AND OTHERS RESPONDENT.

REJOINDER TO COUNTER AFFIDEVIT FILLED BY
RESPONDENT NO. 4.

I Zahid Ullah Khan aged about 45 years
son of Shri Hamid Ullah Khan working as Manager,
Rajkiya Unnayan Basti, Kalayanpur, Kanpur do hereby
solemnly affirm and state as under:-

- 1) That the aforesaid person is the applicant himself, as such he is fully conversent with the facts and circumstances of the case.
- 2) That the contents of para 1 to 8 of the counter affidevit do not call for comments as they do not controvert or deny the statements made in the original application by the applicant.
- 3) That the contents of para 9 of the counter affidevit are categorically denied and those of paras 6(10), (11) and (12) of the original application are reiterated as correct. The respondent has failed to show

(Contd.....2)

or cite any example for alleged short - commings and misdeeds as alleged while on the other hand the ~~app~~ applicant was given commendation letter by no less a person than the former chief Secretary of the Government of Uttar Pradesh and which is filled as Annexure No. I to the application.

4) That the contents of para 10 of the counter affidavit do not call for comments .

5) That the contents of para 11 of the counter affidavit are denied. The conduct of Respondent No. 4 as stated in the body of the original application will show that the adverse entries for the year 1984 and 1985 were given to the applicant only out of ill-will and malafide considerations against the applicant. However, the contents of para 6.14 of the original application have also not been denied in the said para.

6) That the contents of para 12 of the counter affidavit, so far it is contrary to para 6.15 of the original application is categorically denied and those of para 6.15 are reiterated as correct, the adverse entries were given only out of malafide considerations.

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(Contd.....3)

7) That the contents of para 13 of the counter affidavit are categorically denied. The applicant has absolutely no knowledge of the letters dated 13-6-85 and 3-10-85 filed as Annexure No. I and II to the counter affidavit. The answering respondent be put to strict judicial proof that the alleged letters are genuine letters. Otherwise also ^{the} the character, behaviour and the work of the applicant was so bad than why he was not chargesheeted or any show cause was asked from him or at least he should have been warned or informed in writing instead why he was allegedly only warned orally as stated in the para. If his work and conduct was so poor, why the Respondent No. 4 did not choose to give him anything in writing or any enquiry was set up to evaluate his work.

8) That the contents of para 14 of the counter affidavit are denied and those of paras 6.17 of the original application are reiterated as correct.

9) That the contents of para 15, 16 and 17 of the counter affidavit are denied and those of para 6.18 of the original application are reiterated as correct. The log book of the vehicles in question will show that they ~~are~~ were not utilized by the applicant because they were actually never made

available to the applicant, even when the said orders were passed, it was passed with such timings/ intention that it could not be made available to the applicant.

10) That the ~~summary~~ contents of para 18 of the counter affidavit do not call for comments.

11) That the contents of para 19 of the counter affidavit are denied for want of knowledge.

12) That the contents of para 20 to 24 of the counter affidavit do not call for comments.

13) That the contents of para 25 of the counter affidavit are denied. The actual position has already been explained in para 7 of the rejoinder.

14) That the contents of para 26 of the counter affidavit are denied and those of para 6(9), (10) and (11) of the original application are reiterated as correct. The documents annexed alongwith Annexure No. V to the counter affidavit are also categorically denied being forged. The applicant specifically states that he has not enclosed any such documents filed alongwith Annexure No. V to counter affidavit rather he had submitted the informations ^{regarding his achievements} ~~which~~ ^{which} were asked from him in connection ~~to~~ with his confidential report. It is also not out of place

to mention here that the applicant was not required to write essays on English or he was required to be very profecient in English as part of his duty rather his duty was to

- (a) to organise and lookafter Youth Club arrangements in blocks etc.
- (b) to ~~re~~ organise sports and cultural activities
- (c) to organised Youth Camps.
- (d) to organised to give Vocational trainings to Youths
- (e) to chalk out prograrammes and schemes for welfare of Youths and to implements them, and other activities connected with the aforesaid

acts etc. A copy of G.O. Dated 28-1-82 and the information annexed alongwith Annexure No. V for the year 1985 are being filed herewith as Annexure No. R-1 and R-2.

It is also not out of place to mention here that the applicants' work was always found much better than his contemporaries in other districts and that is why he was ~~is~~ always appriciated by his superior officers except the Respondent No. 4.

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Lucknow:

Dated: 18.3.90

(Zahid Ullah Khan)
APPLICANT.

(Contd....._6)

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VERIFICATION

I the above named applicant do
hereby verify that the contents of para 1 to
14 of this rejoinder is true to my knowledge.

Lucknow.

Dated: 18.3.90

Zahid Ullah Khan

(Zahid Ullah Khan).

New Delhi dated the 28th January, 1982.

To

The Youth Coordinators,
of All India Youth Kendras.

Subject:- Writing and reviewing of Annual Confidential Reports
for the year 1981.

Sir/Madam,

I am directed to invite your attention to this Ministry's letter No.C.28011/1/81-NSY.I dated the 26th September, 1981 on the subject mentioned above and to say that from the year 1980 (reporting year) it was decided that the annual confidential reports of the Youth Coordinators should be written by the Collector/Deputy Commissioner/District Magistrate. The Report written by the Collector/Deputy Commissioner/District Magistrate was to be reviewed by the State Level Controlling Officer, who was to send the report to the Ministry. The same procedure is to be followed for the reporting year 1981 also.

A blank Form for the Annual Confidential Reports for the period from 1-1-1981 to 31-12-1981 is enclosed. It will be seen that the Form is having four parts; Part-I is to be filled by you; in Part-II, the brief resume of the work done by you during the period under report bringing out any special achievements during the period is also to be written by you and attached to the Form. It may please be noted that the Resume is a precise process of identification, qualification, and there should be no attempt at self-praise. Self-assessment should be in terms of actual performance and should admit of no gap judgement. Vagueness and uncertainty will defeat the purpose of the resume. The Resume should not exceed 50 words in any case.

After Parts I and II of the Form have been filled by you (and resume of the work done by you has been attached with the form), the Annual Confidential Report Form may be sent to the Collector/Deputy Commissioner/District Magistrate, as the case may be. The Collector/Deputy Commissioner/District Magistrate will, after completing Part-III of the Form, send the Report to the State Controlling Officer of the State concerned for.

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- 2 -

review. The State Level Controlling Officer will, then send the Reports of the Youth Coordinators to the Ministry for counter-signatures by an Officer of the Ministry and record in the Ministry.

4. You are, therefore, requested to complete the Parts I and II of the Form within 10 days of the receipt of this letter and send it to the concerned Collector/Deputy Commissioner/District Magistrate, as the case may be, for writing of the Annual Confidential Report.

Yours faithfully,

R.K. Saini

(R.K. Saini)

Under Secretary to the Govt. of India.

Copy to:-

All State Controlling Officers in respect of Nehru Yuvak Kendras.

All concerned Collectors/Deputy Commissioners/District Magistrates with the request that the Annual Confidential Reports for the period 1-1-1981 to 31-12-1981 in respect of Youth Coordinators may kindly be written in Part-III of the A.C.R. Form and sent to the State Controlling Officer for review of the Report. This Ministry would be grateful if the Annual Confidential Report in respect of Youth Coordinators of Nehru Yuvak Kendra working in his District could be sent to the State Controlling Officer by the 15th February, 1982.

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R.K. Saini

(R.K. Saini)

Under Secretary to the Govt. of India

Form of Confidential Report of Youth Co-Ordinator

Mohar Yuvak Kendra Bijnor (U.P.)

Report for the year /Period ending 1985

Part IPersonal Data

1. Name of Officer: Zahid Ullah Khan
2. Date of birth: 13.3.1945
3. Date of continuous appointment to the Present Grade: 4.5.1981
4. Present Post and date of appointment thereto: 4.5.1981
5. Period of absence from duty on leave, training etc. during the year: Nil

6. Key items of the duties and responsibilities of the Post in order of importance (care is to be taken that nothing is left out)

Programmes are to be done for the non students rural youths between the age groups 15 to 35 years for their upliftment, reform, development, awareness, employment, rehabilitation, recreation, cultural development, sports, physical development, educational, work camps, V.L.P., Vocational training, includes villages development etc. by the youths of the youths for the youths for the proper guidance with the affiliation of the youths organisation Bijnor U.P. which are functioning well by the efforts of Youth Co-ordinator in a permanent shape for ever, habits forms to do the above work in a revolutionary way.

N.Y.K. Providing opportunities to rural youths for work and family assumption of social and civic responsibilities development of leadership patriotism, scientific outlook, Participation in planning and implementation of community and national development objectives.

7. Whether the officer belongs to Schedule Caste/Schedule Tribes: No

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(Zahid Ullah Khan)
Youth Co-ordinator
Mohar Yuvak Kendra
Bijnor (U.P.)