

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE O.A. 205 of 1988 (L)

Name of the parties:

Sayed Khalid Rizvi

Applicant.

Versus.

Union of India

Respondents.

Part A.B.C.

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So (J)

Plc
04/01/2012Rg
So (J)

Promotion

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 255 of 1988

APPLICANT (s) S. K. Rishi

RESPONDENT(s) Union of India

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent? yes -
2. (a) Is the application in the prescribed form? - No - columns 1 & 2 are not in prescribed form.
(b) Is the application in paper book form? - yes -
(c) Have six complete sets of the application been filed? - only 2 sets filed.
3. (a) Is the appeal in time? yes -
(b) If not, by how many days it is beyond time? /
(c) Has sufficient case for not making the application in time, been filed?
4. Has the document of authorisation, Vakalat-nama been filed? - yes -
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/- - yes -
6. Has the certified copy/copies of the order (s) against which the application is made been filed? - The Application is not filed against any particular order.
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed? - yes -
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly? - yes - by the Adversary, one copy only.

Endorsement as to result of Examination

~~Photocopies have been taken~~
yes -

-yes-

- yes -

— No —

$$\dot{z}_A =$$

No -

/

(b) Defective ?

(c) Wanting in Annexures

Nos...../Pages Nos..... ?

- 210 -

yes-

- yes -

- N A -

- yes -

/

(b) Under distinct heads ?

(c) Numbered consecutively ?

- yes -

1. 423-

- The application ~~is not against any~~
for is filed against seniority list.

8
20/11

R3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LAGOS.

O.A./I.A. No. 205 1988(C)

S. K. Rizvi

Applicant(s)

Versus

U.O. &

Respondent(s)

Cr. No.	Date	Orders
	<u>24.11.88</u>	<p>Hon. D. S. Mirra, A.M. Hon. G.S. Sharma, J.M.</p> <p><u>Admit</u> respondents to file Issue notice to the reply within a month & rejoinder within 15 days thereafter and also issue notice to the respondents to show Cause against the interim relief prayed by the applicant fixing 22.12.88.</p> <p>sd/- sd/- J.M. A.M.</p> <p>29/11</p>
	<u>29.11.88</u>	<p><u>OR</u></p> <p>Notices issued to the respondents. No 1 to 17 through regd. Post. fixing 22.12.88 to consider the interim matter.</p> <p>29/11/88</p>

Recd. copy
of Judgment.

22596
Respondent.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCULAR BENCH AT DELHI NO.

O.A./XXX No. 205 198 8(L)

S.K.Rizvi

Applicant(s)

Versus
Union of India.

Respondent(s)

S. No.

Date

Orders

Contd. from pre-page.

The respondent nos. 1 and 2 may file their reply within 3 weeks from now. The applicant has filed rejoinder to the counter filed by the private respondents. Learned counsel for the applicant may file rejoinder, if any, to the counter, which may be filed by the respondents 1 and 2, within a week thereafter.

List this case for final hearing on 23.2.1989.

A copy of this order may be made available to the Brief Holder of Sri N.B.Singh, learned ^{Senior} ~~Chief~~ Standing Counsel for the Union of India, today.

JM

AM

Dt. 25.1.1989
kkb

27/1/89

OR

Copy issued to the Brief Holder of Sr. N.B. Singh

16/2/89

OR

Notices have been issued.
No undelivered regd. cover have been return back.
No reply have so far been received on behalf of respdts. No 1 & 2 in this office submitted.

h
25/1

Push
16/2

205/2004

(P5)

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

10/8/89

Shri A.K. Chaturvedi L/C for the applicant
and Shri R.K. Kalra briefholder of Mr. S.C. Budhwar
L/C for respondents Nos. 3 to 17 are present.
No Division Bench is available for hearing the
case.

Learned counsel for the applicants files rejoinder,
keep it on record. Copy of the rejoinder affidavit
meant for counsel for Union of India be given
to the L/Counsel for ^{Union} of India as and when
he is available.

List this case on 28/9/89 for hearing.

J.M.

(sns)

28/9/89

Hon. Justice K. Nath, VC.
Hon K. Oberoi, Am.

On the request of the
learned counsel for the
applicant the case is
adjourned to 4-12-89 for
hearing

Am

VC.

OK
As directed by the Court's
order dt. 10.8.89, as
reply rejoinder has been ^{filed} submitted
by the C.P. No 1, 2, 26.
Case is ready for
hearing -
Submitted for hearing

27/9/89

OK
Case is Submitted
for hearing.

30/11/89

4/12/89

Hon. Justice K. Nath, VC.
Hon. K. J. Raman, Am.

On the request made on behalf
of Shri S.C. Budhwar the
case be put up tomorrow
for final hearing.

Am

VC.

Am

205/106/11

(46)

Serial
number
of
order
and date

Brief Order, Mentioning Reference
if necessary

How complied
with and
date of
compliance

5.12.89

Hon. Justice K. NATH, V.C.
Hon. K. J. Raman, A.M.

On the request of the
learned counsel for the parties
list this case for final hearing
on 4.1.90.

If in the meantime the
matter pending in the Hon'ble Supreme
Court, as indicated by the learned counsel
for the ~~respondents~~, is decided, the
respondents will produce a copy of
the judgment before this Tribunal.

W.R.
A.M.

V.C.

Submitted for
hearing
3/1/90

Hon' Mr Justice Kamleshwar Nath, V.C.
Hon' Mr K. Obayya, A.M.

4/1/90

Shri Ramesh Chandra Srivastava respondent No.11
says that the case before the Hon'ble Supreme
Court is listed for hearing on 16.1.90. Counsel
for the applicant says that the case pending in
the Hon'ble Supreme Court has nothing to do with
the disputes in the present case. He says that
earlier also the case in the Supreme Court had been
adjourned and that the applicant should not be
made to suffer because of any delay in the
disposal of the matter in the Supreme Court.
We think another opportunity may be given to
have before us the judgment of the Hon'ble Supreme
Court in case the hearing before the Hon' Supreme
Court on 16.1.90 materialises. If the hearing
does not materialise at all, then, this Tribunal
will proceed with the hearing of the present
case. The case is adjourned to 9-2-90 for hearing.

Dinesh

A.M.

V.C.

(sns)

Cmt ²⁴~~25~~/88 - impl'd ✓

~~25/88 for amend~~

~~26/88 - Infr. schaf; — Ret'd in ~~1985~~ Feb 88.~~

(A7)

Quota DR

5-7-77 Amend of Rules of IPS (Revised) Rules 1954 —
Am 2

R1 (2): This amended Rule will come into force
A. 5-7-77
wef publication in the Gazette —

R2 — In Rule 9(2) of IPS (Revised) Rules 1954, for
the figure 25% words 33 1/3% shall be substituted.

12-9-77 Amend to IPS (Fixing of Cache strength) Regulation 1955 —
Am 3

R1 (2) dated from 12-9-77 =

Posts to be filled by promotion up to 9 (IPS (Revised) Rules 1954)
at 33 1/2 % of "Senior posts under s/o f (67" and)
Cache Deficiency Dosem $\left(\frac{67}{234} \right) = 78$
DR = 255

Total authorized strength = 333

R3 to 17 — were promoted to the IPS after the quota was increased
15 officers from 25% to 33 1/3%. — Applicable says they would not have
been promoted if the quota had not been increased.

[Under para 6(vi)]
— Amendment 1 (Pg 15) contains the date of appointment to the year of all time 1972-73 1978 to 1980

- Even a Prospecting Rule may take away
vstā rights prospecting - vide 2nd part
7.5.3(1A) — Increased quotas
introduces an addl number of persons
into field prospecting.

GR are allotted to junior scale ^{time} but promotes
are offered in senior scale - R 6 GR (Rank 2) 1955-4

- Also GR (offered by Pruthi) Repld 1955:
Rep 5(2) Para 3 - Min 8 years
continuous service in U.P.S. before promotion
to GR - [Junior scale GR may
get senior scale after
4 years service or
relating]

- Rule 9 of 1954 (Revised) 1954 =

Q: Quota is not related to the year of all India.

Q: Despite increase in quota, the demand is not due to
increase but due to the growth of Civilian Education -

See

1974(1) SLR 470 ^{Para 15} Ram Chandra Shankar
1974 SC 250 ^{State of Madhya Pradesh}

- Can production of quota from 100% to 50%:
"A Rule affects changes of promotion"
does not affect the condition of Seniority
Changes of p/v

1981(2) SLR 705 ^{Para 13-14} Reserve Bank of India
(SC) CPD Min.

1980(2) SLR 1010 ^{Para 15} Me Sybil
(SC) VOT

Q. Benefit of enhanced quota will defeat Rule 9(2) of AA
 Reserve Pts 1954 if benefit is given after the date of
 amendment in 1977. Otherwise then will be "retroactive
 operation"

~~1988 SC~~

1987 (6th) SC 207 K. N. Gopal
 vs
 State of Karnataka
 = Quota rule cannot
 interfere administration

1977 SC 251 - N. K. Chaudhary
 vs

affirmation of power in case of quota :-
 They have to be pushed down.

O.A. 626/87

AW 27 9-12-87

G. K. Joshi

UOI

Quota does not
 concern officers & pvt

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

Lucknow Circuit Bench

O.A.NO. 205 1988.
T.A.NO.

DATE OF DECISION _____

S.K. Rishi Dethers PETITIONER

Abdus Mannan Advocate for the
Petitioner(s)

VERSUS

Union of India Dethers RESPONDENT

S.C. Bindhuwar Advocate for the
Respondent(s)

Seethi's Approval

CORAM :

The Hon'ble Mr. Justice K. Nath, Jr.

The Hon'ble Mr. K. O'Byrne, Jm.

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

Dinesh/

Dr
17.5.90

(A10)

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A. No.205 of 1988

Syed Khalid Rizvi and Others Applicants

Versus

Union of India & Others Opposite Parties.

Hon. Justice K. Nath, V.C.

Hon. Mr. K. Obayya, A.M.

(By Hon. Justice K. Nath, V.C.)

This application under Section 19 of the Administrative Tribunals Act, 1985 is to quash a statement of seniority of respondents 3 to 17 promoted I.P.S. Officers of the State Cadre in the gradation list of I.P.S. Officers of U.P. contained in Annexure-4 dated 24.4.1987. There is also a prayer that an amendment dated 5.7.77 in Rule 9(2) of the Indian Police Service (Recruitment) Rules, 1954 contained in Annexure-2 may not be given retrospective effect.

2. The material facts of the case are admitted. The three petitioners were recruited directly to the Indian Police Service through an All India Competition conducted by the U.P.S.C. They were posted in the U.P. Cadre of the IPS on 22.7.73 (petitioner No.1), 17.7.75 (petitioner No.2) and 14.7.76 (petitioner No.3). Respondents 3 to 17 were recruited originally to the U.P. Police Service and were promoted to the Indian Police Service on different dates between 25.4.78 and 26.3.80 as detailed in Annexure-1.

(11)

- 2 -

However, they were given years of allotment of 1972 and 1973. The impugned seniority list, Annexure-4 mentions the date of their continuous officiation in a senior post from various years some of which precede while the rest succeed the dates of appointment of the petitioners. On account of the fixation of the years of allotment of respondents 3 to 17, they became senior to the petitioners.

3. The grievance of the petitioners is that the promotion of the officers of the U.P. Police Service to the Indian Police Service was fixed at a quota of 25% prior to the impugned amendment of Indian Police Service (Recruitment) Rules, 1954 by Annexure-2 dated 5.7.77 but by the said amendment, the quota was enhanced to $33\frac{1}{3}\%$ in consequence of which respondents 3 to 17 were promoted to the IPS and got the years of allotment making them senior to the petitioners. It is urged that the said amendment had a retrospective effect which was not permissible in view of Section 3(1A) of the All India Services Act, 1951. ~~respondents 3 to 17 were promoted to the IPS and got the years of allotment making them senior to the petitioners.~~ It is urged that if the amendment is not given retrospective effect, the petitioners would be senior to respondents 3 to 17.

4. Counter and rejoinder have been exchanged and it is admitted by the respondents that benefit of promotion to the IPS has accrued to them by virtue of the impugned amendment. Their contention is that the amendment is not retrospective and that in any case it does not adversely affect the interests of the petitioners and therefore it is not inoperative in the manner challenged by the petitioners.

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5. The main controversy in the case is whether the impugned amendment is retrospective and is hit by the provisions of Section 3(1A) of the All Indian Services Act, 1951. The Section runs as follows :-

" 3(1A) The power to make rules conferred by this Section shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act to the rules or any of them but no retrospective effect shall be given to any rule so as to prejudicially affect the interests of any person to whom such rule may be applicable."

6. We have heard Shri Abdul Mannan for the petitioners and Shri S.C. Budhwar for the respondents at considerable length. A bare reading of Section 3(1A) makes out that the Govt. is competent to give retrospective effect to rules that may be framed under the Act. It is not disputed that the impugned amendment to the I.P.S. (Recruitment) Rules, 1954 has been made in exercise of the powers under Section 3(1) of the All India Services Act, 1951. Amending Rule 1(2) contained in Annexure-2 clearly says that the amendment shall come into force on the date of publication in the official gazette. Admittedly, it was published in the Govt of India Extra Ordinary Gazette on 5.7.77. On the face of it, therefore, the amendment was not made retrospective. Indeed, in para 6(10) of the petition, it is specifically mentioned that "the amendment dated 5.7.77 is not retrospective either expressly or impliedly". It is futile therefore to contend that the amendment is retrospective.

gr

- 4 -

7. The learned counsel for the applicant however says that although the amendment is not retrospective, it has "retrospective effect" within the meaning of the provision to Rule 3(1A) of the All India Services Act. We are of the opinion that the amendment does not give retrospective effect either to the Amending Rule or to the Rule which had been amended. Rule 9(1) of the I.P.S. (Recruitment) Rules, 1954 provides that the Central Govt. may recruit to the service persons by promotion from amongst substantive members of the State Police Service in accordance with such Regulations as the Central Govt. may make from time to time. Sub Rule 2 of Rule 9 from the time of the impugned amendment provides that number of persons recruited under Sub Rule 1 in any State shall not at any time exceed $33\frac{1}{3}$ % of the number of posts as specified in the Schedule to the IPS (Fixation of Cadre Strength) Regulations, 1955. Sub Rule 2 of Rule 9 simply says that the promotees' quota shall not exceed $33\frac{1}{3}$ % "at any time". The expression "at any time" is wide enough to cover all points of time when the number of persons recruited by promotion is to be determined. If there are rules independently of the amending rule or the rule in which the amendment is made which bring benefit to certain persons from an earlier date which they would not have got but for the amending/amended rule, the benefit would be relatable to the independent rule and not to the amending or amended rule. In other words, the amending/amended rule cannot be said to have a retrospective effect within the meaning of provision to Section 3(1A) of the All India Services Act, 1951.

8. The benefit of seniority to the respondents 3 to 17 flows from the I.P.S. (Regulations of Seniority) Rules, 1954. Rule 3(3) of those rules runs as follows :-

"3(3) The year of allotment of an officer appointed to the service after the commencement of these rules shall be -

(a) where the officer is appointed to the service on the result of a competitive examination, the year following the year in which such examination was held ;

(b) where the officer is appointed to service by promotion in accordance with Rule 9 of the Recruitment Rules, the year of allotment of the juniormost amongst the officers recruited to the service in accordance with Rule 7 of those Rules who officiated continuously in a senior post from a date earlier than the date of commencement of such officiation by the former.

Provided....."

9. Clause (a) of Sub Rule 3 of Rule 3 concerns direct recruits like the petitioners; their year of allotment is the year following the year in which their competitive examination was held. Clause (b) of Sub Rule 3 of Rule 3 concerns promotee officers like respondents 3 to 17; their year of allotment will be the year ~~of~~ allotted to the juniormost of the direct recruits who had officiated continuously in a senior post from a date earlier than the date of commencement of such officiation by the promotee officers. These provisions are entirely independent of the provisions regarding quota of the direct recruits and promotees. Whenever the quota is varied by increasing or reducing the number of vacancies relatable to one or the other

ALS

source of ~~the~~ recruitment, the Rule of assigning of year of allotment in the IPS (Regulations of Seniority) Rules, 1954 will have its own independent operation; its operation does not become retrospective on such variations which remains where it is.

10. The learned counsel for the respondents has referred to Rule 6 of the Indian Police Service (Recruitment) Rules, 1954 to point out that under Sub Rule 2 thereof while initial appointment of persons recruited to the service by competitive examination or by selection from Emergency Commissioned Officers has to be made in the Junior Time Scale, under Sub Rule 3 ~~of~~ the initial appointment of persons recruited to the service by promotion has to be made in the Senior Time Scale of pay. The contention is that the policy of the law is to give some sort of a weightage to the promotees on account of their longer length of service as compared to the direct recruits. Similarly, the I.P.S. (Regulations of Seniority) Rules, 1954 do not adopt any criterion of the date of entry into service for the purposes of year of allotment in respect of any of these classes of officers.

11. On the contrary, the learned counsel for the petitioners contends that the quota rule must go hand in hand with the seniority rule and the principles of seniority of direct recruits vis-a-vis the promotees as contained in Rule 3 of IPS (Regulations of Seniority) Rules, 1954 cannot be separated from one another. This contention does not further the claim of the petitioners; the seniority rule read with the quota rule on its own,

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brings benefit of the enhanced quota to the class in whose favour the enhancement is made.

12. The learned counsel for the petitioners further says that a reasonable interpretation of the amended Rule coupled with the Seniority Rule is that appointment/seniority should be subject to the availability of the post and since the post became available to the promotees in July, 1977 with the increase of quota from 25% to $33\frac{1}{3}$ %, the benefit of seniority to the promotees should accrue only on such date after July, 1977 when the post became available. The learned counsel for the respondents contends that the argument rests on the fallacious presumption that the posts were not in existence since before and came into being only after the amendment of the Rule 1977. We think that it is not a question of availability or creation of the posts in consequence of the amendment; it is only a question of allocation of existing posts between the direct recruits and the promotees.

13. There is another angle to the case. The provision to Section 3(1A) of the All India Services Act, 1951 purports to prevent the retrospective operation of a Rule if the Rule prejudicially affects the interests of any person to whom the Rule applies. The petitioners' apprehension is that the enhancement of quota prejudicially affects the petitioners' seniority and chances of promotion. The learned counsel

for the opposite parties have referred to the case of Union of India & Another Vs. S.K. Krishnamurthy and Others 1989 (11) A.T.C. 892 where the Supreme Court had held that promotion is not a right and the taking away of the chances of promotion do not constitute deprivation of a right. That case did not deal with a change of quota between the direct recruits and the Emergency Commissioned Officers who were involved in that case; but the principle is well recognised that promotion is not a right. The Rule which governs grant of promotion or seniority or Rule which concerns conditions of service and the power of the President under Article 309 of the Constitution of India to amend the Rules even retrospectively is not in doubt. The learned counsel for the respondents has referred to the case of K.Jagdishan Vs. Union of India & Others 1990 (I) A.T.C. 510 in this connection. There a Rule prescribing certain qualifications for promotion to the higher post was amended on account of which the petitioners' chance of promotion was adversely affected. The Supreme Court held that the amended Rule only affected the employees chances of promotion or his rights to be considered for promotion to the higher post and that result could not be considered to give a retrospective effect to the amendment of the Rule. There is worth therefore in the contention of the learned counsel for the respondents that the so called obstruction in the alleged claim of the petitioners for promotion on the ground of seniority cannot be said to be such interest or right as is adversely affected within the meaning

A12

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of provision to Section 3(1A) of the All India Services Act.

14. In the case of Ram Chandra Vs. State of Maharashtra 1974 SC 259 there was a reduction of quota from 100% to 50%. The Supreme Court held that the Rule reducing the quota only affected the chance of promotion but did not affect the conditions of the service of the petitioner.

15. In the case of Gopal Bhimappa Vs. State of Karnataka and Others 1988 SCC (L&S) 105 it was held that the quota rule has to be strictly enforced for fixation of inter se seniority which must be done on the basis of quota.

16. The learned counsel for the petitioners referred to the case of N.K. Chauhan Vs. State of Gujrat 1977 SC 251 to show that persons officiating in higher post in excess of the quota have to be pushed down in the ultimate fixation of seniority. That decision brings no benefit to the petitioners' because respondents 3 to 17 admittedly are not in excess of quota.

17. We may mention that seniority does not constitute a person's rank ^{and} that a bare loss of seniority within the cadre does not constitute reduction in rank within the meaning of Article 311 (2) of the Constitution of India. The case of High Court Calcutta Vs. Anil Kumar Roy 1962 SC 1704 and Baradkant Mishra Vs High Court of Orissa 1976 SC 1899 may be seen in this connection.

APR

- 10 -

18. It is also somewhat strange that while the amendment in question came into being in 1977, its operation does not seem to have been challenged in any litigation thus far. Counsel for the parties agree that there has been no decision on this point. It is quite likely that during the last 12 or 13 years some rights may have accrued to some officers and others may have been put back as the present petitioners believe they are. However, not much would turn upon that consideration because we are not examining any question of limitation in this context.

19. On a careful consideration of all the matters, we are of the opinion that the grounds of challenge to the seniority assigned to respondents 3 to 17 contained in Annexure-4 dated 24.4.87 must fail and that the panel for promotion drawn on that basis cannot be said to be illegal; we find that respondents 3 to 17 are entitled to the benefits of the amendment of the Rule 9(2) of the Indian Police Service (Recruitment) Rules, 1954 as contained in Annexure-2 dated 5.7.77. The petition must fail.

20. The petition is dismissed. Parties shall bear their costs.


Member (A)


Vice Chairman

Dated the 17th May, 1990.

RKM

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH AT ALLAHABAD,

CIRCUIT BENCH LUCKNOW

Registration Case No. 205 of 1988 (L)

(Under Section 19 of the Administrative Tribunal Act)

Syed Khalid Rizvi and Others ----- Applicants

Versus

Union of India and Others Respondents

Date of Filing

OR

Date of Receipt by post

Registration No.

Signature of Registrar

Filed on 21-11-88

Noted date 24-11-88

Asit Kumar Chaturvedi
Advocate
21-11-88

A2D

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT ALLAHABAD
CIRCUIT BENCH LUCKNOW

Qq**

I N D E X

In

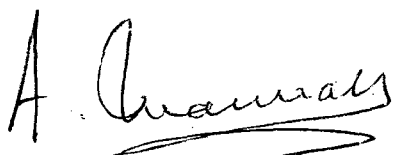
Registration No. 205 of 1988 (L)

Syed Khalid Rizvi and othersApplicants

VERSUS

Union of India and others. Respondents

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2.	Annexure-1 : Copy of Dates of appointment to IPS of respondents No 3 to 17.	15-16
3.	Annexure-2 : Copy of Govt. of India notification dated 5th July 1977	17-18
4.	Annexure-3 : Copy of Govt. of India notification dated 12th. Sept. 1977	19-22
5.	Annexure-4 : Copy of letter No. I-15011/5/86-IPS.I. dated 24th April, 87 addressed to Chief Secretary U.P. Govt.	23-34


COUNSEL FOR THE APPLICANT

(A2)

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

1

REGISTRATION NO. 205 OF 1988. (1)

Syed Khalid Rizvi and others APPLICANTS.

VERSUS

Union of India and others. RESPONDENTS.

1. PARTICULARS OF THE APPLICANTS:

(A)

(i) Syed Khalid Rizvi

(ii) Shri Abdul Aziz Rizvi

(iii) Superintendent of Police, Criminal Investigation
Department (Crime Branch), Lucknow.

(iv) Criminal Investigation Department (Crime Branch),
2, Vikramaditya Marg, Lucknow.

(v) Criminal Investigation Department (Crime Branch),
2, Vikramaditya Marg, Lucknow.

(B) (i) Karamveer Singh

(ii) Shri Preti Pal Singh

(iii) Senior Superintendent of Police, Azamgarh.

(iv) Senior Superintendent of Police, Azamgarh.

(v) Senior Superintendent of Police, Azamgarh.

(C) (i) Subhash Joshi

(ii) Shri P.C. Joshi

(iii) Superintendent of Police, Bijnore.

(iv) Superintendent of Police, Bijnore.

(v) Superintendent of Police, Bijnore.

Syed Khalid Rizvi

A22

2. PARTICULARS OF THE RESPONDENTS:

- (1) Union of India through the Secretary, Department of Home, Government of India, New Delhi.
- (2) State of Uttar Pradesh through the Secretary, Department of Home, Government of Uttar Pradesh, Lucknow.
- (3)(i) K.P.Tripathi
 - (ii) Vice Principal, Police Training College II, Moradabad.
 - (iii) Vice Principal, Police Training College II, Moradabad.
- (4)(i) D.K.Agrawal
 - (ii) Superintendent of Police, Vigilance, Jhansi.
 - (iii) Superintendent of Police, Vigilance, Jhansi.
- (5)(i) K.N.Bhatt
 - (ii) Senior Superintendent of Police, Bareilly.
 - (iii) Senior Superintendent of Police, Bareilly.
- (6)(i) Yogendra Pal
 - (ii) Commandant, 6th Battalion, Provincial Armed Constabulary, Meerut.
 - (iii) Commandant, 6th Battalion, Provincial Armed Constabulary, Meerut.
- (7)(i) P.P.Srivastava
 - (ii) Commandant, 4th Battalion, Provincial Armed Constabulary, Allahabad.
 - (iii) Commandant, 4th Battalion, Provincial Armed Constabulary, Allahabad.
- (8)(i) Ahmad Hasan
 - (ii) Senior Superintendent of Police, Gorakhpur.
 - (iii) Senior Superintendent of Police, Gorakhpur.

Syed Khalid Iqbal

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(9) (i) A.N.Singh

(ii) Commandant, Provincial Armed Constabulary, Moradabad.

(iii) Commandant, Provincial Armed Constabulary, Moradabad.

(10) (i) R.S.Narain

(ii) Commandant, 40th Battalion, Provincial Armed Constabulary Haridwar District Saharanpur.

(iii) Commandant, 40th Battalion, Provincial Armed Constabulary Haridwar District Saharanpur.

(11) (i) R.C.Srivastava

(ii) Superintendent of Police, Crime Branch, C.I.D., Lucknow.

(iii) Superintendent of Police, Crime Branch, C.I.D., Lucknow.

(12) (i) Hori Lal

(ii) Superintendent of Police, U.P. Vigilance Establishment 3 Vikramaditya Marg, Lucknow.

(iii) Superintendent of Police, U.P. Vigilance Establishment 3 Vikramaditya Marg, Lucknow.

(13) (i) H.P.Tripathi

(ii) Superintendent of Police 'Karnik', Police Headquarter Allahabad.

(iii) Superintendent of Police (Karnik), Police Headquarter Allahabad.

(14) (i) T.K.Joshi

(ii) Senior Superintendent of Police Nainital.

(iii) Senior Superintendent of Police, Nainital.

(15) (i) R.B. Singh

(ii) Senior Superintendent of Police, Aligarh

(iii) Senior Superintendent of Police, Aligarh.

Syed Khalid Hussain
S.K. Hussain

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(16)(1) Manager Pandey

(ii) Superintendent of Police, Shahjehanpur.

(iii) Superintendent of Police, Shahjehanpur.

(17)(1) H.F. Misra

(ii) Superintendent of Police, Security, Intelligence
Headquarters, Gokhley Marg, Lucknow.

(iii) Superintendent of Police, Security, Intelligence
Headquarters, Gokhley Marg, Lucknow.

3. PARTICULARS OF THE ORDER AGAINST WHICH APPLICATION IS
MADE.

The application is against the following orders:

I. (i) Order No. 1-15011/5/86-IPS.I

(ii) Dated 24th April, 1987.

(iii) Passed by the Ministry of Home Affairs, Govt. of
India;

(iv) Subject in brief determination of Seniority of
Promotees, IPS Officers of U.P. State, Cadre Quo
Direct IPS Officers.

II. (i) Order No. Penal drawn by the Government of U.P.

for promotion to the post of DIG in the IPS Cadre
of the State of U.P.

(ii) Dated: September 1988.

(iii) Passed by Government of U.P.

(iv) Subject in brief Promotion to the Post of D.I.G.
in the State of U.P.

Syed Khalid Raza

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4. JURISDICTION OF THE TRIBUNAL :

The matter relates to the Seniority and Selection for promotion to the post of Deputy Inspector General of Police of the promotees in the I.P.S. Officers in U.P. Thus Lu-know Bench of the Central Administrative Tribunal has the jurisdiction to deal with and is so declared by the applicants.

5. LIMITATION :

The application is within limitation under Section 21 of the Central Administrative Tribunal's Act, 1985 as the applicants came to know in the last ^{week} ~~month~~ October 1988 that a Panel has been made for promotion for the post of D.I.G. by the Govt. of U.P. in September, 1988 in which the respondent No.3 to 17 has been treated senior to the applicants.

6. FACTS OF THE CASE:

(The facts of the case are given below)

(i) That the applicants were directly recruited through All India Competition conducted by the Union Public Service Commission in the Indian Police Services with effect from 22nd July, 1973, 17th July 1975, and 14th July 1976. They are posted in the U.P. Cadre. Their particulars have been given above. The opposite party no.3 to 17 originally belonged to the U.P. Police Service. They were promoted to the Indian Police Services on various dates from 25th April 1978 to 26th March, 1980. The respective dates of appointment to I.P.S. are given in Appendix-1 to the application. Their respective years of allotment have also been given in the said appendix.

(ii) That in the Indian Police Services, 25 percent of

Syed Shahid Ali

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the posts were filled by way of promotion from the State Services and the remaining 75 percent were filled by the direct recruitment. However, through a notification dated 5th July, 1977 issued by the Government of India, Ministry of Home Affairs, Indian Police Service (Recruitment) Rules 1954 were amended and the quota of 25 percent for promotees was allowed to be enhanced to 33.33 percent. A copy of this amendment is appended as Appendix-2 to this application

(iii) That prior to the said amendment there were 58 posts in Uttar Pradesh in the Indian Police Service Cadre which were in the quota of promotees meaning thereby, to be filled by promotion from the State Police Service.

(iv) That in pursuance of the said amendment dated 5th July 1977 the Govt. of India issued a notification on 12th September 1977 through which the number of posts in the IPS in U.P. to be filled by way of promotion was increased to 78. Relevant extract of Govt. of India's Notification is annexed as Appendix No.3 to this application.

(v) That on 11th September, 1977 as 56 promoted officers in Uttar Pradesh were holding the various posts in the Indian Police Service in the quota for promotees only two posts were available yet to be filled by way of promotion from the State services. Shri J.M. Saxena and Sri B.K. Singh, the two promoted officers though promoted later but could be promoted to the Indian Police Services according to the old quota of 58. So they have not been impleaded as opposite parties/respondents and their position has not been challenged

(vi) That the opposite parties 3 to 17 have been promoted after the said amendment and they could not be promoted without

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the enhancement of the quota by the amendment of 5th July, 1977 and the notification dated 12th September, 1977, for several years, but this bulk promotion was only possible due to the enhancement of post vide notification dated 12.9.1977.

(vii) That the opposite parties no.3 to 17 have been given the Year of Allotments of 1972 and 1973, meaning by they have been promoted to steal a march over directly recruited officers in the Indian Police Service in U.P. who joined the Indian Police Services much earlier than the said amendment and enhancement of quota. As stated above the applicant no.1 joined I.P.S. on 22.7.1973 and the applicant no.2 Mr. Karmveer Singh joined on 17.7.1975, and the applicant no.3 joined on 14.7.1976.

(viii) That all the applicants were selected and substantively appointed as a direct recruit in the Indian Police Services in the U.P. Cadre much before the amendment of the Rules and enhancement of post for promotees vide notification dated 12th September, 1977.

(ix) That the promotees who secured promotion after the said amendment and solely in consequence of the enforcement of the said amendment can not take back their seniority and the secure a march over the directly recruits and substantively appointed I.P.S. Officers, who joined much earlier.

(x) That the amendment dated 5th July, 1977 is not retrospective either expressly or implied. So the promotees securing promotion in pursuance and in consequence of amendment

Syed Khulid Ali

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and enhancement of quota can not be given a back seniority as said back seniority will mean giving retrospective effect to said amending rule, as the said amendment Rule is Clause 1(2) specifically provides :

'They shall come into force on the date of their publication in the official gazette.'

The same has been published in the gazette of the Govt. of India extraordinary on 5th July 1977 as such the enhanced quota of promoted officers can only ~~be~~ effect from 5th July, 1977 and the officers promoted in pursuance of the said enhancement can be validly members of the Indian Police Service only on or after 5th July 1977 and not before. In the alternative it may be pointed out that the actually posts in the quota of promotees in the IPS in U.P. were enhanced by the notification dated 12th September 1977 and from that date the 20 posts stood validly enhanced in the quota of promotees in the IPS and all those who have been promoted thereafter in pursuance of the said enhancement of posts could only be there from 12th September, 1977 and not before.

(xi) That in pursuance of the amendment dated 5th July 1977 and the notification of the Govt. of India dated 12.7.1977 the Govt. of India issued another order on 24.4.1987 in respect of I.P.S. officers in Uttar Pradesh with a detailed position as to how the promotees in the I.P.S. in U.P. were to be adjusted in the Seniority of I.P.S. Officers in U.P. A copy of the order dated 24.4.1987 is annexed as Appendix No. 4 to this application. In this order the opposite parties no. 3 to 17 have been given the benefits of Seniority from the dates earlier than the amendment in the Rules and from the dates much earlier than the notification dated 12.9.1977 and this

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Govt. order actually gives retrospective effect to the said amendment and notification dated 5.7.1977 and 12.9.1977 respectively. Though neither the amendment in the Rules nor the Govt. of India's Notification dated 12.9.1977 which factually enhanced the posts in the I.P.S. in the U.P. to be filled by promotion provide for retrospective effect.

(xii) That the said notification dated 12.9.1977 which increased the posts in the promotees quota in the I.P.S. in U.P. also makes it clear that the said enhancement in the number of vacancies to be filled by promotion in the IPS shall come into effect from the date of the said notification i.e. 12.9.1977. In clause 1(2) it provides as under:-

'They shall come into force on the date of their publication in the official Gazette.'

Meaning by the number of posts for promotees in the IPS in U.P. were shall increased with effect from 12.9.1977 and the opposite party no.3 to 17 who have been promoted in this increased quota of promoted on additional posts can under no circumstances be treated to have been promoted or held posts in the Indian Police Services before 12.9.1977.

(xiii) That Section 3(1-A) of the All India Services Act, 1951 empowers the Govt. of India to make Rules also empowers the Govt. of India to give ~~retar~~ retrospective effect to the Rules so framed with one condition that no rule so framed ~~retrospectively~~ shall be given retrospective effect so as to prejudicially affect the interest of any person to whom the such Rule may apply. The clause of that provision runs as under :-

Syed Khalid Ali

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'But no retrospective effect shall be given to any rule so as to prejudicially affect the interest of any person to whom such Rule may be applicable.'

The applicants are advised to state that broad meaning and effect of this condition is that retrospective effect to any amendment can not be given in an amendment which may prejudicially affect the other members of the service who are already there.

(xiv) That the applicants were substantively appointed in the Indian Police Services much before the said amendment dated 5.7.1977 and that amendment can not be given retrospective effect in a manner which prejudicially affect the applicants.

(xv) That the opposite parties no.3 to 17 promoted in the services in 1978 and thereafter can not be placed above the applicants who already had been substantively appointed in the service. Such back seniority is not permissible under Section 3(1-a) of the Act, nor the Rule can be given retrospective effect to ~~ax~~ that extent.

(xvi) That in September, 1988 a selection has been made in by the Govt. of Uttar Pradesh through the departmental selection Committee for drawing a panel and panel has been drawn for promotion to the post of D.I.G. in the State of Uttar Pradesh in which opposite party no.3 to 17 have been treated senior to the applicants illegally and arbitrarily and soon the applicants' will face supersession.

(xvii) That once the illegal promotions are made the applicants will face irreparable loss in the way that their promotions will be delayed for long. They will suffer in the matter of emoluments and perpetually they will be thrown back in the matter of further promotion.

Syed Khalid Hye

7. RELIEF(S) SOUGHT:

In view of the facts, mentioned in the above paragraphs, the applicants pray for following reliefs:-

- (A) That this Hon'ble Tribunal may be pleased to quash the order of the Govt. of India dated 24.4.1987 and the panel for promotion to the post of D.I.G. drawn in September, 1988 by the Govt. of U.P. after summoning the same from the State Govt. as far as it relates to the opposite parties no. 5 to 17 with further direction that the amendment dated 5.7.1977 and the order enhancing the quota of promotees dated 12.9.1977 may not be given retrospective effect that is to say the effect from the dates earlier than the dates of notifications on the basis of the following amongst other grounds :
- (a) Because in view of the provisions of Section 3(a) of the All India Services Act, 1951, the notification contained in Appendix 2 and 3 can not be with retrospective effect.
- (b) Because enhancement of quota of promotees in 1977 can not be made in the manner as to adversely affected the position of the directly recruited officers, recruited before the said enhancement.
- (c) Because the applicants have been discriminated against their juniors and inferiors in violation of their fundamental rights, guarantee under article 14 and 16 of the Constitution of India.
- (d) Because the State Govt. and the Union of India are

Syed Khairuddin

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estopped very adversely by changing the position of the direct recruited IPS Officers, much after their recruitment.

- (e) Because in any case the enhancement of quota of promotees can not be given retrospective effect.
- (f) Because no officer can be allotted a Year of Allotment earlier than the year of creation or existence of vacancy.
- (g) Because even under IPS Rules no officer can be given a Year of Allotment without existence of the vacancy of the post.
- (h) Because a Year of Allotment given to the opposite parties no. 3 to 17 are wholly arbitrary when in those years these posts and vacancies were not available for the promotees. The same is wholly arbitrary.
- (i) Because the Year of Allotment can be snatched back only to the extent of availability of posts and vacancy and not beyond it.
- (j) Because the applicants category can be with-held in the March of Seniority only and to the extent where they are in excess of the quota fixed by the Rules for each category.
- (k) Because the seniority has to be adjusted only in accordance with the quota fixed by Rules and not beyond it.

Syed Khalid Ali

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8. INTERIM ORDER, IF PRAYED FOR:

Pending final decision of the application the applicants seek issue of the following interim order:

No promotion be given to the respondents no.3 to 17 on the basis of their year of allotment given by Appendix-1 for the reasons already enumerated in the foregoing paragraphs and for the reasons that such promotion will cause irreparable loss to the applicants.

9. DETAILS OF THE REMEDIES EXHAUSTED :

No further remedy is available under any rule or law.

10. MATTER NOT PENDING WITH ANY OTHER COURT ETC.

Applicant further declares that the empanelment of the opposite parties no.3 to 17 is not under challenge by the applicants in any Court of Law.

11. PARTICULARS OF BANK DRAFT/POSTAL ORDER IN RESPECT OF THE APPLICATION FEE.

No. of Indian Postal Order: DD 065196

Name of the Issuing Post Office: High Court Bench Lucknow

Date of Issue of Postal Orders. 21-11-88

Post Office at which Payable: Allahabad.

12. DETAILS OF INDEX

ENCLOSED

13. LIST OF ENCLOSURES:

- i) Application w/s 19 of the Administrative Tribunal Act
- ii) Appendixes No.1 to 4
- iii) Postal Order

Syed Khaleel Raza

Verification

I, Syed Khaleed Rizvi S/o Sri Abdul Aziz Rizvi
working as Superintendent of Police C.I.D. (Crime Branch) Lucknow
Resident of Criminal Investigation Dept (Crime Branch) 2 Vikramad
-itya Marg Lucknow
do hereby verify that the contents from 1 to 13 are
true to my personal knowledge and belief and that I have
not suppressed any material facts.

Place: Lucknow

Dated: 18.11.88

Syed Khaleed Rizvi
Applicant

To

The Registrar

Central Administrative Tribunal Additional Bench
Allahabad

Syed Khaleed Rizvi

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH AT ALLAHABAD,

CIRCUIT BENCH LUCKNOW.

Registration Case No. _____ of 1988.

Syed Khalid Rizvi and Others ... Applicants

Versus

Union of India and Others Respondents.

APPENDIX NO 1

Dates of appointments to IPS of Respondents No. 3 to 17

Name of officers	Date of appointment to IPS	Year of allotment
1	2	3
Sri K.P. Tripathi	25.4.78	1973
Sri D.K. Agarwal	25.4.78	1972
Sri K.N. Bhatt	25.4.78	1972
Sri Yogendra Pal	25.4.78	1973
Sri P.P. Srivastava	25.4.78	1973
Sri Ahmad Hasan	25.4.78	1972
Sri A.N. Singh	25.4.78	1972
Sri R.S. Narain	25.4.78	1972

Syed Khalid Rizvi

Attested
Abir Kumar Chaturvedi
Adv

1	2	3
---	---	---

Sri R.C. Srivastava	25.4.78	1972
Sri Hori Lal	25.4.78	1972
Sri H.P. Tripathi	25.4.78	1972
Sri T.K. Joshi	29.7.78	1972
Sri P.B. Singh	11.7.79	1973
Sri Manager Pandey	11.7.71	1973
Sri H.P. Misra	26.3.80	1973

Syed Shahid Raza

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Attested
Asst Kumar Chaturvedi
Adv

17

Attested
Asit Kumar Chaturvedi
Adv

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Rules, 1954, namely :-

1. (1) These rules may be called the Indian Police Service (Recruitment); Third Amendment Rules, 1977.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In Rule 9(2) of the Indian Police Service (Recruitment) Rules, 1954, for the figures and words " 25 per cent" , the figures and words " 33-¹/₃ per cent" shall be substituted.

(R.N. CHOPRA)
JOINT SECRETARY OF THE GOVT. OF INDIA

No. 11039/2/77-AIS (I)-B Dated 9th July, 1977

Copy forwarded for information to:

1. The Chief Secretaries of all the State Governments.
2. The Secretary, Union Public Service Commission, New Delhi with 10 spare copies with reference to his letter No. F.L/18/77-SII dated the 4th July, 1977.
3. The Lok Sabha Secretariat (Committee Branch).
4. The C & A.G. of the India (5 spare copies)
5. The Rajya Sabha Secretariat (Committee Branch).
6. Ministry of Home Affairs (UTS Section/Pers. II Sec.) 200 spare copies.

(R.N. DATTA)
DESK OFFICER

COPY TO AIS (III) Section for Manual/AIS (II) Section/
AIS (IV) Section.

Syed Khalid Raza

Attested
Asit Kumar Chaturvedi
Adv

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

Registration Case No. of 1988

Syed Khalid Rizvi and Others ... Applicants
Versus
Union of India and Others ... Respondents

(APPENDIX NO. 3)

PUBLISHED IN THE GAZETTE OF INDIA, PART II SEC. 3(i) Dt. 12.9.77

No. 11052/2/77-AIS (II)

Government of India/Dharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
Department of Personnel and Administrative Reforms
(Karmik Aur Prashasnik Sudhar Vibhag)

New Delhi, the 12, September, 1977

NOTIFICATION

G.S.R. No. In exercise of the powers conferred by sub-section (E) of section 3 of All India Services Act, 1951, (61 of 1951), read with sub-rule (I) and the first proviso to sub-rule (2) of Rule 4 of the Indian Police Service (Cadre) Rules, 1954, the Central Government, in consultation with the Governments of the States concerned, hereby makes the following regulations

Syed Khalid Rizvi

Attested
Asit Kumar Chaturvedi
Adh-2---

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further to amend the Indian Police Service (Fixation of Cadre Strength) Regulations, 1955, namely:-

1. (I) These regulations may be called the Indian Police Service (Fixation of Cadre Strength) Third Amendment Regulations, 1977.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In Schedule to the Indian Police Service (Fixation of Cadre Strength) Regulations, 1955, for the headings 'Andhra Pradesh', 'Assam-Meghalaya', 'Bihar', 'Gujarat', 'Haryana', 'Himachal Pradesh', 'Jammu & Kashmir', 'Karnataka', 'Kerala', 'Madhya Pradesh', 'Maharashtra', 'Manipur Tripura', 'Orissa', 'Punjab', 'Rajasthan', 'Sikkim', 'Tamil Nadu', 'Uttar Pradesh', 'West Bengal', and 'Union Territories' and the entries occurring thereunder, the following shall be substituted, namely:-

.....
.....

" UTTAR PRADESH "

1. SENIOR POSTS UNDER THE STATE GOVERNMENT 167

Inspector General of Police	1
Director, Civil Defence-cum-Commandant General, Home Guards	1
Inspector General of Police, PAC	1
Inspector General of Police, Intelligence Department.	1
Additional Inspector General of Police.	1
Deputy Inspectors General of Police	14
Deputy Inspector General of Police Training and Principal, PTC, Moradabad.	1
Deputy Commandant General, Home Guards	1
Deputy Inspector General of Police, Railways	1

Sd/- *Shahid Azmi*

Attested
Asit Kumar Chaturvedi
Adv-

(Auo)

Director of Vigilance	1
Deputy Inspector General of Police, PAC, Northern Sector, Southern Sector, Western Sector and Eastern Sector.	4
Deputy Inspector General of Police (Special Inquiries)	1
Additional Deputy Inspector General of Police, CID	1
Assistant Inspector General of Police, PAC	1
Assistant Inspector General of Police	1
Superintendents of Police	48
Superintendent of Police, Lalitpur	1
Superintendent of Police, Headquarters	1
Superintendent of Police, Kanpur City	1
Superintendent of Police, Lucknow City	1
Superintendent of Police, Agra City	1
Superintendent of Police, Varanasi City	1
Superintendent of Police, Allahabad City	1
Superintendent of Police Meerut City	1
Additional Superintendents of Police	9
Additional Superintendents of Police, Gorakhpur	1
Additional Superintendents of Police, Bareilly	1
Superintendent of Police, Intelligence Deptt.	6
Superintendent of Police, Criminal Investigation Department	9
Superintendent of Police, C.I.D., S.I.B. Cooperative	1
Superintendent of Police, C.I.D., S.I.B. Agriculture	1
Superintendent of Police, Vigilance Establishment	10
Superintendent of Police (Special Enquiries)	1
Superintendent of Police, High Court, Allahabad	1

Syed Khulid Liji

Attested
Asit Kumar Chattervedi
Adv

Superintendents of Police, Railways	5
Deputy Commissioner, Sales Tax (Gigilance)	1
Commandants, P.A.C., Battalions.	18
Commandants, XXIX, XXX, XXXI, XXXII, XXXIII, XXXIV and U.P. P.A.C. Contingent No. 1	7
Commandant, Special Police Force, Moradabad	1
Deputy Commandant, Special Police Force, Moradabad	1
Staff Officer to the Commandant General Home Guards	1
Deputy Director, Civil Defence	1
Commandant, Recruits, Training School, Moradabad.	1
Commandant, Central Training Institute, Home Guards.	1
Commandant, Recruits Training Institute, Sitapur	1
Superintendent of Police, ECO Intelligence and Investigation Wing (CID)	2

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2.	Central Deputation Reserve @ 40% of 1 above	67
3.	Posts to be filled by promotion under rule 9 of the Indian Police Service (Recruitment) Rules 1954 at 33 $\frac{1}{3}$ of 1 and 2 above.	78
4.	Posts to be filled by direct recruitment.	156
5.	Deputation Reserve	35
6.	Leave Reserve	9
7.	Junior Posts	36
8.	Training Reserve	19
	Direct Recruitment Posts	255
	Promotion posts	78
	Total Authorised strength	333

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Spd Lkhel hje Asit Kumar Chattervedi V.K. Guerian)
Adv Desk Officer

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH AT ALLAHABAD,

CIRCUIT BENCH LUCKNOW.

Registration Case No. _____ of 1988.

Syed Khalid Rizvi and Others ... Applicants

Versus

Union of India and others ... Respondents.

(APPENDIX NO. 4)MOST IMMEDIATE
TIME SOUND

No. I-15011/5/86-IPS.I.

Government of India

Ministry of Home Affairs.

New Delhi, the 24th April, 1987

To:

The Chief Secretary, to the
Government of Uttar Pradesh,
Lucknow.Sub: IPS (Regulation of Seniority) Rules, 1954-
Uttar Pradesh-Determination of Seniority
of Promotee IPS officers of State Cadre
Regarding.

Sir,

I am directed to refer State Government's D.O.
letter No. 115-G 1/8 -PS-2-548(1) /86 dated 15th April,
1987 on the subject mentioned above and to say that
the seniority of promotee IPS officers of State Cadre
shall be as follows in the gradation List of IPS

Syed Khalid Rizvi

Attested

Asit Kumar Chaturvedi
Adv

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Officers of Uttar Pradesh Cadre.

2. The details of service in respect of State Police Service Officers appointed to the Indian Police Service Cadre of Uttar Pradesh are as follows:

S/No.	Name of the Officers	Date from which officer is continuously in selection list.	Date of continuous officiating in senior post-	Date of appointment to the post of IPS
1	2	3	4	5
	S/Sri			
1.	Rameshwar Singh	8.5.1973	19.12.1973	6.8.1974
2.	M.C. Jauhari	8.5.1973	19.6.1973	6.6.1974
3.	Hari Singh	20.4.1974	26.5.1974	22.8.1977
4.	Joti Singh Chaudhari	20.4.1974	1.10.1974	22.8.1977
5.	P.N. Tripathi	27.5.1977	27.5.1977	22.8.1977
6.	K.B. Singhal	27.5.1977	23.10.1975	22.8.1977
7.	Sushil Kumar	8.5.1973	1.10.1974	22.8.1977
8.	V.R. Rai	8.5.1973	1.10.1974	22.8.1977
9.	L.C. Rawat	20.4.74	28.11.72	22.8.77
10.	Devendra Prasad	20.4.74	1.10.74	22.8.77
11.	Ram Lal	27.5.77	27.5.77	22.5.77
12.	S.N. Prasad	27.5.77	27.5.77	22.8.77
13.	L.M. Tewari	27.5.77	27.5.77	5.4.78
14.	D.N. Drown	27.5.77	29.7.77	5.4.78
15.	K.P. Tripathi	-do-	10-8-77	25.4.78
16.	D.K. Agrawal	-do-	31.7.75	25.4.78
17.	K.N. Bhatt	-do-	18.5.73	25.4.78
18.	K.C. Joshi	-do-	30.7.78	25.4.78
19.	Mogendra Pal	-do-	11.8.77	25.4.78

Syed Khalid Rizvi

Attested
Asit Kumar Chaturvedi
Adv

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1	2	3	4	5
20.	P.P.Srivastava	27.5.77	1.10.77	25.4.78
21.	Ahmad Hasan	-do-	3.9.74	25.4.72
22.	C.P. Agnihotri	27.5.77	5.6.71	25.4.78
23.	A.N.Singh	-do-	3.4.77	-do-
24.	M.S. Narain	-do-	8.2.75	-do-
25.	H.C. Srivastava	-do-	4.7.74	25.4.88
26.	Fori Lal	27.7.77	5.10.74	25.4.78
27.	H.P. Tripathi	27.5.77	6.7.75	-do-
28.	T.K. Joshi	-do-	10.73	29.7.78
R	29. R.D. Singh	5.7.78	-do-	11.7.79
R	30. Manager Pande	-do-	8.10.73	-do-
L	31. Hanuman Prasad Misra	-do-	1.74	26.3.80
	32. Uma Shankar	3.7.78	13.11.76	26.3.80
	33. K.D. Srivastava	-do-	12.5.78	3.10.80
	34. M.P. Dixit	-do-	10.7.78	3.10.80
	35. Virendra Kumar	-do-	16.2.77	6.12.80
	36. A.K. Pande	-do-	22.2.75	6.12.80
	37. S.L. Chandra	-do-	1.2.79	6.12.80
	38. U.C. Ghildiyal	-do-	2.2.79	6.12.80
	39. A.D. Shukla	-do-	26.10.80	6.12.80
	40. Uma Shankar Bajpai	-do-	14.1.75	6.12.80
	41. U.S. Srivastava	-do-	29.4.79	6.12.80
	42. Radhey Shyam	-do-	2.6.675	6.12.80
	43. Kailash Nath Mishra	12.11.80	10.5.82	11.12.82
	44. M.D. Maurya	-do-	-	19.12.83
	45. L.N. Singh	-do-	23.3.80	11.12.82
	46. Jagdish Chandra	-do-	14.1.79	11.12.82
	47. R.B. Srivastava	-do-	17.3.77	-do-
	48. P.N. Saxena	-do-	10.1.78	-do-

Sgd. Khehal Singh

Attested
Asit Kumar Chaturvedi
Adv

Ans

1	2	3	4	5
49.	H. P. Shukla	12.11.81.	--	11-12-82
50.	S. K. Tripathi	-do-	17.10.79	-do-
51.	Giriraj Shah	-do-	17.10.78	22.11.83
52.	S. A. Ahmed Rizvi	-do-	1.3.82	12.11.83
53.	K. N. Roy	-do-	8.7.81	-do-
54.	B. P. Gupta	12.11.81	14.5.79	22.11.83
55.	Basdev Lal	12.11.81	27.10.80	22.11.83
56.	P. K. Dwivedi	31.7.82	8.7.78	-do-
57.	S. K. Shukla	12.11.81	-	19.12.83
58.	P. S. Rana	31.7.82	9.6.82	19.12.83
59.	T. N. Singh	12.11.81	7.11.77	-do-
60.	D. D. Sharma	-do-	8.7.81	-do-

The date of inclusion of name in the Select List or the date of continuous officiation in senior post, whichever is later in column 3 and 4 shall be the crucial date for determination of seniority in the IPS. If there is no period of continuous officiation of the credit of officer, the date of his appointment to the IPS shall be the crucial date for determination of his seniority.

3. According to the information furnished by the Government of Uttar Pradesh, the following direct recruit IPS officers started officiation in senior posts from to dates shown against their names below:-

S/No.	Name of the officer and year of allotment	Date of continuous officiation.
1	2	3
S/Shri		
1.	C. D. Premi (RR: 1968)	29.10.1972
2.	Jangi Singh (RR: 1969)	11.12.73

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1	2	3
3.S/Sri A.K. Mitra(RR:1970)		3.4.74
4. Chhote Lal(RR:1970)		22.5.74
5. D.P.Sinha (RR:1972)		12.1.77
6. Smt. Kanchan Choudhary		25.7.77
7. T. Gwite (RR: 1973)		25.8.1977
8. Vikram Singh (RR: 1974)		9.1.1979
9. Sitendra Kumar (RR: 1974)		27.4.1979
10.Mrs. Renuka Dutta (RR:1976)		7.10.1980
11. Malkiat Rai (RR:1977)		8.10.1981
12. Sivrat Tripathi (R.R. 1977)		2.12.1981
13. S.K. Misra (RR: 1976)		4.12.1981
14. Shiv Narain Singh (RR:1982)		3.12.1983

In accordance with rule 3(3) of the APS/Regulation of Seniority Rules, 1954, these 60 promotee officers shall be assigned the following year of allotment shown against their names below :-

S.No.	Name of the Officer	year of allotment
	S/Srri	
1.	Kameshwar Singh	1967
2.	M.C. Jauhari	1963
3.	Hari Singh	1970
4.	Jodh Singh Chaudhari	1970
5.	P.N. Tripathi	1972
6.	K.V. Singhal	1972
7.	Sushil Kumar	1970
8.	K.N. Rai	1970

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1	2	2	3
9,	M. C. Rawat		1970
10.	Devendra Prasad		1971
11.	Ram Lal		1972
12.	S. N. Prasad		1972
13.	L. M. Tewari		1972
14.	D. N. Drown		1972
15.	K. P. Tripathi		1973
16.	D. K. Agrawal		1972
17.	K. N. Bhatt		1972
18.	K. C. Joshi		1972
19.	Yogendra Pal		1973
20.	P. P. Srivastava		1973
21.	Ahmed Hasan		1972
22.	O. P. Agnihotri		1972
23.	A. N. Singh		1972
24.	R. S. Narain		1972
25.	R. C. Srivastava		1972
26.	Hori Lal		1972
27.	H. P. Tripathi		1972
28.	T. K. Joshi		1972
29.	R. B. Singh		1973
30.	Manager Pande		1973
31.	Hanumat Prasad Mishra		1973
32.	Uma Shanker		1973
33.	K. B. Srivastava		1973
34.	M. P. Dixit		1973
35.	Virendra Kumar		1973
36.	A. K. Pande		1973

Syed Akhbar Khan

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1	2	3
37.	S.K. Chandra	1974
38.	U.C. Ghildiyal	1974
39.	A.B. Shukla	1976
40.	Uma Shankar Bajpai	1973
41.	U.S. Srivastava	1974
42.	Rehoy Shyam	1973
43.	Kailash Nath Mishra	1977
44.	M. D. Maurya	1979
45.	L. N. Singh	1977
46.	Jagdish Chandra	1977
47.	R.B. Srivastava	1977
48.	P. N. Saxena	1977
49.	H. P. Shukla	1977
50.	S.K. Tripathi	1977
51.	Giriraj Shah	1977
52.	S.K. Ahmed Rizvi	1977
53.	K.N. Roy	1977
54.	B. P. Gupta	1977
55.	Basdeo Lal	1977
56.	P. N. Dewedi	1977
57.	G.K. Shukla	1979
58.	R.S. Rana	1977
59.	S.N. Singh	1977
60.	C. D. Sharma	1977

5. Under Rule 4(4) of the IPS(Regulation of Seniority) Rules, 1954 read with rule 4(1) (i-b)

of the said rules, these officers shall be placed in

Syed Khaleel Razi

Attested
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Aug 30

--8--

the Gradation List of PIS officers of of Uttar Pradesh
Cadre as follows:-

Name

S/Sri

C. D. Premi (RR: 1968)

P. D. Haturi (EC/SSSC: 1968)

Vijay Nath Singh (SPS: 1968)

M. C. Jauhari (SPS: 1968)

Vir Brashal Singh (SPS: 1968)

Om Prakash (SPS: 1969)

B. N. Sharma (SPSP 1968)

R. N. Sharma (RR: 1969)

Himanshu Kumar (RR: 1979)

Jangi Singh (RR: 1969)

Kameshwar Singh (SPS: 1969)

XXXX XXXX XXXX

A. K. Mitra (RR: 1970)

M. C. Rawat (SPS: 1970)

Bhupendra Singh (SPS: 1970)

Harish Kumar (SPS: 1970)

V. K. Jha (RR: 1970)

Chhote Lal (RRP 1970)

Hari Singh (SPS: 1970)

Jooh Singh Bhandari (SPS: 1970)

Sushil Kumar (SPS: 1970)

V. N. Rai (SPS: 1970)

Devendra Prasad (SPS: 1970)

XXXX XXX XX

D. P. Sinha (RR: 1972)

Syed Khedid Ali

Attested
Asit Kumar Chaturvedi
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(A40)

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<u>Name</u>	
P.N. Tripathi	SPS : 1972)
K.B. Singhal	(SPS : 1972)
Sheo Raj Singh	(SPS : 1972)
Lam Lal	SPS : 1972)
S.N. Prasad	(SPS : 1972)
I.P. Chhatnagar	(SPS : 1972)
S.P. Misra	(SPS : 1972)
A.P. Sharma	(SPS : 1972)
K.P. Rai	(SPS : 1972)
R.B. Misra	(SPS : 1972)
N.C. Joshi	(SPS : 1972)
Jagmohan Saxena	(SPS : 1972)
B.K. Singh	(SPS : 1972)
L.M. Tewari	(SPS : 1972)
D.K. Agrawal	(SPS : 1972)
K.N. Bhatt	(SPS : 1972)
K.C. Joshi	(SPS : 1972)
Ahmed Hasan	(SPS : 1972)
O.P. Agnihotri	(SPS : 1972)
A.N. Singh	(SPS : 1972)
R.S. Narain	(SPS : 1972)
H. C. Srivastava	(SPS : 1972)
Hori Lal	(SPS : 1972)
H.P. Tripathi	(SPS : 1972)
T. K. Joshi	(SPS : 1972)
xxxx	xxxx
Smt. Kanchan Choudhary	(RR : 1973)
Sri B.N. Drown	(SPS : 1973)

Syed Khalid Riza

Attested
Asit Kumar Chaturvedi
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PSI

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Name

S/Sri

K. P. Tripathi (SPS : 1973)

Yogendra Pal (SPS : 1973)

Chaman Lal (RR: 1973)

T. Gwite (RR: 1973)

P. P. Srivastava (SPS: 1973)

R. B. Singh SPS : 1973)

Manager Pande (SPS : 1973)

H. P. Misra (SPS : 1972)

Uma Shankar (SPS : 1973)

K. B. Srivastava (SPS : 1973)

Virender Kumar (SPS: 1973)

A. K. Pande (SPS : 1973)

Uma Shankar Bajpai (SPS : 1973)

Radhey Shyam (SPS : 1973)

M. P. Dixit (SPS : 1973)

XXXX

XXXX

XXX

Vikram Singh (RR: 1974)

S. K. Chandra (SPS: 1974)

U. C. Ghildiyal (SPS : 1974)

B. K. Bhole (RR: 1974)

Jitendra Kumar (RR: 1974)

U. S. Srivastava (SPS : 1974)

XXX

XXX

XX

Mrs. Renuka Muttoo (RR: 1976)

Sri A. B. Shukla (SPS : 1976)

XXXX

XXX

XXX

Malkiat Ram (RR: 1977)

Syed Chahid Raza

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Adv

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<u>Name</u>	
L.H. Singh	SPS : 1977)
Jagdish Chander	(SPS : 1977)
R.B. Srivastava	(SPS : 1977)
P.N. Saxena	(SPS : 1977)
Srikant Tripathi	(SPS : 1977)
Giriraj Shah	(SPS : 1977)
K. N. Roy	(SPS : 1977)
B.P. Gupta	(SPS : 1977)
Besudev Lal	(SPS : 1977)
S.H. Singh	(SPS : 1977)
G. I. Sharma	(SPS : 1977)
Bansi Lal	(RR : 1977)
K.S. Rao	(RR : 1977)
Suvrat Tripathi	(RR : 1977)
S.K. Misra	(RR : 1977)
<u>S. K. Ahmed Rizvi</u>	(SPS : 1977)
K.N. Misra	(SPS : 1977)
P.N. Desivedi	(SPS : 1977)
R. S. Rana	(SPS : 1977)
H. P. Shukla	(SPS : 1977)
XXXX	XXX XXXX
S.N. Singh	(RR : 1979)
M. D. Maurya	(SPS : 1979)
G. N. Sharma	(SPS : 1979)

The concerned officers may kindly be ~~in~~ informed accordingly.

C. The seniority of D. G. A. Shukla will

Syed Khalid Razi

Attested
Asif Kumar Chaturvedi
Adv

AS 34

be determined separately in terms of direction dated 3.2.1987 of the Central Administrative Tribunal (Allahabad Bench) in O.A. No. 660 of 1986.

7. Hindi Version will follow.

(N.S. Sharma)

Under Secy. of the Govt. of India

No. 1-15011/6/83-IPS

Dated 24th April, 1987

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2. The Accountant General, Uttar Pradesh, Allahabad.

(N.S. Sharma)

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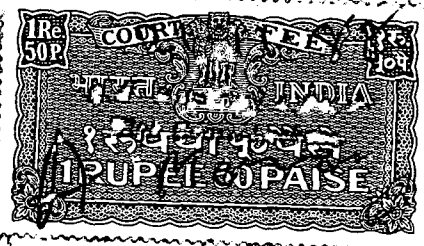
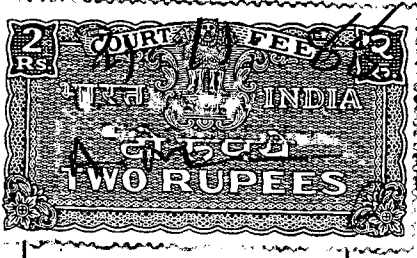
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Asit Kumar Chaturvedi
Adv

ASU

In the Central Administrative Tribunal
 Additional Bench at Allahabad
 [प्रादेशी] अपीलायत
 प्रतिपाद्य [रिप्लाय] वकालतनामा



Syed Khalid Rizvi पनाम ५.०.११.००८

नं० मुकद्दमा सन् पेशी की ता०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Abdul Mannan Malika Gati Ka Phatak
 Asit Kumar Chaturvedi Bansi Ki Masjid
 Bashir Building Pandary Lucknow एडवोकेट

नाम अदायत
 मुकद्दमा नं०
 नाम फरीकन

जो अपना वकील नियुक्त करके प्रतिज्ञा (इफरार) करता है और लिखे
 वेता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील
 द्वारा जो कुछ पेंरवी व जबाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल
 करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल
 करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर
 से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा
 उठावें या कोई एपया जमा करें या हमारी विपक्षी (फरीकसानी) का
 दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती)
 रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वहु
 सय कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार
 करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपके पेंरोकार को भेजता
 रहूंगा अगर मुकद्दमा अदम पेंरवी में एक तरफा मेरे खिलाफ फैसला हो
 जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह
 एफालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Accepted
 A. Mannan

हस्ताक्षर 1. S.K. Rizvi (S.K. Rizvi)
 Syed Khalid Rizvi
 (KARAMUJ SINGH)

साक्षी (गवाह) साक्षी (गवाह)

दिनांक 21-11-88 पहीना सन् १० १०

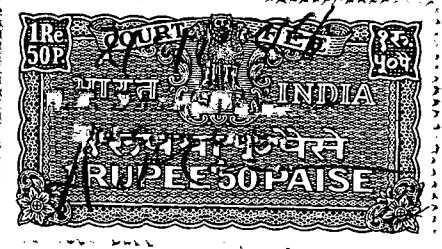
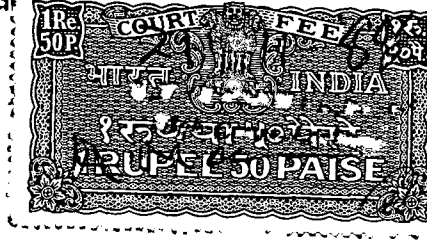
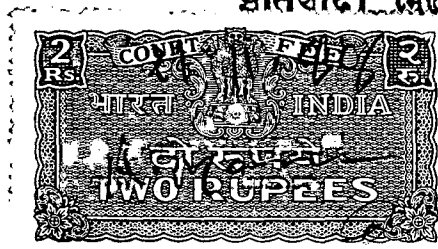
स्वीकृत

In the Central Administrative Tribunal
 व प्रदालत श्रीमान ~~Additional Bench at Allahabad~~ ^{महोदय}
 Circuit Bench Lucknow

वादी (मुद्द) (मुद्द)

का बकायतनामा

प्रतिवादी (मरण)



Syed Khalid Rizvi 20/8

वादी (मुद्द)

बनाम

U. O. 1. 20/08

प्रतिवादी (मुद्द)

नं० मुकदमा सन् १६ पेशी की सा० १६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

Abdul Mannan ^{Malika Gati Ka Phatak} एडवोकेट ^{Bairi K. Majhi} महोदय ^{Lucknow}

Asit Kumar Chaturvedi ^{Dr. Sharad K. Sharma} वकील

Basins Building, Pandaula Lucknow

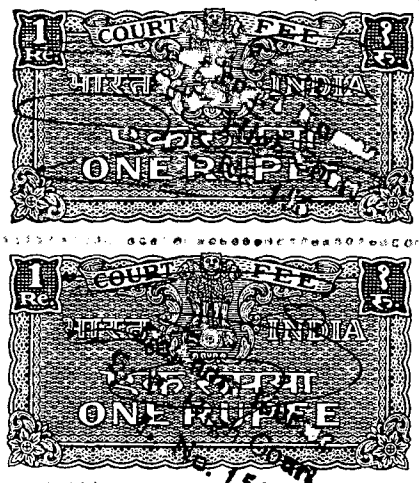
को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी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

हस्ताक्षर (SUBHASH JOSHI)

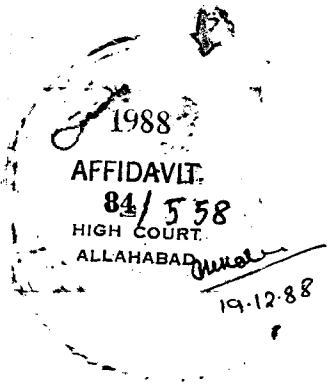
साक्षी (गवाह) साक्षी (गवाह)

दिनांक 21 महीना 11 सन् 88

Accepted
 A. Chaturvedi
 Asit Kumar Chaturvedi



A56



BEFORE

ATIVE TRIBUNAL ADDITIONAL
LUCKNOW CIRCUIT BENCH)

COUNTER AFFIDAVIT 3
(On behalf of respondents no. 4, 5, 7, 8, 9, 11, 12, 13, 15 & 16)

IN

O.A. CASE NO. 205 of 1988

Syed Khalid Rizvi and Others-- -- Applicants

Vs

Union of India and others -- -- Opp. Parties

Affidavit of H.P. Tripathi aged
about 54 years Son of Sri Ramashrya
Tripathi, Supdt. of Police, U.P.
Police Headquarters, Allahabad.

(deponent)

I, the deponent abovenamed do
hereby solemnly affirm and state as under;

1- That the deponent is one of
the respondent in the aforesaid case and as such
he is fully acquainted with the facts of the case
deposed to below.

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- 2 -

2- That the deponent has read the contents of paragraphs of the application and the affidavit filed in support thereof and has understood their contents fully.

3- That the contents of paragraphs 1 and 2 of the application do not call for any reply.

4- That in reply to the contents of para 3 of the application it is stated that the aforesaid petition is highly belated and is barred by limitation under section 21 of the Act.

5- That the contents of para 4 of the application does not call for any reply.

6- That the contents of para 5 of the application are absolutely false, incorrect and denied. It is stated that the seniority of the applicant, qua the respondents were determined by the Government of India vide its order dated 24.4.1987 and the same was duly published and infact was incorporated in the gradation list of 1987 published by the Director General of Police Headquarter, Lucknow in May 1987 and, therefore, the instant Claim petition having been filed after expiry of more than one year is barred by limitation as prescribed under section 21 of the Act

E. D. S.

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It is further stated that the panel which has allegedly been prepared by the Government of India has considered only those IPS Officers who have been allotted 1972 year of allotment by the Government of India vide its order dated 24.4.1987 and hence it does not include the name of all the respondents inasmuch as the respondents 15 to 17 have been allotted by the Government of India 1973 of year of allotment. The panel has been prepared on the basis of seniority published much earlier in point of time and hence the aforesaid application is barred by limitation.

7- That the contents of paragraphs 6(i)(ii)(iii) of the application being matter of record does not call for any reply.

8- That in reply to the contents of para 6(iv) of the application it is stated that in view of the amendment made in IPS Recruitment Rules 1954 the quota to fill in the IPS post by promotion was enhanced to $33\frac{1}{3}$ of the post^u and naturally it has the affect of ^u increase in the total number of the post^u by promotion ^{to be filled} The notification issued under IPS Cadre Strength Regulation was ^u consequently ^u the act of amendment in the Recruitment Rules.

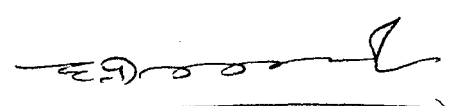
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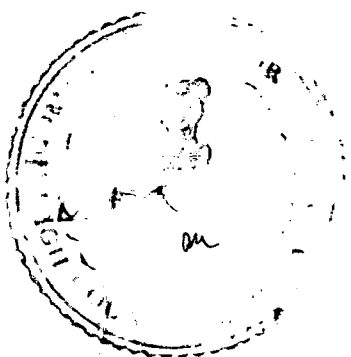
-4-

9- That the contents of paragraphs 6(v)(vi) of the application are incorrect and denied. It is stated that on 31.3.1977 there were eight vacancies in promotion quota of IPS. Subsequently the said vacancies increased upto 22.8.1977 due to ^{in the} higher promotion, retirement etc. and consequently following 16 promotions were made in IPS on 22.8.1977:

- 1-Sri J.S.Bhandari
- 2-Sri ⁱⁿ Sunil Kumar
- 3-Sri V.N.Singh
- 4-Sri V.N.ⁱⁿ Roy,
- 5-Sri M.C.Rawat
- 6-Sri G.K.Shukla
- 7-Sri Bhupendra Singh
- 8-Sri Devendra Pd.
- 9-Sri Harish Kumar
- 10-Sri Shivrāj Singh
- 11-Sri Ramlal
- 12-Sri S.N.Pd.
- 13-Sri I.P.Bhatanagar
- 14-Sri S.P.Misra
- 15-Sri A.P.Sharma
- 16-Sri K.P.ⁱⁿ Roy.

It is stated that the aforesaid incumbents were ⁱⁿ of the select list of 1977 which was approved on 27th May 1977.





Abc

-5-

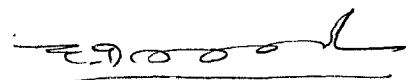
10- That on account of the amendment in the Recruitment Rules whereby the quota of promotion was increased, ^{by 20. However} on 20.9.1977 ⁱⁿ the total number of vacancies ^{an} was '23' in promotion quota ^{an}.

11. That as the select officers ^{of 1977 Select list} were available and the said vacancies further increased upto 5.4.1978 ^{however only} and consequently six more promotions were made on 5.4.1978 of the following officers.

- 1-Sri R.B.Misra
- 2-Sri M.C.Joshi
- 3-Sri Jagmohan Saxena
- 4-Sri B.K.Singh
- 5-Sri L.M.Tewari
- 6-Sri B.N.Dhaon

12- That thereafter ^{vide notification dt.} ~~on a further increase~~ of vacancies ^{why} on 25.4.1978 15 more appointments were made under rule 9 of Recruitment Rules in IPS of the following officers ^{of 1977 Select list -}

- 1-Sri D.K.Agarwal (respondent no.4)
- 2-Sri K.P.Tripathi (respondent no.3)
- 3-Sri K.N.Bhatt (respondent no.5)
- 4-Sri K.C.Joshi
- 5-Sri Yogendrapal (respondent no.6)
- 6- Sri P.P.Srivastava (respondent no.7)
- 7-Sri Ahmad Hasan (respondent no.8)



(A61)

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8-Sri O.P.Agnihotri

9-Sri A .N.Singh (respondent no.9)

10-Sri R.S.Narain (respondent no.10)

11.Sri R.C.Srivastava (respondent no.11)

12.Sri Horilal (respondent no.12)

13.Sri H.P.Tripathi (respondent no.13)

12(a) That on 25.4.1978 the new select list for 1978 was approved by the Commission in which the respondent no.14 also figured. He was appointed in IPS on 29.7.1978.

13- That after the aforesaid promotions were made till 30.9.1978 two vacancies continued in promotion quota which remained unfilled. The aforesaid number of vacancies increased in 1979 and on 31.3.1979 there were four vacancies in promotion quota of IPS. ^{However,} Consequently on 11.7.1979 ^{also} two promotions were made of the following incumbents:

1-Sri R.B.Singh (respondent no.15)

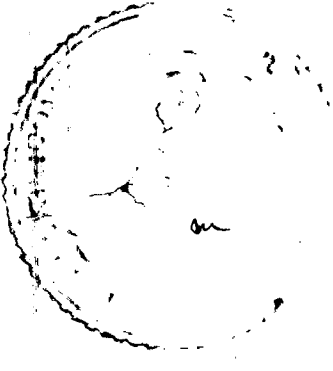
2-Sri Manager Pandey (respondent no.16)

14- That between 30.9.1979 to 31.3.1980 there were ^{ten} ~~eight~~ vacancies ^{but only} ~~when~~ Sri H.P.Misra (respondent no.17) and Sri Uma Shanker were ^{appointed} ~~already promoted~~ on 26.3.1980 in IF

15- That the increase in the promotion quota of IPS was reasonable inasmuch as a number of State Police officers were stagnating although discharging the work of senior post in IPS. On account of the increase in the

E. J. [Signature]

cadre and also increase in the work load the Govt. found it justified and proper that promotion quota which was only 25 percent should be increased and consequently it was increased to 33.3 percent. It was never challenged by any direct appointee including the applicants in the ^{instant} ~~aforsaid~~ case who were already in the service on the said date and therefore they can not be permitted to raise any grievance against the enhancement in promotion quota by amendment of IPS Recruitment Rules.



16- That the contents of para 6(vii) of the application are misconceived, incorrect and denied. It is stated that the direct IPS officers joined his service in junior Scale of IPS and after rendering his service for ^{in about} ~~almost~~ four years he is ^{eligible} ~~entitled~~ for promotion in the senior scale. A promotee IPS Officer is entitled to be promoted directly in the senior scale of IPS. In order to rationalise the seniority between the promotee and direct recruit IPS Officers a method of determination of year of allotment and seniority has been evolved by the Government as contained under rule 3 and 4 of IPS (Regulation of Seniority) Rules which provides that on the entry of direct IPS Officers he shall be allotted ⁱⁿ ~~an~~ year of allotment. On his promotion to the senior post of IPS his year of allotment will not change and will remain the same. However as the promotee IPS Officer meets direct IPS only in the senior ⁱⁿ ~~is~~ scale of IPS

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hence year of allotment of promotee IPS officer is given on the basis year of allotment of directly recruitment^{ed} IPS officer who has been promoted earlier to the promotee officer in senior scale of IPS and therefore year^a of allotment of every^u promotee officer is almost four^{to six} years ahead which^{has} is nothing to do with the promotion in senior scale of IPS and hence the contention raised in para under reply areⁱⁿ mis^{conception} incorrect and denied. The contention clearly shows that the applicants^{with} are mistaking their entry into the service ~~that~~ the year of allotment of promotee IPS Officer in as much as the applicant^{when} join service in IPS^{in junior scale} and can not claim any parity with the year of allotment of the promotees who have been given the said year of allotment in view of year of allotment of direct IPS officers officiating in senior scale of pay earlier to the said promotee IPS Officers.

17- That the contents of paragraphs 6(viii) and (ix) of the application are incorrect and denied. There is no supersession or scoring march over the applicants by the promotee IPS officers in as much as their appointment in IPS has nothing to do with the seniority in as much as seniority is determined from the date of officiating promotion on senior scale of IPS and the applicant^{who} joined service in junior scale can not claim any parity with the promotees. In any case the amendment made in the year 1977 can

ED. S. S. S.

Page 4

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not be allowed to be challenged after more than a decade
The applicants in any case ^{if at all} were aggrieved with the said
~~amendment~~ ^{where it is} was promulgated and ~~in any case~~ when the
answering respondents were promoted in IPS in senior
scale of pay under Rule 9 of the Recruitment Rules
and therefore the challenge of the said amendment and
appointment of the answering respondent is highly
belated and barred by limitation and even otherwise is
wholly misconceived and the instant application is
liable to be rejected.

18- That in reply to the contents of para 6(x)
of the application it is not disputed that the amendment
in the Recruitment Rules is prospective, the answering
respondent, became the member of the service only from
the date ~~when the answering respondent became member~~
~~of the service in IPS from the date~~ they were formally
appointed in IPS under rule 9 of the Recruitment Rules.
However rest of the contents contained in para under
reply are misconceived, incorrect and denied. It appears
that the applicants have not gone through the seniority
rules which lays down the methodology and manner in which
year of allotment and seniority of the direct and
promotee IPS officer is determined and hence the entire
confusion has been created.

19- That in reply to the contents of para 6(xi)
of the application it is not disputed that the Govt. of

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India issued order determining the seniority of the answering respondents on 24.4.1987. The rest of the contents are absolutely misconceived, incorrect and denied. It is stated that the Govt. of India has determined year of allotment and seniority of the applicants strictly in accordance with the rule 3 and 4 of IPS ^{Seniority Rule} Regulation and ~~Seniority rules~~ ignoring the entire earlier officiating service in ^{Senior post of} IPS for which some of the answering respondents have approached the Hon'ble Tribunal and in case in respect of respondents no.14,15,16 and 17 the Hon'ble Tribunal have pronounced the judgment dated 9.12.1988 in OA case no.626 of 1987 directing the Govt. of India to determine year of allotment and seniority of the said incumbent from the date they continuously officiated on senior post in IPS-




20- That the contents of para 6(xii) of the application are wholly misconceived, incorrect and denied. It is stated that year of allotment of the officers has nothing to do with the number of post, in IPS inasmuch as year of allotment and seniority is relevant for the purposes of further promotion etc. ^{only} and it does not have any relevance with the number of post inasmuch as year of allotment always pertains to the junior scale of IPS and hence as the promotee IPS officers ^{have} ~~has~~ always promoted in senior scale of IPS the same has no relevance with regard to the inter se seniority of the direct and promotee IPS officers and the contention raised that the answering respondents have been given seniority with retrospective effect

29/05/89

applicants.

23- That the contents of para 6(xv) of the application are incorrect and denied. It is stated, that the applicant no.1 was given officiating promotion in senior scale of IPS only on 29th July 1977, the applicant no.2 was given officiating promotion in senior scale of IPS on 16.10.1979, the applicant no.3 was given officiating promotion in senior scale of IPS only on 9.9.1980, although all the answering respondents were officiating in senior scale of IPS prior to the date when the applicants were given officiating promotion and therefore all the answering respondents are senior to the applicants and are entitled to claim year of allotment of those ^{by} directly recruited officers who were given promotion in senior scale of IPS just before the promotees ^{on officiating basis U/A 7 of the cadre rule} were promoted and the assertions to the contrary contained in para under reply are incorrect and denied.



24- That the contents of para 6(xvi) of the application as stated are incorrect and denied. In reply it is stated that all the applicants were aware of their seniority qua the respondents since long and in any case after 24th April 1987 when the seniority of the answering respondents qua the applicants were determined by the Union of India and the same was also duly published in the gradation list of IPS officers issued by the Director General of Police, U.P. Lucknow and hence the aforesaid Claim petition is wholly barred by limitation and consideration of the ^{answering respondents} applicants for panel to the post of Dy. Inspector General of Police ⁱⁿ ~~considering~~

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considering them senior can not be disputed in view of the aforesaid seniority .It may be pointed out that the applicant no.1 was also a party in OA case no.626 of 1987 and was issued notice by the learned Tribunal and hence the instant application having been filed on false and incorrect facts by concealing necessary and relevant facts is liable to be dismissed on this ground also.It is further stated that the applicants can not claim that they were ^{not} aware of the ~~sen~~ seniority list dated 24.4.1987 inasmuch as even the applicant no.2 and 3 are party in OA case no. 46 of 1988 R.B.Srivastava and others Vs. Union of India and others which was admitted by the Allahabad Bench of this Hon'ble Tribunal on 20.1.1988 and the notices were duly issued to themⁱⁿ. In these circumstances the applicants having failed to challenge the aforesaid seniority within time can not be permitted to do so and hence the instant application is barred by limitation under section 21 of the Act.

25 That the contents of para 6(xviii) of the application are wholly misconceived, incorrect and denied.

26- That the contents of para 7 of the application are denied.The grounds lack merit and are wholly misconceived. The aforesaid application is liable to be rejected and the applicants are not entitled for any relief.

27- That the contents of para 8 of the application are incorrect and denied.The applicants are guilty of delay and laches and concealment of material facts and hence

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the instant application is liable to be rejected and no interim order is required to be passed.

28- That the contents of para 9 and 10 of the application do not call for any reply.

I, the deponent abovenamed do hereby declare that the contents of paras ⁱⁿ 1, 2, 3, 5, 22, 23, 24 ^(p), 25, 28 ⁱⁿ _____

of this affidavit are true to my personal knowledge and those of paras ⁱⁿ 4, 7, 14, 15 ^(p), 16 ^(p), 18 ^(p), 19, 21, 24 ^(p) ⁱⁿ _____

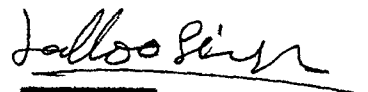
ⁱⁿ _____ are based on the perusal of record and those of paras ⁱⁿ 1, 6 ^(p), 15 ^(p), 16 ^(p), 17, 18 ^(p), 20, 26, 27 ⁱⁿ _____

ⁱⁿ _____ are based on legal advice which all

I believe to be true and nothing material has been concealed and no part of it is false. So help me God.

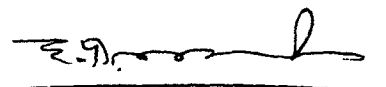

DEPONENT

I, Lalloo Singh clerk to Sri SUDHIR AGARWAL ADVOCATE HIGH COURT ALLAHABAD do hereby declare that the person making this affidavit and alleging himself to be Sri ⁱⁿ H. P. Tripathi ⁱⁿ _____ ⁱⁿ is the same person who is known to me ⁱⁿ ~~from the perusal of record.~~ personally ⁱⁿ.


Lalloo Singh

Clerk

Solemnly affirmed before me on the ⁱⁿ 19th day of Dec. 1988 at ⁱⁿ 9.00 a.m./p.m who has been identified by the aforesaid.



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

Oath commissioner

Amala

Amala S. S. Kakra
Secretary

19.12.88

84/558

[Signature]

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(A71)

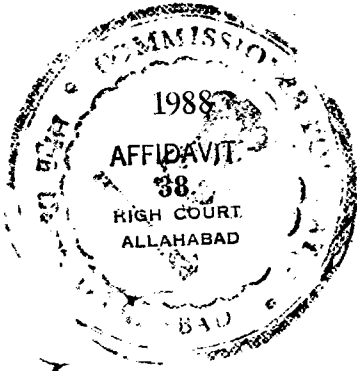
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL
BENCH AT ALLAHABAD (LUCKNOW CIRCUIT BENCH)

REJOINDER AFFIDAVIT

OF APPLICANTS TO COUNTER AFFIDAVIT FILED BY RESPONDENTS
NOS. 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 AND 17

IN

O.A. CASE NO. 205 OF 1988.



SYED KHALID RIZVI AND OTHERS. APPLICANTS.

VERSUS

UNION OF INDIA AND OTHERS. OPPOSITE PARTIES.

AFFIDAVIT OF SYED KHALID RIZVI, aged about
40 years Son of Sri S.A.A. Rizvi, Supdt. of
Police, Crime Branch, C.I.D., U.P., Lucknow.
(deponent)

I, the deponent above named do hereby solemnly
affirm and state as under:

1. That the deponent is one of the applicants in
the aforesaid case and as such he is fully acquainted
with the facts of the case deposed to below.
2. That the deponent has read the contents of
the Counter Affidavit filed by the respondents nos. 3, 4,
5, 7 to 17 and has understood their contents fully.
3. That the contents of Paragraph-3 of the
Counter Affidavit need no reply.
4. That in reply to Paragraph-4 of the Counter
Affidavit it may be pointed out that the application is
not belated, and Section-21 of the Act is not applicable.



Syed Khalid Rizvi

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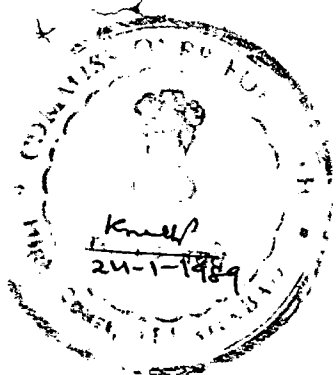
5. That the contents of Paragraph-5 of the Counter affidavit needs no reply.

6. That the contents of Paragraph-6 of the Counter Affidavit are denied. In the letter of Govt. of India dated 24th April, 1987 the manner of determination of inter-se seniority was suggested. However, the Cadre controlling Authority in U.P. State was the State Govt. and the State Govt. issued no gradation List as a consequence of this letter. The Director General of Police Headquarters Lucknow was no authority to issue any gradation list. The gradation list referred to in the Counter Affidavit was only an informal information and not a final determination of seniority between the petitioners and the respondents nos. 2 to 17. This was also not received by the applicant for a long time. No Panel was drawn by the Govt. of India. The applicants have challenged the Panel drawn by the State Govt., for promotion to the post of Dy.Inspr. Genl. of Police, which has been referred in Para-5 of the Application, further the contents of para-5 of the petition are reiterated as correct.

7. That the contents of Paragraph-7 of the Counter Affidavit need no reply.

8. That in reply to Paragraph-8 of the Counter Affidavit, Paragraph-6(iv) of the application is reiterated as correct.

9. That in reply to the contents of Paragraph 9 to 12 of the Counter Affidavit, contents of Paragraph 6(v) and 6(vi) of the Application are reiterated as correct. It may be further pointed out that the Promotional quota was enhanced on 12.9.77 and the applicants had given the



Syed Akbar Ali

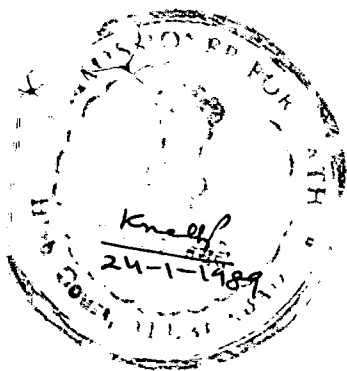
A73

vacancy position existing on 11.9.77. The respondents have not controverted the vacancy position given in the application and in order to create confusion had given the vacancy position allegedly existing on 31.3.77 and 30.9.77 which are not relevant to the case.

10. That the contents of Paragraph 12(a) is not admitted as correct. The respondents no. 14 was wrongly taken on the select list.

11. That the contents of Paragraph 13 and 14 of the Counter Affidavit are denied. The additional 20 vacancies caused by increased in promotional quota in September 1977 should not enable promotee officers to get the benefit of retrospective effect as stated in Application. This assertion of the applicants has not been controverted by the answering respondents. They have merely stated that appointments were made against promotional quota, which is not the issue. At issue is the question of enhanced quota for promotees which can not operate with retrospective effect or any date before the date of actual enhancement i.e. 12th September 1977.

12. That the contents of Paragraph-15 of the Counter Affidavit are denied. The competence of the Govt. of India to increase the promotional quota has not been challenged in the Application. It is the violation of Section 3(1-A) of All India Services Act, 1951, which is sought to be rectified regarding which answering respondents have not averred anything. What has been assailed in the application is the effort of the opposite parties to give retrospective effect to the enhancement of quota in a indirect manner by stretching back the years of allotment. Under no circumstances



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24-1-1989

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Sayed Khaleel Razi

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is admitted by the answering respondent. Normally the I.P.S.(Regulation of Seniority) Rules, 1954 confer a certain degree of retrospectivity in determining the year of allotment. In this instant case Section 3(1-A) of All India Services Act 1951 is overriding as the Rules made thereunder can not be interpreted contrary of the provisions of the main Act. Further, the other cases ~~refer~~ referred to by the answering respondent are not relevant for this case.

16. That the contents of Paragraph-20 of the Counter Affidavit are incorrect and denied. The answering respondents have stated that the year of allotment has nothing to do with the number of post in the I.P.S., which is incorrect. Firstly, the year of allotment can be awarded only to a officer has been appointed to the I.P.S. against a vacancy in the promotional quota. Secondly, the year of allotment is also related to the select list and subject to the basic quota rule.

17. That the contents of Paragraph-21 of the Counter Affidavit are incorrect and denied, and the assertions of para 6(xiii) of the application are reiterated as correct.

18. That the contents of Paragraph-22 of the Counter Affidavit are incorrect and denied. The dates of appointment of the applicants are relevant in relation to the date of amendment. Had the Rules not been amended only 2 officers of the State Service would have awarded I.P.S. year of allotment before 1977 and the respondents nos. 3 to 17 would not have got years of allotment before 1977, as they have been appointed only against the enhanced quota.

19. That the contents of Paragraph- 23 of the Counter Affidavit are incorrect and denied. The applicants

24-1-1989

Syed Khaleel

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were serving in the senior scale of the I.P.S. on the dates mentioned while the respondents nos. 3 to 17 were serving in the Special Grade of the U.P. Police and hence the two are not comparable.

20. That the contents of paragraphs 24, 25, 26 and 27 of the Counter Affidavit are incorrect and denied. In the claims referred therein a different question has been raised which is not ~~the~~ in the present claim petition. There was no concealment of fact. The Director General of Police, who himself ought to be a party in the gradation list can not settle and finalise it. It was never communicated to the applicants.

Syed Khalid Rizvi

I, the deponent above named do hereby declare that the contents of paras _____ of this affidavit are true to my personal knowledge and those of paras 1 to 20 are based on the perusal of record and those of paras _____ are based on legal advice which all I believe to be true and nothing material has been concealed and no part of it is false. So help me GOD.

Date

24-1-1989

Syed Khalid Rizvi

DEPONENT.

I,

Clerk of Sri Asit

Kumar Chaturvedi ADVOCATE, HIGH COURT, LUCKNOW BENCH LUCKNOW do hereby declare that the person making this affidavit and alleging himself to be Sri Syed Khalid Rizvi is the same person who is known to me from the perusal of record/ personally.

Kneel

24-1-1989

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Solemnly affirmed before me on the 24th day
of ^{Jan.} ~~Dec.~~ 1989 at 7.00 a.m./p.m. who has been identified by
the aforesaid.

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

Syed Khalid Razi

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568 of 1989
24-1-1989

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW

Original Appln. No. 205 of 1988

BETWEEN.

S.K. Rizvi & others

... Applicant

And

Union of India & others

... Respondents

Filed today
10/4



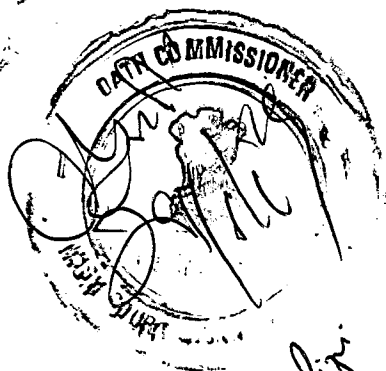
Rejoinder Affidavit to the Written
Statement of the Respondent no. 1

I, S.K. Rizvi, Aged about 40 years, Son
of Sayed Abdul Aziz Rizvi presently posted as
S.P.C.B.G.I.D., Lucknow do hereby solemnly affirm
and state on oath as under;

1. That the deponent is the applicant no. 1
in the above mentioned application as such he is
fully conversant with the facts and circumstances
of the case. He is also doing pairvi on behalf of
other applicants.

2. That the contents of paragraph 1 and 2 of
the written statement need no reply.

3. That in reply to the contents of para -3
of the written statement it may be pointed out that
the averments made by the applicants in the
application are correct and averments made in the
written statement of the respondent no. 1 are
denied to the extent of inconsistency in the



Syed Khaleel Rizvi

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(2)

averments made in the application.

4. That the contents of paragraph 4 of the written statement as alleged are wrong hence denied. The seniority and year of allotment of the respondents 3 to 17 has been fixed by the respondent no. 1 and ~~at the~~ ^{it is} expected that the respondent no. 1 will apply mind while so ~~fixing~~ ^{fixing} the seniority but in the present case it appears that the respondent no. 1 did not apply mind while fixing the said seniority and the years of allotment of the respondents 3 to 17

5. That the contents of paragraph 5 of the written statement are denied. The allegations made by the ~~applicant~~ ^{applicants} against the Union of India are neither false, nor incorrect. Those are reiterated to be correct.

6. That the contents of paragraphs 6&7 of the written statement as alleged are wrong hence denied. It may be pointed out that the seniority and years of allotment fixed by the respondent no. 1 are incorrect and contrary to the Rules and the Provisions of the All India Services Act.

7. That in reply to the contents of para-8 of the Written Statement, the deponent is advised to state that the Union Public Service Commission was not a necessary party. The seniority and the years of allotment of the respondents 3 to 17 was not fixed by the Union Public Service Commission



Spcl Pleader

but were fixed by the Union of India.

8. That the contents of paragraph 9 of the written statement as alleged are wrong hence denied.

9. That the contents of paragraph 10 of the written statement as alleged are wrong hence denied. The application is not premature. No remedy was available to the applicant but to evoke the jurisdiction of this Hon'ble Tribunal.

10. That the contents of paragraph 11 of the written statement as alleged are wrong hence denied. The averments made there are vague and misleading. However it may be pointed out that there is no judgment of the Allahabad Bench of this Tribunal or of Hon'ble Supreme Court which ~~subsequently~~ require the fixation of seniority of promoted officers with retrospective affect or fixation of years of allotment with retrospective affect, ~~including~~ ^{signifying} the question of existence of vacancies or availability of vacancies in the quota for the promotees. Moreover retrospective affect of seniority or years of allotment adversely affecting other officers in the service is contrary and in violation of Section 3(1)(a) of the All India Services Act 1959. Here it may also be asserted that in view of the bar imposed by the other provisions of the Act, ~~No~~ Rule or amendment of the Rule can be given retrospective affect, directly or indirectly. The deponent advised to state

Signed & sealed for
S.K. Singh

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that what cannot be done directly can also not be permitted to be done indirectly.

11. That the contents of para 12 of the written statement as alleged are wrong hence denied. No rules can be given affect in manner as to violate the provisions of the parent act ^{under} in which the Rules have been framed. The deponent is further advised to state that a subordinate legislation cannot travel beyond the scope and limits of a parent legislation.

12. That the contents of para 13 of the written statement as alleged are wrong hence denied. to the extent there ^{*} are inconsistent with the averments made in the application.

13. That the contents of paragraph 14 of the written statement are misleading. The applicants have elaborated their case in their application. The averments of para under reply are denied to the extent they are inconsistent with the averments of the applicants in the application.

14. That the contents of paragraph 15 of the written statement as alleged are wrong hence vehemently denied. The quota for the promotees was enhanced in 1977. The respondents 3 to 17 could not come in the I.P.S. within the quota of promotees ^{under} when such enhancement was ^{made} at that time. Thus the only basis of lawful entry into service of the respondents 3 to 17 is amendment of ^{the}

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1977 which enhanced the quota, ^{and without the} ~~and without~~ existence (5)
of vacancies in their quota, the respondent no. 3 to 17
cannot get the years of allotment ~~from the years~~
~~so far years~~ earlier than the year of amendment and
enhancement of quota. ^{and in} this manner the amend-
ment of Rule by which the quota was enhanced has
been given retrospective affect, ^{directly or}
indirectly. Such retrospective affect is in
violation of Section 3(1)(a) of the All India
Services Act.

15. That the contents of paragraphs 16 & 17
of the written statement as alleged are wrong hence
denied. It may be pointed out that the amendment
of the Rules cannot be given retrospective affect
In view of the provisions of Section 3(1)(a) of the
All India Services Act. The said amendment does
not only enhance the quota for the promotees but
~~had~~ also curtails the quota for the direct recruits.
The deponent ^{and is} further advised to state that those
who come against enhanced quota of promotees
implemented in 1977 could only take seniority
along with their counter parts, meaning by, the
direct recruits ^{coming} after 1977 and not before it.
By giving back year seniority and years of allotment
to the addl. promotees. Actually the quota for the
direct recruits has been effectively reduced,
retrospectively. This is contrary to the provisions
of ~~language of~~ Section 3(1)(a) ~~Rule~~ of All India Services Act.
The deponent is advised to state that the language
of 3(1)(a) of the All India Services Act not only
bars the framing of a retrospective rule but it

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Signed Charles King

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prohibits even any affect of such Rule from being retrospective.

Place: Lucknow
Dated: 29/6/89


Syed Khalid Razi
DEPONENT

VERIFICATION

I, the above named deponent do hereby verify that the contents of paragraphs 1 to 15 of this affidavit are true to my personal knowledge.

Nothing material has been concealed and no part of it is false, so help me God.

Signed and verified on this day of
29 June, 1989 at Lucknow.



Syed Khalid Razi
DEPONENT

I, identify the above named deponent who has signed before me.

Asit Kumar Chaturvedi
Advocate.

Solely affirmed by me
at 10 AM by S.K. Razi the
deponent who has been identified
by me as Asit Kumar Chaturvedi
Advocate High Court Lucknow. I have
been satisfied only self by examining the
deponent that he fully understands the contents
of this affidavit which have been read over
and explained to him by me.

(K. M. SRIVASTAVA)
Oath Commissioner
High Court

No. 48
Date 29/6/89