

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE O. A. 31 of 1989(L)Name of the parties Smt. Kamalavalli Nair,

Applicant.

Versus.

Union of India and others.

Respondents.

Part A.B.C.

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Certified that no further action is required and that the case fit for commitment to the record room (B)

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22-6-2011

(A5)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Circuit Bench at Lucknow

Registration O.A. No.31 of 1989.(L)

Smt.Kamalavalli Nair Applicant

Versus

Union of India & Others Opposite Parties.

Hon.Justice Kamleshwar Nath, V.C.

Hon. K. Obayya, Member (A)

This application under Section 19 of the Administrative Tribunals Act XIII of 1985 is for cancellation of the order of the applicant's transfer contained in Annexure-A1 dated 6.6.1988 followed by order dated 21.7.88, contained in Annexure-A9 and lastly order dated 25.3.89 contained in Annexure-A20.

2. The applicant was working as Stenographer grade II in the scale of Rs.1400 - 2300 in the Central Command Hospital of Lucknow and had put in more than 22 years of service when on 6.6.88 opposite party No.4, the Senior Registrar, Col. V.Ratan of the Command Hospital passed the impugned order of transfer, Annexure-A1 directing the applicant to take charge of Fatal Section from a Sepoy Clerk who used to perform the function of typing out some papers of the hospital. This order was admittedly improper (vide para 12 of the Counter Affidavit) and although the applicant's representation was rejected by Annexure-A2, the posting order was changed by Annexure-A3/A5 dated 14.6.88 when she was posted as Stenographer and P.A. to the Officer-in-Charge of Surgical Division and Medical Division but was nevertheless asked to take charge from Sepoy Clerk Mahesh Gupta.

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who was placed there temporarily. Her representation, Annexure-A4 dated 14.6.88 that the change of assignment was not within the duties required to be carried out by a P.A. was rejected by Annexure-A5 dated 12.7.88. It appears that the applicant did not comply with the orders of transfer and ultimately on 22.10.88 she was taken out of the Central Command Hospital with the aid of the police of Police Station Cantt. under the orders Annexure-A14 of opposite party No.4.

3. The applicant made representations to the higher authorities and ultimately filed this petition on 8.2.1989 for cancellation of the abovementioned transfer orders.

4. Finally, the Army Headquarters at New Delhi took a decision in the matter of the applicant, communicated by a letter dated 26.12.88 and the applicant was transferred by an order dated 25.3.89, Annexure-A20 to A.M.C. Centre & School, Lucknow with a further direction to vacate the accommodation in her use as Stenographer grade II in the Central Command Hospital, Lucknow.

5. The applicant's case is that all these orders were the result of the mala fides of opposite party No.4, Col. V.Ratan and were calculated to harass and cause hardship to her. The opposite parties' case is that although the initial order of transfer, Annexure-A1 was improper, the subsequent orders were in order; that the allegations of mala fides of opposite party No.4 are not specific and that the last order passed during the pendency of the case does not entail any civil consequences or loss of salary of the applicant and was ordered in the exigency of service.

6. It is not necessary to comment upon the initial orders of transfer contained in Annexure-A1 and Annexures -A3/A5 because they have all been replaced by the final order dated 25.3.89, Annexure.A20. The order of Annexure-A20 is not shown to be the result of mala fides of opposite party No.4 because it was issued under the authority of the Army HQrs. letter dated 26.12.88 and was issued by some officer other than opposite party No.4.

7. The learned counsel for the applicant has tried to show that Stenographer grade II is entitled to be posted with a Brigadier, but that is not correct interpretation of the policy contained in Annexure-A8 relating to authorization for certain categories of stenographers' posts. This authorization mentions that the Maj.General or an officer of equivalent rank is entitled to have a Senior P.A. whereas Brigadier and an officer of equal rank is entitled to a P.A. in the scale of Rs.1400 - 2300, i.e. grade II to which the applicant belonged, whereas a Colonel, or equivalent officer was entitled to have a Stenographer in the pay scale commencing from Rs.1200/- Annexure-C1 is an extract of a similar classification effective from February 1, 1983, ^{and} speaks of the entitlement of Maj. General for a Stenographer of Grade I, ^{of} Brigadier for Stenographer of grade II, and ^{of} a Colonel/Lt. Col. for Stenographer of grade III. These entitlements ^{of} classifications relate to the officers of the Army. They do not relate to the Stenographers themselves. In other words, a Brigadier may be entitled to have a Stenographer grade II, but a Stenographer grade II is not necessarily

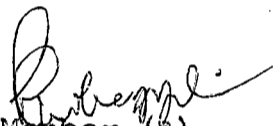
entitled to be posted with a Brigadier.

8. The learned counsel for the applicant says that the applicant having been posted with officers of rank equivalent to Brigadier, will suffer humiliation and harassment if she is posted at the A.M.C. Centre and School. It is not possible to treat such supposed humiliation and harassment to constitute a grievance in the eyes of law in respect of which ~~the~~ relief could be obtained from the Tribunal. It is only an infringement of a legal right which is remedied by the Tribunal. It is well known that a transfer is an incidence of service and unless either mala fides or other grounds of illegality in a transfer are made out, there can be no judicial interference.

9. It may be that on the applicant's posting to the A.M.C. Centre and School, she may have to vacate the accommodation in her use and in that sense she may have to face hardship; but it has not been shown to us that the applicant is entitled to hold an appointment where she may be entitled to an accommodation for all times to come. The best that the applicant can expect is to have a reasonable time at her disposal to vacate the premises. The learned counsel for the applicant says that the applicant has not been paid her salaries. We are of the opinion, that if that be so, the applicant must get her salaries unreservedly upto the period of the passing of the last transfer order, Annexure-A20, because till that stage she could have had some valid grievance, but in respect of the period from 25.3.89, the opposite parties must consider her claim in a fair and reasonable manner and pass suitable orders.

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10. In the result this application fails in so far as the last order of transfer, Annexure - A.20, dated 25.3.1989 is concerned. The applicant shall get her full salary; if not already done, for the period upto 24.3.89; the question of payment of her salary from the period 25.3.89 onwards shall be considered by the competent authority and appropriate orders shall be passed within a period of two months from today. The applicant will also be permitted by the opposite parties to retain the present accommodation for a period of three months after which suitable action may be taken by the opposite parties in that regard. Parties shall bear their own costs.


Member (A)


Vice Chairman

Dated the 28th Sept., 1989.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

(A3)

ORDER SHEET

REGISTRATION No. 31 of 1989(1)

Smt. K. Nair

APPELLANT
APPLICANT

VERSUS

DEFENDANT
RESPONDENT

V.O.A.

Order No. and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
<p>(5) 2/5/89</p>	<p>Hon. Justice K. Nath, V.C. Hon. D.S. Misra, A.M.</p> <p>Counter affidavit has been filed on behalf of all the four opposite parties. The applicant may file rejoinder, if any, within two weeks. List for hearing on 4-7-89.</p> <p><i>[Signature]</i> A.M.</p> <p><i>[Signature]</i> V.C.</p>	<p>OR/</p> <p>No counter affidavit have been filed by the learned counsel for respondents submitted for admin.</p> <p>115</p> <p>OR</p> <p>Counsel for applicant has not incorporated any counter affidavits for submitted for hearing on advice.</p> <p><i>[Signature]</i> 115</p>
<p>(6) 4/7/89</p>	<p>Hon' Mr. Justice K. Nath, V.C. <u>Hon' Mr. K.J. Raman, A.M.</u></p> <p>The learned counsel for the applicant files rejoinder. List this case for <u>final hearing</u> on <u>2-8-89</u>.</p> <p><i>[Signature]</i> A.M.</p> <p><i>[Signature]</i> V.C.</p> <p>(sns)</p>	<p>OR</p> <p>Counter has been filed on behalf of respondents. Counter Counsel for applicant has not filed any rejoinder so far. List this case for hearing as ordered by court.</p> <p><i>[Signature]</i> 37</p>

(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LACHOHO.

O.A./T.A. No. 31/1989 (C)

Smt. K. Narur

Applicant(s)

Versus

U.O & Co.

Respondent(s)

Sr. No.	Date	Orders
①	8.2.08	<p>Hon. A. John, A.M.</p> <p>Issue notice to the repdts to show cause why the petition be not admitted. Notice is returnable on 24.2.08.</p> <p><u>A.M.</u></p>
②	24/2/08	<p>Hon. D. S. Prasad, Jm.</p> <p>Hon. T. S. Sharma, Jm.</p> <p>On the request of Sri V.K. Chaudhary for respondents he is allowed four weeks time to file reply to the show cause notice. Dist. if for further order on 27.3.08.</p>

17/1/08

SR

for V.K. Chaudhary takes notices on behalf of the repdts. & ~~SR~~ Vakil name filed.

17/1/08

19/4/08

23/3

SR

No reply filed.

23/3

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31/09(1)

2/8/09

Hon. Justice K. Nath, VC.

Heard the learned counsel for the applicant. This is a Division Bench case day before the Division Bench on 21-9-09 for final hearing.

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21-9-09

No matter of D/B. Adj. to 23-9-09 for hearing. Both the counsel are present.

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Case is submitted for hearing.

25-9-09

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

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Arguments heard. Judgment reserved.

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Heard Judgment
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APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT, 1985

Title of the Case : Non-payment of salary and
arbitrarily putting off duty.

I N D E X

<u>S.No.</u>	<u>Description of documents relied upon</u>	<u>Page No.</u>
1	Application	1 to 14
2	Annexure A-1 - Photocopy of letter No. Adm/202 dt.6.6.1988 of CH (CC)	15
3	Annexure A-2 - Photocopy of Repre- sentation dt. 11.6.88 of the applicant	16
4	Annexure A-3 - Photocopy of letter No. Adm/202 dt. 14.6.1988 of CH (CC), Lko.	17
5	Annexure A-4 - Photocopy of representa- tion dt. 14.6.1988 of the applicant	18
6	Annexure A-5 - Photocopy of CHCC letter No. Adm/202 dt. 14.6.88	19
7	Annexure A-6 - Photocopy of CHCC letter No. Adm/202 dt. 12.7.88	20
8	Annexure A-7 - Photocopy of Representa- tion dated 15.7.1988	21
9	Annexure A-8 - Photocopy of CPRO 75/81	22
10	Annexure A-9 - Photocopy of letter No. Adm/202 dt. 21.7.88 of CH(CCE), Lucknow	23
11	Annexure A-10 - Photocopy of Representation dated 3.10.1988 of the applicant	24 to 26
12	Annexure A-11 - Photocopy of complaint dt. 3.10.1988 of the applicant	27
13	Annexure A-12 - Photocopy of the complaint dt. 3.10.1988 of the applicant	28
14	Annexure A-13 - Photocopy of the Repre- sentation dt. 4.10.88 of the applicant	29-30
15	Annexure A-14 - Photocopy of the compl- aint No. Adm/202 dt. 22.10.88 of CHCC	31
16	Annexure A-15 - Photocopy of representa- tion dt. 10.11.88 of the applicant	32
17	Annexure A-16 - Photocopy of Govt. Order No. 35922/II/DGMS-3(B) dt. 5.9.1985	33
18	Annexure A-17 - Photocopy of Represen- tation dt. 2.11.88 of the applicant	34-36
19	Annexure A-18 - Photocopy of telegram dt. 5.12.1988 of the applicant	37

Komalavalli Nair
Signature of the Applicant

FOR USE IN TRIBUNAL'S OFFICE

Date of filing or receipt by post:

Registration No.

Signature of Registrar

Date:

Filed today
by
Advocate
Mohan for
8/7/89.

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3. The Commandant
Command Hospital (Central
Command), LUCKNOW - 226 002

Colonel V. Ratan
4. The Sr. Registrar
Command Hospital (Central
Command), LUCKNOW - 226 002

vi) Address for service of : Same as shown against (i)
notice to (v) above.

3. Particulars of the Order : Application is against the
against which application following orders:-
is made:

- i) Order No. Adm/202 and even number
- ii) Date 6th June, 1988 and 21st July 88
respectively.
- iii) Passed by The Sr. Registrar and OC Troop,
Command Hospital (Central Command)
LUCKNOW and Offg. Commandant,
Command Hospital (Central Command)
Lucknow (Annexures A-1 ^{and} to A-9,
respectively)
- iv) Subject in brief: By the impugned orders, Respondent
No. 3 is compelling the applicant
to perform the duties of a routine
Clerk/Steno whereas she is a Senior
Subordinate designated as Steno-
grapher Grade-II (PA) in the scale
of Rs 1400 - 2200 with more than
22 years of service.

When she declined to work as a
routine clerk/Steno and requested
the Respondent No. 4 to allot her
duties commensurate with her status
and as per Govt. Orders, she was

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driven out of the hospital premises and her pay and allowances have been stopped as a result of which the applicant is facing not only humiliation but extreme financial hardship also. Due to non-payment of her salary from October, 1988 onwards and other dues, she and her family members are on the verge of starvation.

That the present relative status of the applicant vis-a-vis combatant personnel of the armed forces is equivalent to a Subedar Major and vis-a-vis other civilian employees to that of an Office Supdt. Grade-II (Scale 1400 - 2200).

4. Jurisdiction of the Tribunal:

The applicant declares that the subject matter of the order against which she wants redressal is within the jurisdiction of the Tribunal.

5. Limitation:

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

6. Facts of the case:

The facts of the case are as under:-

- (1) That the applicant was appointed as a civilian in the capacity of L.D.C. in the Central Ordnance Depot, Agra, on 7th February, 1966. She now belongs to the Defence Civilian Cadre of Stenographers and her salary

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is paid out of Defence Services Estimates. After serving in various Army establishment, she was posted to Army Medical Corps Centre and School on 8.2.1976 as a Stenographer Gr.II. She served in the above establishment from 8.2.1976 to 4.3.1986. On 5.3.1986 she was permanently posted to Command Hospital (Central Command) (hereinafter referred to as CH(CC)), Lucknow having been promoted as Stenographer Gr.II (PA) in the scale of Rs 425 - 700 (Revised to Rs 1400 - 2200).

- (2) That during her entire service of 22 years, the applicant worked to the entire satisfaction of her superior officers and earned excellent Annual Confidential Reports. Her service record is immune of any warning and punishment entry.
- (3) That during the years 1985 and 1986, when the applicant was working as Personal Assistant to the then Commandant, AMC Centre & School, Lucknow (Maj. Gen. KD Kapur), Lt. Col. (now Col.) V Ratan was also working in AMC Centre and School as Officer Commanding of a Technical Training Battalion.
- (4) That Col. V Ratan had to contact the applicant very often in connection with his official work both in person and on telephone. Towards the end of the year 1985, Col. V Ratan got annoyed with the applicant due to some personal indifference on account of which the applicant threatened to report against him to the Commandant. Thereafter he kept quiet but he nursed a grudge against the applicant on this score.
- (5) That the applicant joined the Command Hospital (CC), Lucknow on 5.3.1986 on promotion as Stenographer Gr.II (PA). She

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was attached as PA in the Commandant's Secretariat (Maj. Gen. T Singh/Maj. Gen. Nirmala Ahuja).

- (6) That around mid-1987, Col. V Ratan was also transferred from AMC Centre & School, Lucknow to CH(CC), LUCKNOW as Br. Registrar and Officer Commanding Troops. He thus became the immediate superior officer of the applicant.
- (7) That from the day of taking over the charge of Senior Registrar of CH(CC), Lucknow, Col. V Ratan started harassing the applicant by various means such as denial of due leave etc. However, due to intervention of the then Commandant Maj. Gen. (Mrs.) Nirmal Ahuja he could not succeed, then in his attempts to harm the applicant ~~until her retirement.~~
- (8) That on 6th June, 1988, Col. V Ratan issued an order No. Adm/202 dated 6.6.1988 directing the applicant to take charge of Fatal Section of the surgical Division of CH(CC) Lucknow from a Sepoy/Clerk, an official of junior most rank of clerical cadre. A copy of this order is annexed as Annexure No. A-1 to this application.
- (9) That in reply to the above order (Annexure No. A-1), the applicant requested the Commandant, CH(CC), Lucknow by her representation dated 11.6.1988 to cancel the Order issued by the Sr. Registrar for the following reasons:-
- i) That the applicant is a Personal Assistant having 22 years experience.
 - ii) That the PAs are equivalent to Senior JCOs.
 - iii) That prior to ~~my~~ posting to CH(CC), the applicant was attached to the Commandant AMC Centre & School. The applicant was selected to the position of PA to the Commandant of the Centre & School out of the then existing Secretarial staff, after considering her

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experience in the Secretariat of Director of her previous Unit including handling the charge of Secret Cell.

- iv) That as per the 3rd Pay Commission Report, PAs are attached to Brigadiers/equivalent and above.
- v) That PAs are only required to handle secretarial work.
- vi) That there is shortage of experienced Secretarial/ Personnel staff in the AMC.

A copy of applicant's representation is Annexed as Annexure No. A-2 to this application. This representation was however, not accepted vide letter No. Adm/202 dated 14.6.88, photocopy of which is annexed as Annexure No. A-3 ^{to} ~~of~~ this application.

- (10) That it would be pertinent to mention here that "Fatal Section" is a small sub-office of the Surgical Division of CH(CC) Lucknow where the main work is typing of hand-written notes of Medical Officers including specialists Medical Officers recorded on the Medical History Sheets of the patients who die whilst under treatment in the said hospital. This work was being done by a Sepoy Clerk and the applicant was directed to take over the Fatal Case documents from him as also other articles such as typerwiter, furniture etc.
- (11) That the existing ranks of the officers-in-Charge of Medical Division and Surgical Division are Col. and equivalent (one is headed by a Col. and the other by a Group Captain, both of which are one step lower than a Brigadier.
- (12) That Col. V Ratan, Sr. Registrar (CH-CC) had issued the impugned order (Annexure A-1) with no other motive than to humiliate and harass because he could not tolerate her

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- continuing to work as PA in the Secretariat of the Commandant of the said hospital *nor could be initiated disciplinary proceedings against the applicant.*
- (13) That the applicant submitted another representation on 14.6.1988 to Respondent No. 3 stating that she was being asked to take charge of assignments which were not within the duties required to be carried out by Personal Assistants and requesting that she be given proper assignment. A copy of the representation is Annexed as Annexure No. A-4 to this application.
- (14) That in reply to her representation dated 11.6.1988, (Annexure No. A-2), the applicant was informed by Col. V Ratan under letter No. Adm/202 dated 14.6.1988 that she should take over charge of Fatal Section from a Sepoy Clerk and also that she should work as Steno/PA to Officer I/C, Medical Division and Officer I/C Surgical Division in addition to doing the work of Fatal Section. A copy of the above letter is annexed as Annexure No. A-5 to this application.
- (15) That in reply to her representation dated 14.6.1988 Annexure No. A-4, the applicant was asked under Letter No. Adm/202 dated 12.7.1988 to work under the Senior Adviser in Medicine. The order directing the applicant to take charge of Fatal Section was, however, maintained as operative. A copy of letter No. Adm/202 dated 12.7.88 is annexed as Annexure No. A-6 to this application.
- (16) That the applicant again submitted a representation on 15.7.1988 reiterating her earlier stand contained in her representations dated 11.6.1988 and 14.6.1988 (Annexures A-2 and A-4), and enclosing a copy of CIVILIAN PERSONNEL

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ROUTINE ORDER NO. 75 of 1981 in which Govt. of India, Ministry of Defence office Memorandum No. B/17116/EME Org3/2593/D-(Civ-I) dated 1st May, 1981 which deals with placement of Stenographers ^{as PAs} in various Grades, has been reproduced. A copy of this representation and Govt. of India, Ministry of Defence letter dated 1st May, 1981 are annexed as Annexure Nos. A-7 and A-8, respectively.

(17) That in reply to her representation dated 15.7.1988, the applicant was asked by Respondent No. 3 to work under the Head Clerk of the said Hospital (Army Rank Sub. Major) whose status is equivalent to that of the applicant and who could assign only clerical work to the applicant. A copy of letter No. Adm/202 dated 21.7.1988 issued by Respondent No. 3 is annexed as Annexure No. A-9 to this application.

(18) That in reply to letter No. Adm/202 dated 21.7.1988 referred to in Para (17) above, the applicant submitted a representation on 3rd October, 1988 to the Commandant CH (CC), Lucknow, but to no avail. A copy of the representation is annexed as Annexure No. A-10 to this application.

(19) That on 3rd October, 1988 when the applicant was on duty, the Respondent No. 4 Col. V. Ratan misbehaved with the applicant, shouted at her and physically expelled ^{her} from the office of the officiating Sr. PA, Sri Prem Prakash. A copy of complaint lodged by the applicant in this regard is annexed as Annexure No. A-11 to this application.

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- (20) That on the same date ie. 3.10.1988, one Capt. Tara Chand, a subordinate official serving under Col. V. Ratan physically assaulted the applicant and turned her out of the office. The applicant lodged a complaint in this regard with the Commandant, CH(CC), Lucknow a copy of which is annexed as Annexure No. A-12.
- (21) That on 4.10.1988, the applicant submitted a representation to the General Officer Commanding in Chief, Headquarters, Central Command but to no avail. A copy of the said representation is annexed as Annexure No. A-13 to this application.
- (22) That on 22.10.1988, Col. V Ratan lodged a written complaint against the applicant with the Officer I/C, Cantt. Police Station, Lucknow with a copy to OC Central Command Provost Unit (Military Police) stating that the applicant was absent without leave and was loitering around the hospital premises and asking the addressees to take action against her. A copy of the said complaint bearing No. Adm/202 dated 22.10.1988 is annexed as Annexure No. A-14 to this application. A ~~police party~~ police party was again summoned by Col. V Ratan on 24.10.1988 and the applicant was taken to Cantt. Police Station where she was let off.
- (23) That on 10.11.1988, the applicant was again humiliated, abused and physically assaulted by or under the orders of Col. V Ratan as a result of which the applicant again protested to the Commandant, CH(CC) Lucknow. In this connection a photocopy of letter dated 10.11.88 is annexed as Annexure No. A-15 to this application.

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(24) That due to the complaints lodged by Col. V Ratan against the helpless applicant, she stopped going to the office and attending to her duties lest the complainant might get her entangled in a false case or cause her to be physically assaulted. Further, in all communications addressed to her by Respondent Nos. 3 and 4 the applicant has been repeatedly asked to report to Officers I/C Medical/Surgical Division and to perform the duties of a Steno. There is vast difference between the posts of a Steno and that of a Stenographer Gr.II. The former post carries a pay scale of Rs 330 - 560 (pre-revised) and Rs 1200 - 2240 (Revised) and the holder of this post is supposed to work with an officer of the rank of Col. and below whereas the holder of the latter post of Stenographer Gr.II (PA) draws salary in the pay scale of Rs 425 - 700 (pre-revised) and Rs 1400 - 2200 (Revised) scales, and is supposed to be attached for duty with an officer of the rank of Brigadier as per Govt. Orders contained in Annexure No.A8 and letter No. 35922/II/DGMS-3(B) dated 5.9.1985 issued by Respondent No. 2, a copy of which is annexed as Annexure No. A-16 to this application.

(25) That the applicant's salary for October, 1988 onwards to date, the arrears of dearness allowance due to her from 1.7.1988 to date and the Bonus amount due to her for the year 1987-88 have not so far been paid to her despite to the fact that she made repeated verbal and written requests for the same. Details of the written communications in this regard are given below:-

- i) Representation dated 10.11.88 - Annexure A-15
- ii) Representation dated 21.11.88 - Annexure A-17

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7/6/89 Advocate

(28) That during the course of preliminary hearing of the case on 8.2.1989, the applicant was advised by this Hon'ble Court to join duty in the office of posting. Accordingly, she reported for duty to Respondent No. 3 on 25.3.1989 along with an application of the same date, a copy of which is annexed as Annexure A-19. However, instead of assigning any work to the applicant, a transfer order bearing No. 505/Coy/108 dated 25.3.1989 was handed over to her with a direction to report on permanent transfer to Army Medical Corps Centre and School, Lucknow. In sub-para (m) of para 4 of the said transfer order the applicant has also been directed to vacate Govt. accommodation immediately. A copy of the transfer order is annexed as Annexure A-20.

(29) That the said transfer order accompanied by a direction to the applicant to vacate the Govt. accommodation (vide sub-para (m) of para 4 thereof) is the outcome of a desire of the

Respondent to harass and to cause hardships to her. Further, she moves on transfer, most likely to face the same problems of performance of duty in the new office as she has been facing in her present office and for redressal of which she has filed an application before this Hon'ble Court. The applicant being a lady will also face a great inconvenience and hardships if she were forced to vacate Govt. accommodation.

iii) Telegram dated 5.12.88 Annexure No. A-18
addressed to Respondent No. 2
(copy annexed as Annexure-A8
to this application).

(26) That the applicant submitted a representation to the
Appointing Authority (Respondent No. 2) on 21.11.88
by Courier Service as well as by registered post.
But no reply has so far been received. A copy of this
representation is annexed as Annexure-17 to this appli-
cation.

(27) That the applicant is being forcibly prevented by
Respondent Nos. 3 and 4 from entering the premises
of place of work ie. CH (CC), Lucknow. As such she
is sending her attendance through post. Her salary
for October, 1988 onwards, arrears of Dearness Allow-
ance from July onwards to date and Bonus for the year
1987-88 have also been illegally withheld as a result
of which she and her family members are on the verge
of starvation.

7 Details of the remedies exhausted:

The applicant declares that she has availed all the ^{sources of} remedies
available to her under the service Rules as under:-

<u>Details of Representations</u>	<u>Outcomes</u>	<u>Annexure Nos.</u>
a) Representation dt. 11.6.88 against Order No. Adm/202 dt. 6.6.1988	Not accepted	A-1, A-2 & A-3
b) Representation dt. 4.10.88 to the GOC-in-C, HQ Central Command, Lucknow	No reply	A-13
c) Representation dt. 3.10.88 against Order No. Adm/202 dt. 21.7.88 issued by Res- pondent No. 3	No reply given	A-9 and A-10
d) Representation dt. 21.11.88 addressed to Respondent No. 2 (Appointing Authority) against Orders (a) & (b) above.	No reply received so far	A-17
e) Telegram dt. 5.11.1988 to Respondent No. 2	-do-	A-18

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In this connection the applicant respectfully requests that in view of extra-ordinary facts and circumstances of this case, the condition of expiry of six months imposed by Clause 5 of sub-section 2 of Section 20 of the Administrative Tribunal Act, 1985 for admission be relaxed as a special case, since the applicant's salary has been stopped by the employer and she is not being permitted to perform official duties.

8. The applicant further declares that she had not previously filed any application, writ petition or suit regarding the matter in respect of which the application has been made before any Court of Law or any other authority or any other Bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

9. Reliefs sought:

The applicant most respectfully prays that the Hon'ble Tribunal may be pleased to:-

- a) Quash the Order of the Senior Registrar and OC Troops bearing No. Adm/202 dated 6.6.1988 and Order No. Adm/202 dated 21.7.1988 issued by the Officiating Commandant, CH(CC), Lucknow (Annexure A-1 and A-9)
- b) Issue a direction to the opposite parties directing them to ensure proper placement of the applicant in regard to performance of official duties commensurate with her status, length of service and experience and in strict conformity with the existing Govt. Orders on the subject, as per Annexure A-8.
- c) Issue a direction to the Opposite Parties No. 3 and 4 to pay forthwith, with interest, the salary for Oct., 1988 onwards to date, amount of Bonus for the year 1987-88 and the arrears of Dearness allowances for the period July 1988 to date.
- d) Issue a direction to Opposite Parties No. 3 and 4 to allow the applicant to perform her official duties peacefully without hinderance or harassment.
- e) Award cost of the suit to the applicant.

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f) Grant any other relief which the Hon'ble Tribunal may consider just and equitable.

g) Quash the Transfer Order (Annexure A-20) being arbitrary, illegal and biased.

14/6/83
GROUND FOR PRAYER

1. Because of the Opposite Parties No. 3 and 4 have transgressed and misused their official position by ordering the applicant to perform duties of an inferior nature and under an officer of lower status than the one under whom she should have worked by virtue of her status, length of service and experience.
2. Because the Opposite Parties mis-interpreted the existing Govt. orders to the disadvantage of the applicant and have been compelling her to work under an officer of lower status than the one under whom she should have normally worked.
3. Because the applicant has been illegally and forcibly prevented from entering the premises of the place of work and performing her official duties by Opposite Parties No. 3 and 4.
4. Because the applicant's salary for Oct., 1988 onwards and other dues have been illegally and arbitrarily withheld by the Opposite Parties No. 3 and 4.
5. Because the applicant for no fault of her has been harassed and humiliated continuously by the Opposite Party No. 4 and also has been physically assaulted by a subordinate at his expressed instigation.

10. INTERIM ORDERS PRAYED FOR:

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

This Hon'ble Court may be pleased to:-

- a) Issue a direction staying the operation of orders of Opposite Parties 3 and 4 at Annexures No. A-1 and A-20
- b) Direct the Respondent No. 3, Commandant CH (CC) to pay forthwith pay and allowances to the applicant as mentioned in Para 9 (c) of this application because the applicant and her family are facing starvation.

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c) Direct Respondents No. 3 and 4 to allow the applicant to attend the office, to sign the attendance register and to perform such duties as this Hon'ble Court may consider just because she is being forcibly prevented from entering the premises of CH (CC), Lucknow.

d) Direct the Respondents No. 3 and 4 not to harass, humiliate or inflict bodily harm on the applicant while she remains in the premises of CH (CC), Lucknow because such a treatment has already been meted out to her.

14.6.89
Kshirika
Doga
14.6.89
(e) operation of transfer order (Annexure A-20) be stayed till final disposal of the application -
NOT APPLICABLE

12. Particulars of the bank draft/postal order in respect of the application fee:-

- 1. No. of Indian Postal Order : ~~DD/44 828064~~ DD 807164
- 2. Name of issuing Post Office : ~~Sahyandriya, Lucknow~~ Talabagh, Lucknow
- 3. Date of issue of Postal Order: 24.1.1989
- 4. Post office at which payable : GPO, LUCKNOW
ALLAHABAD

13. List of enclosures:

- 1. Postal Order as at S.No. 12 above.
- 2. Annexures A-1 to A-18.

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

I, Smt. Komalavalli Nair w/o. Mr. S.S. Nair, age 47 years working as Stenographer Gr. II(PA) in the office of the Commandant, Command Hospital (CC), Lucknow Cantt., resident of 144/3 Outram Lines, Opp. Traffic Police Lines, Lucknow Cantt. do hereby verify that the contents of Para(1) to (27) are true to my personal knowledge and that I have not suppressed any material fact.

Date: January , 1989

Place: Lucknow

Komalavalli Nair
Signature of the applicant

Komalavalli Nair



MAIN OFFICE
ADM SEC

Adm/20-

06 Jun 88

DUTIES OFFICE STAFF (MAIN OFFICE)

1. Mrs K Nair, Steno Gd II, will take over the charge of Fatal Section from Sep/Clk SK Pal. She will sit in the appropriate place (State Sec).
2. Necessary handing/taking over certificate will be submitted to Asst Registrar on 11 Jun 88.

Mrs K Nair, Steno Gd II

Sep SK Pal

(V Ratan)

Colonel

Sr Registrar & OC Troops

CIT.

Ghukla.

Advocate

Komalavalluvar

From : Kamalavalli Nair, Steno Gde II
Command Hospital
Central Command
Lucknow-2

To

The Commandant
Command Hospital
Central Command
Lucknow-2

Sir,

1. I beg to state that I am pained to see letter No. A dm/202 dated 06 Jun 88 directing me to take charge from a Sepoy in State Section.
2. In this connection, I would like to submit the following
 - (a) that I am a Personal Assistant having 22 years experience.
 - (b) that the PAs are equivalent to Senior JCs.
 - (c) that prior to my posting to CH (CC), I was attached to the Commandant, AMC Centre & School. I was selected to the position of PA to Commandant of the Centre & School out of the then existing Secretarial Staff, after considering my experience in the Secretariat of Director of my previous unit, including handling the charge of Secret Cell.
 - (d) that as per the 3rd Pay Commission Report PAs are attached to Brigadiers/equivalent and above.
 - (e) that PAs are only required to handle secretarial work.
 - (f) that there is shortage of experienced Secretarial/Personal staff in the AMC.
3. In view of the above, I would earnestly request you to cancel the letter quoted above as the orders contained therein that I should take over charge from Sep Clk, SK Pal, are unfair and unjustified and are in contravention of the rules.

Thanking you,

Yours faithfully,

Kamalavalli Nair
(Kamalavalli Nair)
Steno Gde II

Dated : // Jun 88

etc.

gshukla
Advocate

Received on
13.6.88 at 1330h

gshukla
13/6

Kamalavalli Nair

Mil Tele : 422

By HandCommand Hospital
Central Command
Lucknow -2

Adm/202

19 Jun 88

Mrs Kamalavalli Nair
Steno Gde II
Command Hospital (CC)
Lucknow-2DUTIES : STENO GDE II

1. Refer to your application dated 11 Jun 88 addressed to Comdt CH (CC) Lucknow.
2. The Offg Comdt has given decision and directed that you will work as Steno and PA to OIC Surg Div and Med Div and move to that office forthwith.
3. You will take over the charge from Sep/Clk Mahesh Gupta of this hospital, who has been placed there temporarily.


 (V Ratan)
Col
Sr Registrar & CC Tps
For Offg Commandant

C.C.

S. Shukla.

Advocate

Kamalavalli Nair

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From : Komalavalli Nair, Stone Gde II
Command Hospital
Central Command
Lucknow-2

(S)

To

The Commandant
Command Hospital
Central Command
Lucknow-2

DUTIES : STONE GDE II

1. Please refer to your letter No. Adm/202 dated 14 Jun 88.
2. In this connection I beg to submit that I am being asked to take charge of assignments which are not within the duties required to be carried out by Personal Assistants. I, therefore, request that I be correctly placed and given proper assignments so as to utilise my specialisation and experience in the best interest of the hospital and myself.

Thanking you,

Yours faithfully,

Komalavalli Nair
(Komalavalli Nair)
Stone Gde II

Dated : 14 Jun 88.

etc.
Shukla.
Advocate

Komalavalli Nair

A
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Mil Tele : 422

By Hand

Command Hospital
Central Command
Lucknow -2



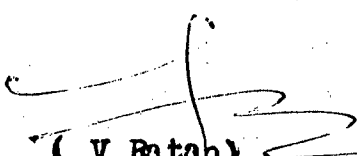
Adm/202

19 Jun 88

Mrs Kamalavalli Nair
Steno Gde II
Command Hospital (CC)
Lucknow-2

DUTIES : STENO GDE II

1. Refer to your application dated 11 Jun 88 addressed to Comdt CH (CC) Lucknow.
2. The Offg Comdt has given decision and directed that you will work as Steno and PA to OIC Surg Div and Med Div and move to that office forthwith.
3. You will take over the charge from Sep/Clk Mahesh Gupta of this hospital, who has been placed there temporarily.


 (V Ratan)
 Col
 Sr Registrar & OC Tps
 For Offg Commandant

CC.
 Shukla
 Advocate

Kamalavallin

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Mil Tele : 2422

Command Hospital
Central Command
Lucknow - 2



Adm/202

12 Jul 88

✓ Mrs Kamalavalli Nair
Steno Grade II

DUTIES : STENO GRADE II

1. Refer to your application dated 14 Jun 88.
2. The contents of your application dated 14 Jun 88 is not correct.
3. You are hereby directed once again to work under Sr Adviser (Med) as per the decision taken earlier and intimated to you vide Adm/202 dated 14 Jun 88.
4. Please take necessary action to comply with the above instructions.

(V. Ratan)
Col
Sr Registrar & OC Tps
For Offg Commandant

c.c.
Shukla
Advocate

Kamalavalli Nair

AB1



From : Komalavalli Nair, Steno Gde II
Command Hospital
Central Command
Lucknow-2

To

The Commandant
Command Hospital
Central Command
Lucknow-2

Sir,

Please refer to your letter dated 12 Jul 88.

I again reiterate the submissions made in my applications dated 11 Jun 88 and 14 Jun 88, which are correct. In this connection I would invite your kind attention to CPRO 75/81 regarding placement of different categories of Secretarial Staff.

I would once again request you to reconsider your decision and pending arrival of the new Commandant, to allow me to continue in my present place.

Thanking you,

Yours faithfully,

Komalavalli Nair
(Komalavalli Nair)

15/7/88

encl. CPRO 75/81

Shastri
S.M.

15/7/88

(N. KRISHNANI)

C.E.
Chhukla
Advocate

Komalavalli Nair

AUTHORISATION OF REVISED SCALE OF PAY FOR CERTAIN CATEGORIES
OF STENOGRAPHERS POSTS

The undersigned is directed to say that the question of authorisation of Stenographers in the lower formations under the Ministry of Defence with reference to the instructions contained in this Ministry's letter No. 84340/SD 6B/3359/D (Civ-I), dated 21st May, 1979 laying down revised scale of pay for the post of Stenographers attached to the officers in the Non-Secretariat Organisations drawing pay in the scale of pay of Rs. 2250-125/2-2500 and above including Headquarters Command and Areas has been under consideration of the Government for some time past. It has now been decided to prescribe the following scales to the Stenographers in lower formations of Defence Establishments attached to Lt Cols and above :-

- (a) Maj Gen and equivalent SPA in the pay scale of Rs. 550-900 (Now 1650 -----)
- (b) Brig and equivalent in PA in the pay scale of Navy and Air Force. Rs. 425-700 (Now 1400 -----)
- (c) Other officers -
 - (i) Colonel and equivalent One Steno in the pay scale of Rs. 330-560. (Now 1200 -----)
 - (ii) Lt Colonel and equivalent One Steno in the pay scale of Rs. 330-560 for two Lt Cols. Further, if work justified the full Steno may be allowed.

APPENDIX TO CPRD 75/81

Copy of Government of India, Ministry of Defence Office
Memorandum No. B/17116/EME Org 3/2593/D (Civ-I) dated 01 May 81.

etc.
G. Shukla
Advocate

Kanaballinwar

Mil Tele : 2422

Command Hospital
Central Command
Lucknow-2

Adm/202

21 Jul 88

Smt. Komalavalli Nair
Steno Gde-II
CH (CC) LucknowDUTIES OF STENOGRAPHERS GDE-II

1. Refer to your letter dated 15 Jul 88.
2. Your above quoted letter is not relevant in the present context. CPRO 75/81 quoted by you relates to pay scale-wise authorisation of Stenos. As per FE No VI/352/1946/3, OI/C Med/Surg Divs are authorised a Steno where Shri Prem Prakash, Steno Gde-II was working uptill now. He has been appointed as a Steno Gde-II to the Commandant, being senior to you, and you have been appointed in the resultant vacancy, i.e./ Med/Surg Div.
3. Hence you are annointed as Steno to OI/C Med & Surg Div. However for the time being you are attached with the Head Clerk Sub Major N. Krishnan, who will allot you suitable work/job commensurate to your seniority.

H K

(H K Agarwal)
Brig
Offg Commandant

Ct.
S. Shukla.
Advocate

Komalavalli Nair

From

Mrs Komalavalli Nair
P.A.
CH CC Lucknow

To

The Commandant
Command Hospital, CC
Lucknow.

⑤

Sir,

With reference to your kind letter dated 21.7.88/
I would like to inform you that I have been carrying out
assignments being given to me through Sub Maj N. Krishnan.

2 From the above letters and the earlier correspondence it
appears that your goodself has not been apprised of the correct
position, due to which I am getting harassed unnecessarily. In this
connection, I may be permitted to trespass on your valuable time
with the following further submissions:

- (a) PE referred to in the above letter is very old.
- (b) The Govt. orders issued from time to time/CPRD
creating higher vacancies and subsequent posting
of persons of such high stature automatically
amend the PE to the extent so covered by such
orders.
- (c) CPRD clearly stipulates that PAs (Steno Gde II)
in the scale of Rs 425-700 are to be attached to Brig
and equivalent.
- (d) My posting to this Hospital was on promotion
from Steno to PA (Steno Gde II) in the scale
of Rs 425-700, now revised to Rs 1400-2200.
I have also been confirmed in the regular post
of PA by the Med Dte. Hence 'annoying' a PA
as Steno which is a lower position is wrong and
unfair.
- (e) Regarding working of Sri Prem Prakash in Surg &
Med Divs, I would invite your kind attention to
his orders of promotion/posting dated 3.9.85
clearly show that he was to be attached to a Brig,
obviously on account of what has been submitted
in (b) above. The reasons for his silence on
being attached to Surg & Med Divs are best known
to him/Administration and this cannot be taken
as a reason for directing me to report there.

Komalavalli Nair ... 2



(f) While I do not venture to claim to be senior to Sri Prem Prakash, it is not correct to say that placement of persons of the same grade is strictly based on seniority. Sri Prem Prakash himself was working with the then Dy. Commandant (Brig) AMC Centre for long duration which an individual senior to him was working with a Lt Col, i.e. prior to his promotion.

In the above circumstances, I earnestly request you to reconsider your earlier decision and pass appropriate orders for my placement as per rules.

Notwithstanding the above, in case any latest Govt ruling amending Govt orders dt. 31.5.79 and 1.5.81 (copy attached)/ CPRO referred to above providing for placement of PAs with officers below the rank of Brig has been received, a copy of the same may kindly be made available to me.

Thanking you,

Yours faithfully,

Lucknow-2,
3 .10.88

Komalavalli Nair
(Mrs KOMALAVALLI NAIR)

C/c.

Shukla.
Advocate

Komalavalli Nair



AUTHORISATION OF REVISED SCALE OF PAY FOR CERTAIN CATEGORIES OF STENOGRAPHERS POSTS

The undersigned is directed to say that the question of authorisation of Stenographers in the lower formations under the Ministry of Defence with reference to the instructions contained in this Ministry's letter No. 84340/50 6B/3359/D(Civ-I), dated 21st May, 1979 laying down revised scale of pay for the post of Stenographers attached to the officers in the Non-Secretariat Organisations drawing pay in the scale of pay of Rs. 2250-125/2-2500 and above including Headquarters Command and Areas has been under consideration of the Government for some time past. It has now been decided to prescribe the following scales to the Stenographers in lower formations of Defence establishments attached to Lt Colonels and above :-

- (a) Maj Gen and equivalent SPA in the pay scale of Rs. 550-900 (Now 1650 -----)
- (b) Brig and equivalent in PA in the pay scale of Navy and Air Force. Rs. 425-700 (Now 1400 -----)
- (c) Other officers -
 - (i) Colonel and equivalent One Steno in the pay scale of Rs. 330-560. (Now 1200 -----)
 - (ii) Lt Colonel and equivalent One Steno in the pay scale of Rs. 330-560 for two Lt Colonels. Further, if work justified the full Steno may be allowed.

APPENDIX TO CPFG 75/81

Copy of Government of India, Ministry of Defence Office Memorandum No. B/17116/EPE Org 3/2593/B (Civ-I) dated 01 May 81.

C.C. Schinkla
Advocate

Komalavalluvar

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UPC & ORDINARY POST

The Commandant
CH (C), Lucknow-2

Sir,

I humbly submit that at about 080am today the 3rd Oct 88 when I was in the Office Corridor Capt Tara Chand asked me to get out. I was also threatened of dire consequences if I did not do so and pushed me physically by hitting on my back with his right hand. He left the scene only when I told that I would report his unruly and ungentlemanly behaviour to higher authorities, but before leaving he repeated his threat and used unparliamentary language.

As I am afraid my safety, necessary action may kindly be taken for my protection. Action may also kindly be got initiated against the officer. Otherwise, I shall be constrained to approach other superior authorities and also seek legal redressal of my grievance.

Thanking you,

Yours faithfully,
Komalavalli Nair
(KOMALAVALLI NAIR)
PA (Steno Gde II)

Dated 3/10/88

C.C.

Shukla.
Advocate

Komalavalli Nair

WPC & Ordinar Post

The Commandant
CH (CC), Lucknow-2

Sir,

I beg to submit that at about 8.30 am today the 3rd Oct 88, after my meeting your goodself I had gone to Sri Prem Prakash, PA, to deliver a paper addressed to you when the Sr. Registrar came there and ordered him to ~~throw~~^{throw} me out physically. He also shouted at me and threatened me.

I am bringing this to your notice as I am afraid of my safety. I would also request you to take suitable action against him.

Thanking you,

Yours faithfully,
Komalavalli Nair
(Komalavalli Nair)
PA (Steno G/O II)

2/10/88

C.C.
Shukla
Advocate

Komalavalli Nair

-28-

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To

The GOC-in-C
Central Command
Lucknow

(Through proper channel)

SUB : GRIEVANCES

Sir,

I am constrained to bring before your goodself the following for sympathetic consideration and necessary action :

- (a) That I am a confirmed PA in the scale of Rs. 1400-2200 and am now on the regular role of PA in Command Hospital Lucknow, having a total experience of over 22 years.
- (b) That the position of PA is equivalent to that of Sub Maj.
- (c) That on my promotion from Steno to PA in Mar 86 I was posted to Command Hospital. From 1976 to early Mar 86 I was looking after the work of PA to Comdt, AMC Centre and School (Brig/Maj Gen/Lt Gen) independently to the entire satisfaction of the Commandant.
- (d) That I joined AMC Centre & School in 1976 on my posting after putting a total service of about 10 years in the Aerial Delivery Research and Development Estt, Agra (under Def Research and Development Orgn) where I was attached to the Director.
- (e) In accordance with Govt Orders/CPRO, PAs in the scale of Rs. 425-700 (now Rs 1400-2200) are to be attached to Brig & equivalent. Accordingly I was being attached in the Hospital. However, after the retirement of the earlier Commandant, attempts were being made to shift me to other areas. My requests to place me as per my entitlement in accordance with the latest Govt Orders/CPRO has resulted in my getting harassed/victimised. The following are some of the instances :
 - (i) Asking me to take charge of files of Fatal Cases from a Sepoy
 - (ii) Directing me to report to a Head Clerk (Sub Maj) who is equivalent to PA
 - (iii) "Annonating" me as Steno (which is lower post) in contravention of Govt Orders
 - (iv) Not allowing me to sign in the attendance register

Kamalahallivar

- (v) Trying to remove me from my seat with the help of four Ayahs under the supervision of a Sub on 1-10-88.
- (vi) Continuous threats of use of physical force, shoutings, asking juniors and jawans to lift me out of office physically by Sr Registrar of Command Hospital. (S)
- (vii) Refusal to receive communication addressed to the Hospital.
- (viii) Threat of dire consequences, use of unparliamentary language and physical assault by Capt Tara Chand, Coy Cdr on 3-10-88 when I went to deliver some paper.
- (ix) My service has throughout been unblemished. This could be verified from Brig A Neelakantan (Ex-Comdt) AMC Centre and School, Lt Gen A Banerjee, Vr-C, Maj Gen CR Narang, Lt Gen KD Kapur, Lt Gen HC Puri, Lt Gen Jagdish Narayan, Maj Gen (Mrs) N Ahuja, Lt Col HK Bhaumik, DGMS (Br) (Army), Col A Chakravarthy (DGMS) Army, Col PK Ghosh, Ex-Registrar Comd Hosp etc.

All the above facts have been brought to the notice of the Offg Comdt who is being misguided, I have also sought his protection.

As I am afraid of my personal safety, I seek your kind intervention.

Thanking you,

Komalavalli Nair

(Mrs. Komalavalli Nair)

Dated : 4 Oct 88

cc.
G. Shukla.
Advocate.

Komalavalli Nair

MOST URGENT

A
u

To : 2422

Command Hospital
Central Command
Lucknow

Adm/202

For information and necessary assistance
please. 22 Oct 88



SIO
Cantt Police Station
Sadar Nazam
Lucknow - 2

ASSISTANCE OF POLICE

Sir,

1. Ref our letter No Adm/202 dt 03 Oct 88.
2. Smt. KV Nair, Steno Gd II is absent without leave Ref 3rd Oct 88. She comes to hospital at times and creates a scene/indiscipline in front of the Commandant office/keeps on loitering there, aimlessly and reading some books loudly ~~minutely~~ in singing tone. Today again she is sitting in-front of the Commandant office and creating the scene there. She is not leaving the place inspite of repeated advise to her. You are, therefore, requested to provide appropriate police assistance to remove her from the said place.
3. Please treat this MOST URGENT.

Yours Sincerely,

(V Ratan)
Col

SR Registrar & OC Troops
for Commandant

ASSISTANCE OF POLICE

Copy to :-

Central Command - For information and necessary assistance
Pro Unit please.

Kanivala Advoca

to treat this MOST URGENT.

Yours Sincerely,

A
42
Nov. 10, 1988

The Commandant
Command Hospital (CC)
LUCKNOW CANTT.

Sir,

Sub: Harassment of female employee

You were kind enough to tell me when I met you around 9.30 AM today, the 10th November, 1988 that you would spare some time to hear my grievance.

I am pained to bring to your kind notice that as I was just coming out of your chamber, Col. Ratan threatened and shouted at me and ordered a Havildar who was standing nearby (CHM Barua) to physically pull me out who instantly manhandled and assaulted me in the presence of Col. Ratan and many others. I had to struggle hard and shout for help to get out of his grip. His grip mark is still visible on my left wrist.

I am being harassed and humiliated for quite some time and I have been representing against the same. Some of the instances are narrated below briefly:-

- a) Asking me to take charge of files of Fatal cases from a Sepoy and sit in Stats Sec.
- b) Directing me to report to a Head Clerk (Sub Maj) who is equivalent to my grade.
- c) "Annonating" me as Steno (which is lower post) in contravention of Govt. Orders.
- d) Not allowing me to sign in the attendance register.
- e) Trying to remove me from my seat with the help of four Ayahas under the supervision of a Sub on 1.10.1988.
- f) Continuous threats of use of physical force, shoutings, asking juniors and jawans to lift me out of the place where I sit.
- g) Refusal to receive letters addressed by me to hospital.
- h) Threat of dire consequences, use of unparliamentary language and physical assault by Capt. Tara Chand, Coy. Cdr. on 3.10.88 when I went to deliver some paper.
- i) Calling police party to lift me from where I was sitting on false and baseless charges on 24.10.1988.
- j) Non-payment of bonus for 1987-88; arrears of DA and Salary for Oct 88.

I humbly request you to kindly look into the whole matter and give me a chance to present my case personally before you, so that justice is meted out and a proper decision is taken to resolve my grievance once and for all.

Thanking you,

Yours faithfully,
Komalavalli Nair
(KOMALAVALLI NAIR)
PA, Command Hospital (CC)
LUCKNOW

C.T.C.

G. Shukla
Advocate

Komalavalli Nair

(Copy)

Tel : 3019234

Chikitsa Seva (Sena) Mahanideshalaya/DG MS-3 (B) (S)
 Adjutant General Shikha
 Sena Mukhyalaya
 Dte Gen of Medical Services (Army)/DG MS-3 (B)
 Adjutant Generals Branch
 Army Headquarters
 DHQ PO New Delhi-11

35022/II/DG MS-3 (B)

05 Sep 85

Headquarters

Southern Command (Med)
 Central Command (Med)
 Northern Command (Med)

PROMOTION AND POSTING : STENOGRAPHERS

The undermentioned Stenographers (Gr III) are promoted to the post of Stenographer Gr II in the pay scale of Rs. 425-15-500-EB-15-560-20-700 in an officiating capacity and posted to the units mentioned against their names for attachment to the officers of the rank of Brigadier and above:-

<u>Name</u>	<u>From</u>	<u>To</u>
(a) Shri Augustine Joseph	CH(SC) Pune	CH(SC) Pune
(b) Shri P shankunny	MH(CTC) Pune	MH(CTC) Pune
(c) Shri Gulam Mohd That	148 AH	148 BH
(d) Shri Prem Prakash	AMC Centre & School, Lucknow	CH(CC), Lucknow

2. Promotion of the above mentioned individuals will take effect from the date they assume charge of the appointment. Charge assumption report of the individuals may please be forwarded to this HQ for necessary action.

3. The above named individuals will be on probation for a period of two years from the date of their appointment, which may be extended by the competent authority for unsatisfactory performance during the period of probation or for any other reason to be recorded in writing. Failure to complete the period of probation to the satisfaction of the competent authority will render them liable to be reverted to their substantive appointment.

4. Units concerned may please be asked to publish necessary DO Pt II and endorse copies thereof to this HQ.

Undermentioned Stenographers (Gr III) are promoted to the post of Stenographer Gr II in the pay scale of Rs. 425-15-500-EB-15-560-20-700 in an officiating capacity and posted to the units mentioned against their names for attachment to the officers of the rank of Brigadier and above:-

Sd/- xx
 (S. Chakraborty)
 Colonel
 Director Medical Services (T&C)
 for DGMS (Army)

Copy to : All concerned.

C.T.C.

Shikha
 Advocate

Komalavalluvaray

BY REGISTERED/AD

From:

Smt. Komalavalli Nair
PA (Steno-II)
Command Hospital (CC)
LUCKNOW CANTT.

November 21, 1988 (2)

To

The Director General
(Medical Services) (ARMY)
Army Hqrs.
DHQ PO New Delhi - 110 001

THROUGH PROPER CHANNEL

Sir,

Sub: Redressal of grievance - Degradation/Wrong placement and Criminal defamation/assault on female employee

I am posted at CH (CC), Lucknow as PA (Steno Gr.II) in the scale of Rs 1400 - 2200 from March, 1986 consequent upon my promotion from Steno-III. Since then I was attached to the office of the Commandant CH (CC) till 6.6.1988.

2. On 6.6.1988, I received an order from Sr. Registrar to take charge of the work of Sep/Clerk SK Pal in Stats Section - copy of the said order is enclosed at Annexure-A. To this I made a representation on 11.6.1988 (Annexure-B attached) seeking cancellation of this order so as to enable me to work as PA to which post I have been promoted. Copies of further correspondence exchanged between me and the Offg. Commandant and the Sr. Registrar are enclosed at Annexure-C to J, from which it may be seen that while giving no specific reply for lowering my status granted by a Competent Authority (DGMS) and wrong placement, these officials insisted on my taking the place of a Sep/Clerk. Thereafter they insisted on my working in a post on a lower grade. The Offg. Commandant, in Order dated 21.7.1988 (Annexure-G attached) even attached me to a Sub. Maj., who is equivalent to my position.

A careful examination of the various papers would very clearly reveal that PAs in the scale of Rs 425-700 (pre-revised) are to be attached to an Officer not below the rank of Brigadier (CPRO 75/81 is at Annexure-J.).

3. Since I was also being subjected to physical assault, humiliation and harassment etc., the matter was also taken up with various higher authorities stationed at Lucknow vide my letters at Annexures-k to Q attached. It may be noted that:

- a) No sincere effort has been made so far by any authority to redress my grievance, nor did they give any reply to my various appeals and requests.

Komalavalli Nair

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- b) Frequent and misplaced shoutings, threats and abusive language that too in the corridors and in front of office in the presence of officers/staff and outsiders were made only with a view to harass and humiliate me. The lower and subordinate staff were instigated and urged to tell me to get out, even when I entered the office corridor. Ayahs were instructed to physically remove me from office. (S)
- c) The authorities (Col. V Ratan, Sr. Registrar) even stooped low to make false and fabricated FIRs to the Police which resulted in humiliation, suffering and damage to my position, dignity and honour not only in the eyes of my family members but also my colleagues, Senior officers and public in general. I could, as of now, obtain a copy of only one such FIR (Copy at Annexure-R attached). This FIR contains imputations, which are concocted, false and frivolous and have been made only with a view to malign and harass me. The very fact that the Police took me to the Station and let me off immediately thereafter goes to prove the above. This also goes to say that the concerned officer is vindictive with me for no fault of mine.
- d) On 1.10.1988, four Ayahs along with a Sub. were sent by the Sr. Registrar to use physical force to drive me out of office and humiliate and harass me. Again at the instance and unequivocal orders and instructions of the Sr. Registrar, Capt. Tara Chand, Co. Commander whose office is in a different building, attacked me and hit me on 3.10.1988 while I was going to the office of the Commandant to deliver a paper to his PA. The Sr. Registrar also shouted and threatened me and ordered the PA to throw me out. Complaints made by me to the Commandant in this regard are at Annexures-k and L).
- On 10.11.1988, at the very outside of the office of the Commandant, the Sr. Registrar accompanied by Hav. Barua (Bisra) (CHM) approached me and without any provocation from me Hav. Barua assaulted me and the Sr. Registrar without showing the decency expected of a Sr. Service Officer was engaged in urging him to use force on me.
- e) In spite of timely and several reports both oral and written to the officiating Commandant, CH (CC) and other Senior officials stationed at Lucknow, no action to correct the situation, remove my grievance and punish the guilty was taken, which make me to believe collusiveness on the part of Sr. Registrar and Offg. Commandant.
- f) Salary for October, 1988 has not been released to me on the orders of Sr. Registrar. Bonus and arrears of DA which have been disbursed to staff members have ^{also} not yet been paid to me in spite of repeated requests.
- g) My repeated requests for placement in accordance with GOI orders contained in CPRO 75/81 to the effect that PA/Steno-II are to be attached to Brig. have not been accepted by CH (CC) The reason given by the Registrar is that he is not bothered

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Contd. 3

about any Government orders and see that I am placed wherever he likes.

4. My sufferings on account of what have been brought out above continue. However, being a bread winner of my family, I have to attend to office which is physically prevented by the orders of the Sr. Registrar, including use of Jawans and Civil Police. However, I reach office premises every working day and tender attendance through post only because I am not allowed access to the Attendance Register. Even the normal courtesy of accepting dak tendered by me personally is not extended. This state of affairs, if allowed to continue would worsen my mental agony and financial position. In order to obviate any further incalculable and irreparable loss and damage, I seek your immediate intervention and order for the following:-

- i) My placement commensurate with my grade and as per Rules.
- ii) Release of my withheld salary and other dues.
- iii) Punish those who are responsible for present state of affairs, harassment, humiliation and false/frivolous imputation against me.
- iv) Expunge from my service records all papers/documents connected to the above, as those would adversely affect my future career.
- v) Stop harassment/vindictive action etc. against me.

Taking the clue from the laissez faire attitude adopted by various senior authorities stationed at Lucknow, despite my personal and written representations, intimating constant fear and harassment and even police arrests, criminal defamation and assault, I am afraid that if this state of affairs is allowed to continue, I would have no alternative but to seek legal remedy on the issues involved, so as to protect my rights, dignity and honour. I am afraid that this humble submission to you may also be treated by the concerned officials at Lucknow in the same manner as before, and hence I am sending an advance copy to you. If no justice is done in the case immediately, I shall be proceeding to the Court of Law.

Thanking you in anticipation of justice.

Yours faithfully,

Encl: List of Annexures,
and Annexures 'A' to ' '.

Komalavalli Nair
(Mrs. Komalavalli)

C.C.
G. Shukla.
Advocate.

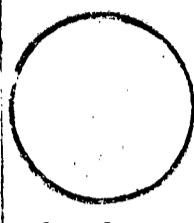
Komalavalli Nair

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दूर संचार विभाग
DEPARTMENT OF TELECOMMUNICATIONS

अन्तर्देशीय तार/Inland Telegram

सेवा निर्देश (जैसे जबादी संकेत, बधाई) Service Indication (e.g. Reply Paid, State Greetings)	प्रभार Charges रू/पे पी/पे. प्रभार Initials	(भारतीय तार अधिनियम और नियमों के अधीन पारिपक्व के लिए प्रस्तुत। तार सेवा भंग होने से एन तार का पारिपक्व या वितरण प्रभावित होने पर उससे उत्पन्न होने वाली या उसके परिणाम- स्वरूप किसी हानि क्षति या नुकसान को क्षति- पूर्ति देने के लिए सरकार जिम्मेदार नहीं है।) (Presented for transmission subject to Indian Telegraph Act & Rules. The Government is not liable to make compensation for any loss, injury or damage arising or resulting from any failure of service affecting transmission or delivery of this telegram.)	भेजने के व्योरे Sent Particulars	तारीख मोहर  Date-Stamp
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सेवा से/To
 LT GEN R N GUPTA
 DGMS (ARMY)
 MANDALI - II

REF APPEAL 21ST ULTIMO REQUEST INSTRUCT
 IMMEDIATELY COMMAND HOSPITAL LUCKNOW TO
 RELEASE MY SALARY FOR OCT NOV BONUS AND
 DA ARREARS AS AM FACING FINANCIAL PROBLEMS

MRS NAIR PA CH LUCKNOW

(प्रेषक/From)

भेजने वाले के हस्ताक्षर/Sender's Signature नाम/Name पता/Address	Komalavalli Nair PA CH (CC) LUCKNOW Komalavalli Nair	तार से न भेजा जाए Not to be Telegraphed S. K. Printers, Lko.
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CC
 Shukla
 Adv. V. S. N.

Komalavalli Nair

The Commandant
Command Hospital
Central Command.
LUCKNOW-2.

Annexure A-19

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Sir,

Further to my application dated 2
for extension of medical leave (commuted) by
3 weeks, I submit that I have been declared
fit to resume my duties w.e.f. 24-3-89,
and 24th being holiday, I hereby report
for duty w.e.f. today i.e. 25th Mar 89.

I enclose medical cum fitness Certificate
dt 23-3-89 issued by my treating doctor,
viz. Dr. S. Kumar, Sr. Med Offr, SII, A Central
Govt. Unit.

Thanking you, Yours faithfully,

Komalavalli Nair

Steno Gde-II (P.A.)

25-3-89

Received Copy

SPM
/ spm

C.C.
Kshukla-
Advocate

MOVEMENT ORDER

Under the authority of Army HQ letter No.B/72133/DG Ms 3(B) dated 26 Dec 88. No.6952303 smt Komalavalli Nair Stern Gde II of this hospital is hereby directed to proceed on permanent posting to MC Centre and school Lucknow.

2. she will leave this unit on 25th Mar 89 (AW) and will be SOs waf 25th Mar 89 (FI).

3. she has been paid upto and for 30.9.88. she is absent with leave from waf 1.10.88/ Her pay and allowances for this period will be claimed after regularisation of her absence period.

4. Necessary particulars of the above individual are given below

- | | |
|--|---|
| a) Date of birth | : 17.10.41 |
| b) Date of App ^t | : 3.2.1966 |
| c) Proceeding from | : Comd Hoap (CG) Lucknow |
| d) Proceeding to | : MC Centre & school Lucknow. |
| e) Nature of posting | : Permanent posting |
| f) Date of SOs | : 26.3.1989 |
| g) authority for move | : AHQ letter No.B/72133/DG Ms-3(B)/I dated 26th Dec 1988. |
| h) Pay and allowances | : <u>Basic Pay</u> DA <u>CCA</u> <u>HRA</u> <u>Total</u>
Rs.1640.- 377.- 50.- * 2067.- |
| j) Monthly deduction | : GP Fund-Rs.400/- (A/C No.391833)
CGEGIS Rs. 20.- * Govt accn |
| k) Leave balance as on 1.10.88 | : EL=47 HPIA 81 |
| l) Date of last increment | : 1.3.1988 |
| m) She is in occupation of Government accommodation, which will be vacated by her immediately. | |

5. She is in possession of her identity card bearing No. C-475350

505/Coy/(08)
Command Hospital
Central Command
Lucknow

25 Mar 89

Distribution:-

- | | |
|---|---|
| 1. Army HQ AG's Br Director
General of Medical services
DGMS-3(B) DHQ PO N.Delhi-11 | 5. CDA (CC) Lucknow |
| 2. HQ Cent Comd (Med) Lucknow | 6. Smt Komalavalli Nair Stern Gde I
for compliance |
| 3. HQ UP Area (Med) Bareilly | 7. Unit concerned. |
| 4. MC Centre & school Lucknow | - Please report her arrival to this unit. |

(VP Singh)

Capt

Coy Commander
for Commandant

G.C. Sharma
Adjutant

450

गवाहीवान्

महोदय

श्री Komalavalli Nair का

वकालतनामा

Bank Komalavalli



बादी (अपीलान्त)

बनाम

प्रतिवादी (रेस्पाडेंट)

Union of India & Others

दिना

सन्

पेशी की ता०

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W. S. Shukla

मुकद्दमा में अपनी ओर से श्री

वकील

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एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दीवा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें— वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Komalavalli Nair

हस्ताक्षर

(गवाह)

साक्षी (गवाह)

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. No. 31 of 1989 (L)

Smt Komalavalli Nair ... Applicant

Versus

Union of India and others ... Respondents/Opp. parties

Counter Affidavit on behalf of Opp. Parties.

*CPA
11/11/89*

I, *✓* M.R-1795 Colonel V. Ratan

aged about 52 years, at present posted as

Senior Registrar, Command Hospital, Central Command

*CPA
11/11/89*

Lucknow do hereby solemnly affirm and state as under:-

1. That the deponent is ~~opposite~~ Senior Registrar, posted in the office of the Respondent No.3 as well as Respondent No.4 in the above noted application and as such he is fully conversant with the case .
2. That the deponent has read and understood the contents of the application filed by the applicant as well as the facts deposed to herein under in reply thereof.

V. Ratan
V. RATAN
Col
Sr. Registrar & OC Troops
Comd Hosp (CC) Lucknow
for Comdt

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

O.A? No. 31/89 of 1989

Smt.Komalavalli Nair Applicant
Versus
Union of India and Others Respondents

I N D E X

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1.	Rejoinder Affidavit	1-10
2.	<u>Annexure R-1</u> : Photocopy of deponent's Application dated 9th November 1987	11
3.	<u>Annexure R-2</u> : Photocopy of D.O. letter No. 30397/DMS-3(C) dated 7th August 1984 from Respondent No. 2 to Maj Gen K.D. Kapur, AMC CENTRE & SCHOOL, LUCKNOW	12
4.	<u>Annexure R-3</u> : Photocopy of Order No. 70 dated ^{1st} 2nd March 1986 regarding grant of leave to Colonel W. Ratan	13
5.	<u>Annexure R-4</u> : Photocopy of D.O. letter dated 6th January 1988 from Maj General C.R. Narang to Deponent	14
6.	<u>Annexure R-5</u> : Photocopy of D.O. letter dated 24th February 1988 from Maj Gen C.R. Narang to Deponent	15
7.	<u>Annexure R-6</u> : Photocopy of Money Order Acknowledgement dated 22.3.88 in the name of Deponent	16

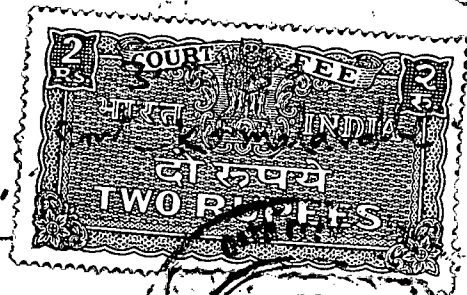
Lucknow,

Dated : 3.7.89.

Shukla. Advocate
Counsel for the Applicant

*Filed today
17/8*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH, LUCKNOW



OA No. 31/89 of 1989

Smt. Komalavalli Nair

Applicant

versus

Union of India and others

Respondents

REJOINDER AFFIDAVIT

I, Smt. Komalavalli Nair w/o. Shri S.S. Nair, aged about 47 years, resident of 144/3 Outram Lines, Lucknow Cantt. do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the applicant in the above noted case. She has read and understood the contents of the counter Affidavit filed by Respondent No. 4 for himself and on behalf of the other Respondents and as such she is fully conversant with the facts deposed to hereunder.
2. That the contents of para 1 to 3 of the Counter Affidavit need no reply.
3. That the contents of Para 4 of the Counter Affidavit as stated are misconceived and misleading. On receipt of posting order from Army Headquarters, during October, 1987, the deponent had submitted an application on 9th November, 1987 to the Respondent No. 3 requesting that due to some specific reasons as stated in the said application her transfer to AMC Centre & School be cancelled and that she be allowed to continue to work in Command Hospital (Central Command) Lucknow. She had never submitted in the said application that she be allowed to continue to work in the office of the Respondent No. 4.



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A copy of the deponent's application dated 09.11.1987 is annexed as Annexure R-1 to this Rejoinder Affidavit.

4. It will be seen from the Peace Establishment (Statement of Authorisation of Staff) a copy of which has been filed by the Respondent No. 4 as Annexure C-1 to the Counter Affidavit that the Command Hospital (Central Command) Lucknow is authorised the following Stenographers:-

- a) For an officer of the rank of Major General) Stenographer Gr. I
- b) For an officer of the rank of Brigadier) Stenographer Gr. II
- c) For officers of the rank of Colonel/Lt. Colonel) Stenographer Gr. III

5. The scales of pay attached to the various grades of Stenographers are as under:-

- a) Stenographer grade I (Sr. PA) - Rs 1640 - Rs 2900
- b) Stenographer Grade II (PA) - Rs 1400 - Rs 2300
- c) Stenographer Grade III - Rs 1200 - Rs 2040

6. The averments of the Respondent No. 4 that Surgical and Medical Divisions of the hospital are authorised one Stenographer each in the Peace Establishment is absolutely false for nowhere in the copy of the Peace Establishment filed by Respondent No. 4 as Annexure C-1 to the Counter Affidavit is it specifically mentioned that the above mentioned two departments are authorised one Stenographer each. In this connection it would be pertinent to refer to a DO letter No. 30397/DMS-3 (c) dated 7th August, 1984 addressed to Major General K.D. Kapur, Commandant, AMC Centre & School by Respondent No. 2



Komalavalli Nair

wherein it is clearly indicated that Specialist Cadre Officers eg. Medical, Surgical, Ophthalmologists, Neurologists, Dermatologist and Otologist etc. are not authorised Stenographers. This position remains the same till today. A photocopy of the said DO letter dated 7th August, 1984 is annexed as Annexure R-2 to this Rejoinder Affidavit. Further, assuming that the Officers Incharge Surgical/ Medical Divisions are authorised Stenographers, they could avail of the services of only Stenographers Grade III and not Stenographer Grade II, because both of them are holding the rank of Colonel and equivalent.

7. The deponent is not aware of the circumstances under which Shri Prem Prakash, Stenographer Grade-II had voluntarily agreed to work in an inferior post. However, the example of Shri Prem Prakash cannot be cited to compel the deponent too to work on an inferior post. It was under these circumstances that the deponent had requested in her application dated 11.6.1988 (annexure No. A-4 to the application) that she being a Stenographer Grade-II (Personal Assistant) may be correctly placed and given proper assignment. It is also submitted that if the deponent could not be assigned duties of an inferior nature under the Officer Incharge Medical/Surgical Divisions, she could also not have been directed to take charge from a Sepoy Clerk, which is the lowest rank in the Army.

8. It is note-worthy that during June, 1988 when the applicant was ordered by Respondent No. 4 to work in Medical/Surgical Division, an officer of the rank of Brigadier was on the posted strength of the Hospital as Deputy Commandant with whom no Stenographer was attached. Even if an officer of the appropriate rank

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was not available, the proper course for the Respondents was to post Stenographers Grade III rather than compelling a Stenographer Grade-II to work against an inferior post of Grade-III.

9. The fact that an officer of the rank of Brigadier only or above can avail of the services of a Stenographer Grade-II would also be amply clear from the ~~the~~ letters issued by the Respondents themselves and filed as Annexures No. A-8 and A-16 to the Claim Petition.

10. That the contents of para No. 5 of the Counter Affidavit are denied and in reply it is stated that for the reasons already explained in detail in the preceding paragraphs, there was no authorisation of a Stenographer Grade-II in the Peace Establishment of Command Hospital (Central Command), Lucknow (Annexure No. C-1 to the Counter Affidavit) for the Medical/Surgical Divisions and as such the deponent had no option but to refuse to work in an inferior post.

11. As regards the allegation that the deponent remained absent from 1.10.1988 in spite of instructions issued to her under letter No. Adm/202 dated 01.10.1988, it is stated that copy of the said letter of 1st October, 1988 has not been filed by the Respondent as Annexure No. C-2 to the Counter Affidavit. Annexure No. C-2 is a copy of letter No. 175212/1/A2(Civ) dated 12th November, 1988. It is, therefore, not possible for the deponent to comment on this allegation. However, it is submitted that the deponent was prevented from entering the premises of place of work by use of physical force. She, therefore, notified her attendance through letters posted to Respondent No. 3 under Certificate of Posting. The Respondent has made contradictory statements. Whereas on the one hand it has been alleged by him that the deponent was absent from 01.10.88 onwards, on the other hand it has been ~~stated by him~~ stated ~~by him~~

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by him in letter No. Adm/202 dated 22.10.1988 addressed to Cantt. Police Station (copy filed as Annexure No. A-14 to the Claim Petition) that the deponent was absent from 03.10.1988 onwards. The Respondent has also admitted the presence in his office of deponent on 17.11.1988 vide Para 20 of the Counter Affidavit. Her pay and allowances from 1st October, 1988 onwards were arbitrarily withheld with a view to cause financial harassment to her. The deponent having fallen sick had applied for leave on medical grounds from 2.1.1989 to 23.3.1989 vide her application dated 25.3.1989 a copy of which has been filed as Annexure A-19 to the Application which was duly received by the Respondent.

12. That the contents of para 6 of the Counter Affidavit needs no comments.

13. That the contents of Para 7 of the counter affidavit are denied as stated and in reply it is stated the duty which the deponent was asked to join was neither lawful nor appropriate nor as per authorisation in view of what has already been submitted in Paragraphs 4 to 12 above.

14. That the contents of Para 7 (wrongly typed twice in the Counter Affidavit) are false, hence denied. It may be added that during the years 1985-86, Col. V. Rat^h, Respondent No. 4 was serving in AMC Centre & School. In this connection a copy of Order No. 70 dated ^{1st} 8th March, 1986 issued by the Commandant, AMC Centre & School, Lucknow regarding grant of leave to the said officer is annexed as Annexure No. R-3 to this Rejoinder Affidavit. It may also be submitted that no allegations of any nature are contained in Para 6(3) of the application as alleged by the Respondents.



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15. That the contents of Para 8 of the Counter Affidavit are denied and those of Para 6(4) of the Claim Petition are reaffirmed.

16. That the contents of the Para 9 of the Counter Affidavit are false hence denied. The Deponent did work as PA to Commandant, Command Hospital (Central Command), Lucknow side by side with Shri S.R. Gupta, Stenographer Grade-I (Sr. PA). In this connection photocopies of DO letters dated 6th January, 1988 and 24th February, 1988 addressed to the deponent by Major General CR Narang (Retd) and a Money Order acknowledgement Receipt 22.3.1988 are annexed herewith as Annexure Nos. R-4, R-5 and R-6, respectively.

17. That the contents of para 9 (wrongly typed twice in the Counter Affidavit) of the Counter Affidavit are denied and those of paras 6(6) and 6(7) of the Claim Petition are reaffirmed.

18. That the contents of Paras 10 and 11 of the Counter Affidavit are denied in view of the facts furnished in reply to Para 4 of the Counter Affidavit.

19. That the contents of Para 12 of the Counter Affidavit need no comments.

20. That the contents of Para 13 of the Counter Affidavit are denied and those of Para 6(11) to (15) of the Claim Petition are reaffirmed. It is further submitted that it has been conceded by the Respondents in Para 12 of the Counter Affidavit that the duties of Fatal Section was not commensurate with the deponent's status and as such no action was taken against her for her refusal to perform those duties. The contents of Paras 6(11) to (15) of the



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Claim Petition are, therefore, very much relevant.

21. That the contents of Para 14 of the Counter Affidavit are denied and those of paras 6(16) to 6(18) of the Claim Petition are re-affirmed. As regards the relative status of the applicant vis-a-vis a Subedar Major of the Army, it is submitted that scale of pay has no relevance. The Subedar Major belonged to clerical cadre whereas the deponent's post was Stenographer Grade-II (Personal Assistant) which is of a quasi-technical nature.

22. That the contents of paragraph of 15 of the Counter Affidavit are denied and those of paras 6(19) and 6(20) of the Claim Petition are re-affirmed in view of Annexures A-11 and A-12 to the Claim Petition.

23. That the contents of Para 16 of the Counter Affidavit need no comments.

24. That the contents of Para 17 of the Counter Affidavit are denied as stated and in reply it is stated that if the deponent had committed any breach of discipline, the proper course for the Respondents was to charge-sheet her under the relevant Conduct/Discipline Rules. Instead of taking that action, they took an extra ordinary step of summoning the Civil Police in order to humiliate her.

25. That the contents of Para 18 of the Counter Affidavit are denied in view of the submissions made in the preceding paragraphs. The contents of para 6(23) of the claim petition are re-affirmed.

26. That the contents of para 19 of the Counter Affidavit are denied and those of paras 6(24) and 6(25) of the Claim Petition are reaffirmed. The payment of deponent's salary for October, 1988, arrears of Dearness Allowance from 1.7.1988 onwards and Bonus for the year 1987-88 have been illegally and arbitrarily withheld.

Komalavalli Nair



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27 That in reply to the contents of para 20 of the Counter Affidavit, it is stated that the deponent promptly followed the advice of Respondent No. 3 and submitted a representation to Respondent No. 2 vide Annexure No. A-17 to the Claim Petition to which no reply has been received to date.

28. That the contents of Para 21 of the counter affidavit are false hence denied. Since the deponent was not permitted by show of force to enter the premises of her place of work Respondent Nos. 3 and 4, she had no alternative left except to notify her attendance for the period 3.10.1988 to 31.12.88 by means of letters posted Under Certificate of Posting. During the period 2.1.1989 to 23.3.1989 she was sick and medical certificate of sickness and fitness have already been received by Respondent No. 4.

29. That in reply to the contents of "Summary of the Case" given on Page No. 12 of the Counter Affidavit it is stated that it is absolutely incorrect and false to say that the deponent was given sufficient time to join her legitimate duties as Stenographer to Officer Incharge Medical Division which is the authorised appointment as per Peace Establishment". As already submitted in detail in reply to para 4 of the Counter Affidavit, vide paras 3 to 12 of the Rejoinder Affidavit, it is very clearly mentioned in the copy of the Peace Establishment of Command Hospital (Central Command) Lucknow which has been filed as Annexure C-1 to the Counter Affidavit that a Stenographer Gr.II, a designation held by the deponent, is supposed to work with an officer of the rank of Brigadier (or above). This is also evident from letter No. 35922/II/DGMS-3(B) dated 5th September, 1985 issued by Respondent No. 2 a copy of which has been filed as Annexure A-16 to the Claim Petition. Further as per Govt. of India, Ministry of Defence, Office Memorandum No.



Komalavalli

B/17116/EME Org-3/2593/D(Civ-I) dated 1st May, 1981 a copy of which has already been filed as Annexure No. A-8 to the Claim Petition, with reference to Para 6(16) thereof, only officers of the rank of Brigadier and equivalent in Navy and Air Force are authorised Personal Assistants (Stenographer Grade-II) in the scale of Rs 425- Rs 700 (old)- Revised Rs 1400 - 2300. The Officers-in-Charge Medical and Surgical Divisions of the Command Hospital (Central Command), Lucknow are of the rank of Colonel and equivalent as stated in para 6(11) of the Claim Petition. This statement has not been challenged by the Respondents vide Para 13 of the Counter Affidavit. The obvious and irrefutable conclusion is that a Stenographer Grade-II (Personal Assistant) cannot and should not be asked to work in Medical or Surgical Division.

30. As regards the allegation of the Respondents that the deponent has been avoiding to receive posting order, it is stated that the applicant has already received the posting order vide para 6(28) of the Claim Petition (inserted as an amendment).

31. That in reply to Para 27 of the Counter Affidavit (page No. 14), it is stated that the posting order has nothing to do with the suit filed by the applicant. It has been issued by Respondent No. 2 with a view to harassing the ~~an~~ deponent and putting her to inconvenience. A prayer has already been made by the deponent to quash the transfer order being arbitrary, illegal and biased vide Clause (g) of Para 9 of the Claim Petition.

32. That in reply to para 28 of the Counter Affidavit, it is stated that in view of detailed submissions made in this Rejoinder Affidavit, the application be allowed

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with cost to the applicant.

Lucknow

Dated: 3.7.89

Komalavalli Nair
Deponent

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

I, the above named deponent, do hereby verify that the contents of paragraphs 1 to 2 are true to my personal knowledge, and those of paragraphs 3 to 31 are believed to be true on the basis of legal advice and information gathered. ~~and those of paras to are believed to be true on the basis of legal advice.~~ Nothing material fact has been concealed and no part of it is false.

Lucknow,

Dated : 3.7.89

Komalavalli Nair
Deponent

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

Lucknow,

Dated : 3.7.89

Shukla's Advocate
(U.S. Shukla)
Counsel for the Deponent

Solemnly affirmed before me on 3.7.89 at 4 a.m./p.m. by the deponent at Lucknow.



L. Raju
Baxmi Pati Rai Srivastava
Advocate
Oath Commissioner High Court
Lucknow Bench
No. 17/21 Date 3.7.89

From : Komalavalli Nair
Steno Gde II (PA)
Command Hospital (CC)
Lucknow-226002

To

The Commandant
Command Hospital
Central Command
Lucknow-226002

Madam,

Reference DGMS (Army) letter No. 35922/111/DGMS 3(B) dated 29 Oct 87, ordering my posting to AMC Centre and School from CH(CC), Lucknow.

I beg to submit the following few lines for your kind consideration and favourable orders :-

1. that I had worked in the AMC Centre and School as Stenographer Gde III from 1976 to 04 Mar 86;
2. that consequent upon my promotion to the position of Steno Gde II (PA) in Mar 86, I was posted to the Command Hospital, Lucknow, as no vacancy of Steno Gde II (PA) existed in the AMC Centre & School;
3. that I have been carrying out my duties to the entire satisfaction of my superiors;
4. that to the best of my knowledge no change has been made to the PE of AMC Centre and School and I am afraid that the present posting is a stop-gap management till a Senior PA is posted after which I will again be dislocated;
5. that I have comfortably adjusted myself in the Command Hospital in view of the good working atmosphere for female employees here;
6. that I will not be benefited in any manner by this posting;

In the circumstances, I am very much interested to continue in the Command Hospital (CC) and would therefore request your honour to get the above orders of posting cancelled immediately so that I will be able to devote my full attention to my work here.

Thanking you,

Komalavallinair

Komalavallinair
Steno

ANNEXURE R-2

Cob B Sitharaman
ADMS (Ops, Plans and Projects)



चिकित्सा निदेशालय,
सल सेना मुख्यालय
एल ब्लॉक नई दिल्ली-११०००१
Medical Directorate
Army Headquarters
L Block, New Delhi-110001
07 Aug 84

DO No 30397/DMS-3(C)

Dear General,

1. Please refer to your DO No 1639/XXXX/Civ dated 22 Feb 84.
2. The case has been examined in its totality. While there has been no difficulty in identifying the grade of stenographers in respect of administrative appointments held by brig and cols in medical units under control of the DMS, there are certain inherent difficulties in determining the grade of stenographers authorised to Advisers and Consultants. Most of these appointments of specialist cadre officers are not laid down service wise between various hospitals of Army, Navy and Air Force.
3. While we have been able to decide on the approach as regards this subject, any case taken up with the Government at this stage may prove to be an infructuous exercise in view of the cadre amalgamation proposal which is in the final stages of consideration. Further, the second cadre review in respect of officers of our Corps may also materially alter the position as regards the authorisation of stenographers.
4. Under the circumstances, it has been decided to defer consideration of this case for the time being.

I take this opportunity to thank you and your officers for making my recent trip to Lucknow a very enjoyable and useful one.
With regards,
Yours sincerely
B.S. Satharaman

✓ Maj Gen KD Kapur
Commandant
AMC Centre and School
Lucknow

Komalavallinair



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RESTRICTED

In lieu of IAFF-3010

PART II ORDERS : OFFICERS

Unit Statistical srl No : 5598089-H Unit : AMC Centre & School
Lucknow-2

Working in : HQ Lucknow Sub Area

Present Part II Order srl No 70 dated 01 Mar 86

Last Part II Order srl No 69 dated 01 Mar 86

1 Rank : Colonel

2 Pers No : MR-01795L

3 Name : V Ratan

Regt/Corps : AMC/PC

Nature of Pers occurrence : Accumulation of annual leave/furlough.

4 Date of pers occurrence : 01 Mar 86

5 Authority : Govt of India, Min of Def letter No
15(3)/82/1711-A/D(AG) dt 31 Mar 83.

6 Details of pers occurrence : Last Pt II Order No ¹⁸ ~~122~~ dt ^{20 Jan 86} ~~20 Dec 85~~.

(i) 30 days annual leave for the year 1985 accumulated for encashment at the time of retirement. Part of annual leave availed vide Pt II Order No 168 dated 14-10-85 and 193 dt 20 Dec 85.

(ii) Surrendered 2 months furlough for block calendar yrs 1981 to 1982 converted to one month full pay leave for 1982 which is accumulated for encashment at the time of retirement. No furlough availed during block year 1981 to 1982.

(iii) 60 days annual leave so far accumulated for encashment including the ~~xx~~ above period.

9. Medical category : SHAPP-1

10. Marital status : Married

11. CDA (O) A/C Number : IV/56/106467

Distribution:

1. Sector General Medical Services (GMS) (O) DEPRS(O)
Army HQ DHQ PO New Delhi-11
2. Army HQ DHQ PO New Delhi-11
4. CDA Office

(Surreet Singh)
Colonel
Col Adm
for Offr Comd



Komalavallivair

Maj Gen C R Narang (Retd)
Medical Superintendent

Postgraduate Institute of Medical
Education and Research, Chandigarh.

Dated: 6 Jan 88

Dear Mrs Nair,

I and my wife are grateful to you for your
kind remembrance and Season's Greetings, which we
heartily reciprocate with all the good wishes for
a happy 1988. God bless you

with best wishes for you,
your husband and the children.

Yours Sincerely
C R Narang

Mrs. Kamla Nair
PS to Comdt
Command Hospital,
Lucknow-2 (CC)

Komalavalli Nair

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⁹²
ANNEXURE R-5

Gram : F , BRADMED



Phones : Off. 23203
Res 25256
PABX : 32351 Ext. : 208 (Off)
32326 Ext. : 322 (Res)

Maj Gen D. R. Narang (Retd)
MBBS, MHA
Professor Hospital Administration
cum
Medical Superintendent

Postgraduate Institute of Medical Education
& Research, Chandigarh-160 012

Dated 4 Feb '88.....
No. CRN-88/39.....

Dear Mrs Nair,

I thank you for your kind remembrance and birthday greetings. It was as usual very thoughtful of you to have done so. May God bless you.

With kind regards for both of you
and love to children.

Yours sincerely
D. R. Narang

Mrs Kamla Nair,
PA to Commandant
Command Hospital (CC),
Lucknow-2.

Komalavalli Nair

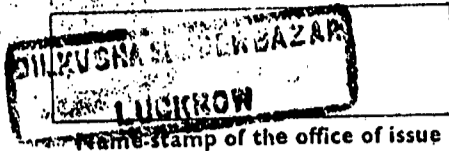


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प्रेषक डाकघर को नाम-माहर

डाकघर मनीआडर/P. O. Money Order

पावती/Acknowledgment



Name stamp of the office of issue

(भेजने वाले का नाम व पूरा पता/Sender's name and full address)

Mrs. Komalavalli Nair,
Office of the Commandant,
Command Hospital,
Lucknow-226002.

पिन
PIN

रु० 3001/- दिनांक 22/3/88 को प्राप्त किया
Received Rupees on

बनाम/Payable to



Smt. Komalavalli Nair

प्राप्तकर्ता के पुरे हस्ताक्षर (स्याही में) या अँगूठा निशान
Signature (in ink) or thumb-impression of payee

अदायगी डाकघर को तारीख-माहर
Date-stamp of office of payment

गवाह के हस्ताक्षर/Signature of witness

यहाँ से मोड़िए/FOLD HERE

Komalavalli Nair



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3. That the contents of para 1 & 2 of the application are formal and need no reply.

4. That in reply to the contents of para-3 of the application it is submitted that the Command Hospital, Lucknow is authorised 5 stenographers vide P.E. effective with effect from 01 Feb. 1983. A copy of the above is being enclosed as Annexure.C-1 to this counter affidavit. There were only two Stenographers on the posted strength. During March 86 the applicant reported to the Hospital on permanent transfer from AMC Centre & School, Lucknow on 05 March 1986 and thus the number of Stenographers increased to 3. Later on transfer orders in respect of ~~Smt. xxx~~ the applicant from the office of the deponent to AMC Centre & School, Lucknow were received during October 87 from Army Headquarters, New Delhi ie. Respondent no.2. On receipt of her transfer orders the applicant requested in writing that she may be allowed to continue in the office of the Deponent itself. As a result the transfer order was cancelled and instead Shri SR Gupta Steno Gde.I from the office

11/4/89



Dr. Registrar & OC Troops
Command Hosp (CC) Lucknow
For Commandant

of the deponent was transferred to AMC Centre and School Lucknow. On receipt of transfer order of Shri SR Gupta, Shri Prem Prakash Steno Grade.II working in Surg/Medical Division was shifted to take over as Steno to the Commandant of the hospital being Senior to the applicant. The applicant was earmarked for Surgical/Medical Division from where Sri Prem Prakash Steno. Gr.II was shifted to the office of the Commandant. The Surgical/Med. Division are authorised one Steno each in the P.E. The applicant was directed many times verbally to go to the Surg./Med Division and work in place of Sri Prem Prakash Steno Gde II but she did not comply with the orders and did not go to the Surg./Med. Division. As this applicant had to be assigned some work, as a temporary measure, she was asked to take over the duties of Fatal Section. The applicant did not take over the charge of this assigned duty and instead submitted a letter dated 11 Jun 1988 (Annexed with application as Annexure no.2 to application) addressed to the Commandant that she being the PA is equivalent to the Senior JCO and as per contention PAs are only required to handle Secretarial work and are to be attached to a Brig or equivalent.

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equivalent Rank.

5. The applicant still refused to join the duties of Steno to Officer Incharge Surg/Med. Division as per authorisation. The Administration always took sympathetic and lenient view and did not institute any action against her. The applicant remained absent from duty with effect from 1.10.88 inspite of clear instruction issued to her vide letter No. Adm/202 dated 01 Oct 88. A copy of the above letter is being filed as Annexure C-2 to this affidavit. As the applicant remained absent and was marked absent, she could not draw her pay and allowances.

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11/11/09

6. That the contents of para 4 , 5 and 6(1) of the application need no comments.

7. That in reply to the contents of para 6(2) of the application it is submitted that the applicant's previous good record of service, as claimed by her is irrelevant, in the present context of her refusal to join her duties which is

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Col
Sr. Registrar & CC Troops
Comd Hosp (CC) [unclear]
For Commandant

18/5/52

lawful and appropriate as per authorisation of the hospital.

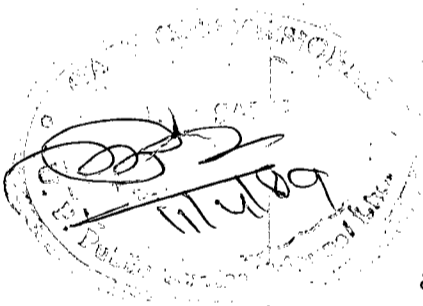
7. That the contents of para 6(3) of the application are incorrect as stated hence denied and allegations made in this para are not relevant in the instant case.

8. That in reply to the contents of para 6(4) of the application it is submitted that the statement made by the applicant in this para are absolutely baseless, false and imaginary, hence denied.

9. That the contents of para 6(5) of the application are incorrect as stated and in reply it is stated that the applicant was never worked as PA either to Maj Gen Tirath Singh and Maj Gen (Mrs.) N. Ahuja the then Commandants of the Hospital; as Shri SR Gupta, Steno Gde I was the SPA to these two General Officers.

9. That the contents of para 6(6) and (7) of the application are baseless, frivolous and imaginary, hence denied.

10. That in reply to the contents of para 6(8) of the application it is stated that in view of the



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RATAN
Col
Sr. Registrar & OC Troops
Comd Hosp (CC) Lucknow
FOS Commandant

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reply given against para 3 of the application
no further comments are required.

11. That in reply to the contents of para 6(9)
of the application it is stated that this
point was raised earlier in para 3 of the
application and the comments have been offered
above. The applicant was again directed to report
to her assigned duty as Steno to Officer Incharge
Surg/Med Division, to which she did not obey on
one and other frivolous reasons, which has no basis
as per the authorised duty of a Stenographer posted
to the office of the deponent. Please refer the
extract from the PE of the hospital at annexure C-1.



12. That in reply to the contents of para 6(10)
of the application it is stated that the job
of Fatal Section was assigned to the applicant
temporarily ~~to~~ to utilise her services at some
place and when she refused to do this job, no
official action was taken against her evidently
this specific job was not as per authorisation of the

PE.

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RATAN
Col
Sr. Registrar & OC Troops
Comd Hosp (CC) Lucknow
For Commandant.

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13. That the contents of para 6(11) to 6(15) of the application are totally irrelevant and baseless and needs no comments as this point has already been commented upon earlier paragraphs.

14. That in reply to the contents of para 6(16) to (18) of the application it is submitted that to ~~xx~~ the application dated 15 Jul 88 of the applicant, she was replied by the Offg Commandant that CPRO 75/81 quoted by the applicant is irrelevant in the present context and that she is to take over the appointment as Steno to Surg/Med Div., the applicant in this very letter was given sufficient time to take over her assigned duty as per PE and was thus attached with the Head Clerk Sub Maj N. Krishnan. already A copy of the above letter is ~~xxxxx~~ filed by the applicant with her application as Annexure -9 to the application. The contention of the applicant that the status of a Sub Maj is equal to her is absolutely wrong. A Sub Major's pay scale is Rs.2000-60-2540-75-2915 whereas the pay scale of the applicant is Rs.1400-40-1800-50-2300. This is evident that both being the Central Govt employees, pay scale wise also, the rank of a Sub Maj is much

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11/4/09

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V RATHAN
Col
Sr. Registrar & CC Troops
Comd Hosp (CC) Lucknow
For Commandant

senior to that of a Steno Gde II, which is being held by the applicant.

15. That the contents of para 6(19) and ~~6(20)~~ (20) of the application are imaginary and false allegations hence denied.

16. That in reply to the contents of para 6(21) of the application it is stated that the representation of the applicant to GOC-in-C was forwarded to the authorities concerned with comments.

17. That in reply to the contents of para 6(22) of the application that inspite of repeated verbal requests to the applicant by all concerned that if she has any grievances, she should put up her representation, to the senior Army authorities, for redressal and not to create public nuisance by sitting beneath the tree, in front of the Commandant's office, as a sort of 'Dharna'. the applicant had posed a condition of break of peace, discipline and administration when all avenues had failed to convince the applicant not to create public nuisance in front of a very senior officer, then the SO Incharge, Sadar Police Station was requested to come and explain to this ~~the~~ applicant to behave properly and not to



V RATAN
Col
Sr. Registrar & CC Troops
Comd Hosp (CC) Lucknow
For Commandant

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create public nuisance. Mr. Upadhyay the SHO, Incharge, Sadar Thana came and explained to the applicant on 22 Oct 88, the applicant left the place quitely. Again as again on 24 Oct 88 the applicant sat in front of the Commandant's office, then Mr. Upadhyay the SHO Incharge, Sadar Thana was summoned to come and intervene. To which Shri Upadhyay came alongwith few lady constables and after satisfying himself that the applicant was definetely creating a public nuisance, inspite of his earlier talk to her on 22 Oct 88, he had to forcibly remove her from the place, as she had crossed all limits of decency and had definitely become a case of public nuisance and indiscipline. This fact may be coraborated from Mr. Upadhyay the SHO, Incharge, Sadar Thana, Lucknow himself.

18. That in reply to the contents of para 6(23) of the application it is stated that Maj Gen GP Mital, the present Commandant was in his office on the first day of his duty and was in the process of taking over from Brig HK Agarwal the time was approximately 9 AM, Colonel V. Ratan was

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 4/10/89
 Commandant

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V RATAN
 Col
 Sr. Registrar & CC Troops
 Comd Hosp (CC) Lucknow
 For Commandant

also the Commandant's office, when the applicant forced her entry to the Commandant's office and started protesting, to which Maj Gen GP Mital conveyed that as he is in the process of taking over, he will give appointment to the applicant, on any other day, to listen to her grievances and the applicant was asked to leave the office. The allegations, that the applicant was abused and physically assaulted is false and imaginary. Her application of 18 Nov 88 was sent by the applicant to Sub Area Commander Lucknow who had forwarded the same to the office of the deponent vide their letter dated 16 Nov 88. No new point was raised by the applicant and all her allegations were frivolous and imaginary.

19. That the contents of para 6(24) & (25) of the application are repetition of earlier paragraphs for which comments were already given in the preceding paragraphs.

20. That in reply to the contents of para 6(26) of the application it is stated that as has been mentioned in para 6(24) & 6(25) above, Maj Gen GP Mittal, Commandant interviewed the applicant on 17

✓ RATAN

Col

Sr. Registrar & OC Troops

Comd Hosp (C) Lucknow

For Commandant

November 88 in front of Col V. Ratan, Senior Registrar & OC Troops, Capt Tara Chand (outgoing Copy. Commander) and Capt VP Singh Copy Commander, When the applicant failed to listen to any reasons told to her by the Commandant, then the applicant was told by Maj Gen GP Mital, Commandant, to submit her grievances to the DGMS(Army) through the prescribed channel as per direction of HQ. Central Command of their letter dated 12 Nov 88 . A copy of HQrs. Central Command letter dated 12 Nov 88 is being filed herewith as Annexure-C.2 to this affidavit. An application of the applicant addressed to DG MS(Army) was received which was forwarded to the office of the DG MS(Army) with parawise comments. A copy of the above letter dated 7 Dec 88 is being filed as Annexure C-3 to this affidavit.

21. That in reply to the contents of para 6(27) of the application it is stated that the applicant is still absent from her assigned place of duty, she was marked absent and naturally as per rules forfeited claim for her pay and allowances.

Summary of the case.

It will be seen from the above that sufficient time was given to the applicant to join her


V RATAN
Col
Sr. Registrar & OC Troops

Comd Hosp (C) ...
R. Comandant

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legitimate duties as Steno to Officer Incharge, Medical Division which is the authorised appointment as per PE. On the application of the applicant addressed to DG MS(Army) forwarded to higher authorities vide Annexure C-3 to this affidavit, the applicant was posted out to AMC Centre & School Lucknow vide Army HQ. letter No.B/72133/DGMS-3/(B)/I dated 26 Dec 88. A copy of the above letter is being filed herewith as Annexure no.C-4 to this affidavit. The posting was to be implemented with immediate effect. All efforts to deliver the posting to the applicant failed, as she deliberately avoided to receive this posting order. Undermentioned letters were sent to her:-

- (a) Letter No.505/Coy/102 dated 31 Dec 88 (through a Messenger of the deponent to her residence- Annexure No.C-5 to this affidavit.
- (b) Letter No.505/Coy/9 dated 10 Jan 89 (through a team of representatives of the deponent to her residence- Annexure No.C-5 to this affidavit)
- (c) Letter No.505/Coy/15 of 14 Jan 89 (through a team of representative of the deponent - Annexure No.C-6 to this affidavit)

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11/1/89

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V RATAN
Col
Sr. Registrar & CC Troops
Comd Hosp (CC) Lucknow
For Commandant.

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- (d) Telegram of 15 Jan 89 (also copy of telegram by regd. post and ordinary post) - Annexed as C-7 to this affidavit.
- (e) Letter No.505/Coy/33 of 18 Jan 89 - by regd. post. (Annexed as C-8 to this affidavit)
- (f) Letter No.505/Coy/42 dated 24 Jan 89 (Fasted on her door by a team of representatives of the deponent.. A copy of this letter is being annexed as Annexure no.C-9 to this affidavit.
- (g) Letter No.505/Coy/55 dated 30 Jan 89 by Regd. post (Being annexed as Annexure no.C-10 to this affidavit).

All the above registered envelopes were received back from the postal authorities undelivered with the remarks of the postal authorities 'inspite of going to the residence of the individual again and again she did not come out to receive; hence returned." When approached personally by the Messenger/Team of representatives, the applicant's husband prevented the delivery of the letters to the applicant.

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11/6/89

27. At present the crutch of the problem and the genesis of the entire case is that the applicant is avoiding the implementation of her posting order issued by the higher authorities. That the Hon'ble Tribunal be ~~xxxxxx~~ directed the applicant to receive her posting order to AMC Centre & School Lucknow.

[Handwritten signature]
RATAN
Registrar & OC Troops
and Hosp (CC) Lucknow
& Commandant

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28. That in view of the facts, reasons and circumstances stated above the application filed by the applicant is liable to be dismissed with costs to the opp. parties.

[Signature]
Deponent.

Lucknow,

Dated: 11/4/09

Verification.

V RATAN
Col
Sr. Registrar & OC Troop
Comd Hosp (CC) Lucknow

I, the above named deponent do hereby verify that the contents of paragraphs 1 to 203 are true to my personal knowledge, and those of paragraphs 34 to 272 are believed to be true on the basis of perusal of office records as well as information gathered and those of paras 281 to are believed to be true on the basis of the legal advice. Nothing material fact has been concealed and no part of it is false.

[Signature]
Deponent.

V RATAN
Col
Sr. Registrar & OC Troop
Comd Hosp (CC) Lucknow

Lucknow,

Dated: 11/4/09

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

[Signature]

(V.K. CHAUDHARI)
Addl Standing Counsel for the Central Govt
Counsel for opp. parties.

Lucknow,

Dated:

11/4/09

at

Solemnly affirmed before me on am/pm by the deponent at Lucknow.

V RATAN
Col
Sr. Registrar & OC Troops
Comd Hosp (CC) Lucknow
Pos Commandant

[Signature]
11/4/09

[Signature]
S. 200W

[Signature]
M. R. M.

[Signature]
V.K. Chaudhary

[Signature]
14/208

[Signature]
11/4/09

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ANNEXURE C.1

Extract from PE VI/352/1946/3 effective wef 01 Feb 1983.

...

Headquarters.

Total beds auth

<u>Civilian non-gazetted.</u>	600 to	700 to	800 to	1000 to
	699	799	899	1099

xx xx xx

PA(j)	1	1	1	1
Stenographer (k)	1	1	1	1

xx xx xx

Reception, OPD and MI Room

xx xx xxx

PAs/Stenographers (q)	3	3	3	3
-----------------------	---	---	---	---

- j) for the Commandant
- k) for the Registrar
- q) Stenographers will be authorised as under -

Maj Gen .. Stenographer Gde I
 Brig .. Stenographer Gde II
 Col & Lt Col .. Stenographer Gde III

DMS (Army) will have discretion to reallocate Stenos to individual hospitals (Army/Command/Military/Base Hospitals, CTC Pune, from within the number authorised to all these hospitals.

/True copy/

V. RATAN
 Col
 Sr. Registrar & OC Troop
 Comd Hosp (CC) Lucknow
 P.O. Commandant

A
66

ANNEXURE NO. C.2

Tele: 2371

Headquarters
Central Command
Lucknow

12 Nov 88

No. 175212/1/A2(Civ)

Command Hospital
Central Command
Lucknow.

COMPLAINTS.

1. Reference Mrs Komalavalli Nair, Steno Comd Hosp(CC) Lucknow application dated 24 Oct 88 addressed to GOC-in-C.
2. Mrs. Komalavalli Nair, Steno of your unit may please be advised to submit her grievances, if any, to DG MS(Army) through prescribed channel

Sd/- KS Rathaur
Col
for AAG
for Chief of Staff

Internal

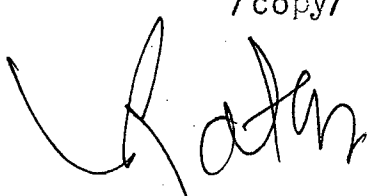
'Med' - for info pl.

Certified true copy

sd/- VF Singh
Capt

06 Mar 89.

/copy/



V RATAN
Col
Sr. Registrar & OC Troop
Comd Hosp (CC) Lucknow
For Commandant.

Tele: 422

Command Hospital
Central Command
Lucknow

Adm/202/160

07 Dec 88.

Headquarters
Central Command(Med)
Lucknow.

Complaint - Shrimati Komalavalli Nair Stenographer-
Grde. II of Command Hospital CC Lucknow.

- ...
1. Refer to your HQ letter No. 335502/2/IC/KVN/M-3(B) dated 27 Nov 88.
 2. Comments on the representation dated 10 Nov 88 of Smt KV Nair received vide your above quoted letter are forwarded herewith in duplicate as Appx. A to this letter.
 3. Her representation ~~dated~~ was original dated 21.11.88 but was unsigned. Then she submitted same representation dated 26. Nov. 88. Her representation dated 26 Nov 88 received on 30 Nov 88 alongwith its enclosures is also forwarded herewith as Appx. 'B'. Comments on various issues raised by her on this application have already been commented vide Appx. 'A' to our letter No. Adm/202/152 dated 19 Nov 88, as there is nothing new, but repetition of earlier ones.
 4. The representation dated 10 Nov 88 and 21^Nov 88 alongwith its enclosures are returned herewith.

Sd/ - V. Ratan
Col
Sr Registrar & OC Troops
for Commandant.

[Handwritten signature]

/copy/
[Handwritten signature]

V RATAN
Col
Sr. Registrar & OC Troop,
Comd Hosp (CC) Lucknow
For Commandant

A
60

ANNEXURE C-4

Telephone: 3019234

Registered.

No. B/72133/DG MS 3(B)/I

26 Dec. 88.

Headquarters
Central Command (Med)
Lucknow.

POSTING/TRANSFER: CIVILIANS.

-
1. Smt Komalavalli Nair, Stenographer Gde II of Command Hospital (CC) Lucknow is posted to AMC Centre & School, Lucknow with immediate effect.
 2. Command Hospital (CC) Lucknow may be instructed to relieve her immediately to enable her to join at AMC Centre & School, Lucknow under intimation to this HQrs.
 3. Unit concerned may be asked to publish necessary DO Pt II and endorse copies thereof to this HQ.

Sd/- Surjeet Singh
Colonel
Director of Medical Services (T&C)
for Dir Gen of Medical Services
(Army)

Copy to:

Headquarters
AMC Centre & School
Lucknow.

Headquarters
UF Area, Bareilly

Command Hospital
Central Command
Lucknow.

/copy/


11/12/88


V RATAN

Col

Sr. Registrar & OC Troop

Comd Hosp (CC) Lucknow

For Commandant.

A
59

ANNEXURE C-5

Tele: 2422

read ad

~~Command~~ Command Hospital
Central Command
Lucknow
31 Dec 88.

805/Coy/102

Smt Kamalavalli Nair
Steno Gde II
Qr. No.144/3 Outram Lines
Opposite Traffic Police
Sadar Bazar, Lucknow Cantt


Posting/Transfers - Civilians.
...

1. You have been transferred to AMC Centre and School, Lucknow vide Army HQ. letter No.B/72133/DG MS-3(B)/I dated 26 Dec. 88.
2. You are advised to report in Coy Office for collection of your Movement order for your new unit.

Sd/- VP Singh
Capt
Coy Commander
for Commandant

/Copy/


21/12/88


V RATAN
Col
Sr. Registrar & OC Troop
Comd Hosp (CC) Lucknow
For Commandant.

ANNEXURE - C 5A

Tele: 422

By hand
Command Hospital
Central Command
Lucknow
10 Jan 89

No. 505/Coy/9

Srimati Komalavalli Nair,
Steno Gde II
Qr. No. 144/3 Outram Line,
Opposite Traffic Police station
Sadar Bazar, Lucknow Cantt.

Posting/Transfers - Civilians.

...

1. In continuation of this office letter No. 65/Coy/102 dated 31 Dec 88.
2. You are under order of transfer from this Hospital A to AMC Centre and School Lucknow vide Army HQ letter No. B/72133/D(MS-3(B) dated 26 Dec 88. This fact has been intimated to you vide this office letter under reference by Regd. post Ack Due sent to you on 31 Dec. 88. Besides a copy of the same letter was sent to you by a messenger of this hospital on the following dates:-
 - (a) 31 Dec 88
 - (b) 02 Jan 89
 - (c) 03 Jan 89
 - (d) 04 Jan 89
 - (e) 05 Jan 89
3. Sometime your house was found locked and some time some of your family members informed that you were out.
4. On 07 Jan 89 a party of JCO, NCO, UDC and a civilian Messenger were sent to deliver the letter to you, but again same girl told that you were not in the house.
5. Lastly you are again informed that you stand posted to AMC Centre and School Lucknow and advised to please come to Coy office and collect your movement order for AMC Centre and School Lucknow.

Sd/- V. Ratan
Col

Sr. Registrar & OC Troops

Letter No. 505/Coy/9 dated 10 Jan 89.

10.1.89
11.30

We, the following personnel went to hand over the letter to Smt Komalavalli Nair Steno Gde II at her residence, Her house was found locked.

Sd/- 1. Sd/-

2. Sd/-

3. Sd/-

4. Sd/-

V RATAN
Col

Sr. Registrar & OC Troops

Comd Hosp (CC) Lucknow

For Commandant

10.1.89
1500

Re-visited at 1500 hrs. and
the room closed.

Sd/- SD Misra (1500 hrs.)

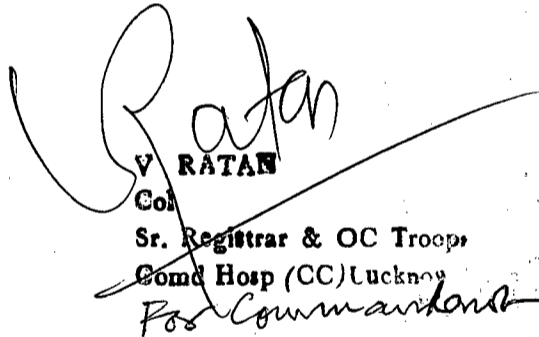
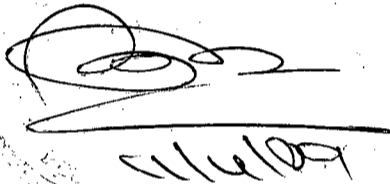
We the following persons went to the
residence of above lady. Her husband
came out and refused to accept the letter
and asked us to go back in rough tone. She was
available in the house and we saw her through
window.

Sd/- RC Roy

Sd/- Ram Autar

Sd/- FN Dey.

/copy/



V RATAN
Col
Sr. Registrar & OC Troops
Comd Hosp (CC) Lucknow
Pos Commandant

A
72

ANNEXURE -C-6

Tele: 422

By Hand

Command Hospital
Central Command
Lucknow
14 Jan 89.

505/Coy/15

Shrimati Komalavalli Nair
Steno Gde II
Qr. No.144/3
Opposite Traffic Police Station
Sadar Bazar, Lucknow Cantt.

Posting/Transfers - Civilians.

....

1. You are under orders of posting to AMC Centre & School Lucknow with immediate effect vide Army HQ letter No.B/72133/DGMS-3(B) dated 26 Dec 88.
2. Several efforts have been made to contact you and hand over our letter No.505/Coy/102 dated 31 Dec 88 at your house through a JCO and a Messenger on 31 Dec 88, 2nd to 5th Jan 89. Your house was found locked on all these days except on 4 Jan 89 when a girl came out and told that you were out to see a Doctor, This letter has also been sent to you by registered post ack due on 31 Dec 88.
3. Again a party of JCO, Clerk, Messenger and Barber was sent on 10 Jan 89 three times. On first two occasions your house was found closed but on 3rd occasion though you were in the house as seen by the party, your husband had prevented the delivery of our letter No.505/Coy/9 dated 10 Jan 89, in a rough tone.
4. Now again this letter is being sent to you through a party. Please report to Coy office alongwith your no-demand certificate for your onward despatch to your new unit.

Sd/- VP Singh
Capt
Coy Commander
for Commandant.

14 Jan 89

2040 hrs.

We, the under signed had you to deliver this letter to Smt. Komalavalli Nair Steno Gde II at her residence 144/3 Outram Lines, Lucknow Cantt on 2040 hrs. The call bell was pushed but it did not work. Then the door was knockd. we waited for 10 minutes but no body came to open. Then all of us came back. The door was locked from inside which implied that the people were inside but they avoided their appearance.

Sd/- Sub Diwedi Ram Sd/- FC Roy Sd/- Hav Jai Singh

Sd/- UDCV Singh.

/copy/


V RATAN

Col

Sr. Registrar & OC Troop

Comd Hosp (CC) Lucknow

For Commandant

73

ANNEXURE C-7

EXPRESS

In Lieu of Telegram form

From: Commandant
Comodhosp Centcom

To : Shrimati Komalavalli Nair
Stenographer
144/3 Outram Lines,
Sadar Bazar, Lucknow.

You are posted to AMC Centre & School Lucknow vide Army HQ. No. B/72133/DGMS-3(B) dated 26 Dec 88 with immediate effect. Regd AD letter sent to you on 31 Dec 88. Efforts were also made by a team on many occasions to contact you at your residence but the team was told that you were out. By this telegram you are again informed and advised to report to Coy Office of this unit immediately to collect your movement order.

Commandant Comdhosp Centcom

Not to be telegraphed:

No. 505/Coy/
Command Hospital
Central Command
Lucknow
15 Jan 89.

Sd/- VP Singh
Capt
Company Commander
for Commandant
Comd Hosp (CC) Lko

Copy to:

Shrimati Komalavalli Nair Steno -By regd. post
144/3 Outram Lines, Sadar Bazar,
Lucknow Cantt

-do- By post under P UPC

/Copy/


V RATAN

Col

St. Registrar & OC Troop

Comd Hosp (CC) Lucknow

As Commandant

ANNEXURE C-8

Tele: 422

Registered Post Ack Due
Command Hospital
Central Command
Lucknow
18 Jan 89.

509/Coy/33

Shrimati Komalavalli Nair
Stenographer Gde II
Qr No.144/3 Outram Lines
Opposite Traffic Police Station
Sadar Bazar, Lucknow Cantt

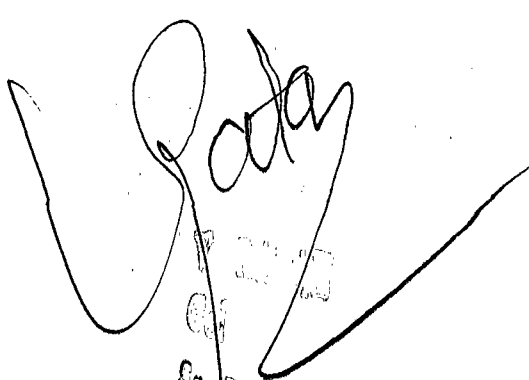
Application for Leave.

1. Refer to your application dated 14 Jan 89.
2. You are absent without leave wef 01 Oct 88.
3. Now vide your a/q. application you have intimated that you are sick wef 02 Jan 89. We are concerned with your welfare. If you want to get admitted to the hospital or you want out-door medical treatment, please let us know so that an Ambulance may be sent to your residence. It is further intimated that you stand posted to AMC Centre & School Lucknow with immediate effect which has already been intimated to you by means of registered letter, telegram etc.
4. You are advised to rejoin your duties as soon as you are fit and collect your movement order for your new unit.

Sd/-
(V. Ratan)
Col
Sr Registrar & OC Troops
for Fommandant.

Regn no.578 of 24.1.89
Dilkusha Lko.

/copy/


Sr Registrar & OC Troops
Command Hosp (OC) Lucknow
Post Commandant

4
25

Annexure C-9

Tele: 422

By hand

Command Hospital
Central Command
24 Jan 89

505/Coy/42

Shrimati Komalavalli Nair
Steno Gde II
Qr no.144/3, Outram Lines
Opposite Traffic Police Station
Sadar Bazar, Lucknow Cantt.

Posting/Transfers - civilians.

....

1. You are under orders of transfer to AMC Centre and School Lucknow vide Army HQ letter No.B/72133/DG MS-3(B) /I dated 26 Dec 88, with immediate effect.
2. Efforts were made to contact/inform you, of your transfer vide our un-ermentioned letters sent to you by hand/regd. post AD:-
 - (a) 505/Coy/102 dated 31 Dec 88
 - (b) 505/Coy/9 dated 10 Jan 89
 - (c) 505/Coy/15 dated 14 Jan 89
 - (d) Telegram dated 15 Jan 89
 - (e) 505/Coy/33 dated 18 Jan 89

3. You have neither joined your duties nor you have replied any of our/a communications till date.

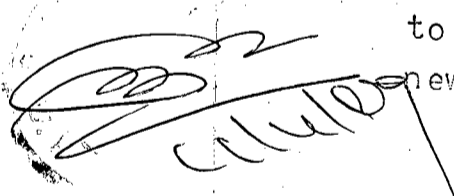
3. ~~He~~ In view of the above, you are once again hereby informed that you are under orders of transfer to AMC Centre & School Lucknow and advised to report to this office to collect your movement order for your new unit.

Sd/- V. Ratan
Col
Sr Registrar & OC Troops
for Commandant.

/copy/



V. RATAN
Col
Sr. Registrar & OC Troop
Comd Hosp (CC) Lucknow
For Commandant.



A
76

ANNEXURE C-10-

Tele: 422

Registered Post AD
Command Hospital
Central Command
Lucknow

30 Jan 89

505/Coy/55

Smt Komalavalli Nair
Steno Gde II
Qr No.144/3 Outram Lines
Opposite Traffic Police Office,
Sadar Bazar ,Lucknow Cantt

Posting/Transfers/Civilians.

.....

1. You are under orders of transfer to AMC Centre & School Lucknow vide Army HQ letter No. B/72133/DG MS-3(B) /I dated 26 Dec 88, with immediate effect.

2. Efforts were made to contact/inform you of your transfer vide our undermentioned letters sent to you by hand regd post AD:-

- (a) 505/Coy/102 dated 31 Dec 88
(through Messenger of tis office)
- (b) 505/Coy/9 dated 10 Jan 89 (Through a team deputed by this office)
- (c) 505/Coy/15 dated 14 Jan 89 (do)
- (d) Telegram dated 15 Jan 89
- (e) 505/Cou/33 dated 18 Jan 89.

3. You have neither joined your duties nor you have replied any of our a/q communications till date.

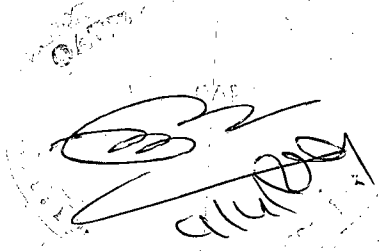
4. In view of the above, you are once again hereby infor ed that you are under orders of transfer to AMC Centre & School Lucknow and advised to report to this office by 11 Feb 89 to collect your movement order for your new unit.

Sd/- V. Ratan
Col
Sr. Registrar & Oc Troops
for Commandant.

/copy/



V RATAN
Col
Sr. Registrar & OC Troop
Comd Hosp (CC) Lucknow
For Commandant



A
94
Filed today
3/1/89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW

Misc Application No. 40 of 1989 (C)

in

ORIGINAL APPLICATION NO. 31/89

Smt. Komalavalli Nair Applicant

Vs

1. Union of India, through
The Secretary
Government of India,
Ministry of Defence
NEW DELHI

2. The Director General
Medical Services (Army)
Army HQ, New Delhi

3. The Commandant
Command Hospital
(Central Command)
LUCKNOW

4. Colonel V. Ratan
Senior Registrar
Command Hospital
(Central Command)
LUCKNOW

.. .. Respondents

Application for amendment

The applicant named above most respectfully submits as under:-

1. That on 27.3.1989 the applicant moved an application before the Hon'ble Court seeking an interim Order for staying the operation of transfer Order No. 505/Coy/108 dated 25.3.1989 issued by Respondent No. 3 and this Hon'ble Court was pleased to direct that relief should be sought by the applicant by formally amending the original application.

Shri Suresh Kumar
.. ..
Writ Relief
Case No 51/89
Maharaj
31/3/89

2. The applicant, therefore, requests that she be permitted to amend the original application No. 31/89 as under:-

Komalavalli Nair

.....2/

A. Under the heading "Facts of the case" against Para 6 after sub-para (27) new sub-paras (28) and (29) may be allowed to be incorporated as shown below:-

(28) "That during the course of preliminary hearing of the case on 8.2.1989, the applicant was advised by this Hon'ble Court to join duty in the office of posting. Accordingly, she reported for duty to Respondent No. 3 on 25.3.1989 along with an application of the same date, a copy of which is annexed as Annexure A-19. However, instead of assigning any work to the applicant, a transfer order bearing No. 505/Coy/108 dated 25.3.1989 was handed over to her with a direction to report on permanent transfer to Army Medical Corps Centre and School, Lucknow. In sub-para (m) of Para 4 of the said transfer order the applicant has also been directed to vacate Govt. accommodation immediately. A copy of the transfer order is annexed as Annexure A-20.

(29) "That the said transfer order accompanied by a direction to the applicant to vacate the Govt. accommodation (vide sub-para (m) of Para 4 thereof) is the outcome of a desire of the Respondents to harass and to cause hardships to her. Further, if she moves on transfer, she is most likely to face the same problems of performance of duty in the new office as she has been facing in her present office and for redressal of which she has filed an application before this Hon'ble Court. Further the applicant cannot justifiably be transferred during the pendency of her application in this Hon'ble Court. The applicant being a lady will also face a great inconvenience and hardships if she were forced to vacate Govt. accommodation."

Komalavalli Nair

....3/

A
96

B. Against Para 9 of the application i.e. "Reliefs sought" the following new clause (g) may be allowed to be added after clause (f):

(g) "Quash the transfer order (Annexure A-20) being arbitrary illegal and biased".

C. Under the GROUNDS Clause (Page 13) a new Para-6 may be allowed to be added after Para 5:-

85.

"6. Because the Respondents have issued the impugned transfer order (Annexure A-20) with a direction to vacate Govt. accommodation with the sole purpose of harassing the applicant.

D. In the Index, the following annexures may be allowed to be added after Serial No. 19:-

20. Annexure A-19. Photocopy of the applicants application dated 25.3.1989.

21. Annexure A-20 - Photocopy of transfer order No.

FE.- Against Para 10 - Interim Relief - 506/Coy/108 dated 25.3.1989.

Clause (e) may be allowed to be added as under: After serial (d) a new (e) operation of transfer order (Annexure A-20) be stayed till final disposal of the application. Komalavalli Nair

Place: Lucknow

Applicant:

Date: 31 May 89

VERIFICATION

I, Smt. Komalavalli Nair, W/o. Sri S.S. Nair aged about 43 years working as Steno-II (PA) in the Command Hospital (CC), Lucknow resident of 144/3 Outram Lines, Lucknow Cantt.

do hereby verify that the contents of paragraphs 1 and 2 of this application are believed by me to be true on legal advice.

Place: Lucknow

Komalavalli Nair
Applicant

Date: 31 May 89

Chukla
Advocate

The Commandant
Command Hospital
Central Command
LUCKNOW-2.

ANNEXURE A-19

A
97

Sir,

Further to my application dated 2
for extension of medical leave (commuted) by
3 weeks, I submit that I have been declared
fit to resume my duties w.e.f. 24-3-89,
and 24th being holiday, I hereby report
for duty w.e.f. today i.e. 25th Mar 89.

I enclose medical cum fitness Certificate
dt 23-3-89 issued by my treating doctor,
viz. Dr. S. Kumar, Sr. Med Offr. SII, A Central
Govt. Unit.

Thanking you, Yours faithfully,

Komalavalli Nair

25-3-88

Steno Gde-II (PA)

Received Copy

Komalavalli Nair
SPM

Komalavalli Nair

GTC

B. Shukla
Advocate

31.3.89.

MOVEMENT ORDER

Under the authority of Army HQ letter No. B/72133/DG Ms 3(B) dated 25 Dec 88. No. 6952303 smt Komalavalli Nair Srno Gde II of this hospital is hereby directed to proceed on permanent posting to AMC Centre and school Lucknow.

2. she will leave this unit on 25th Mar 89 (AN) and will be SOs wef 25th Mar 89 (FN).

3. she has been paid upto and for 30.9.88. she is absent with leave from Army wef 1.10.88. Her pay and allowances for this period will be claimed after regularisation of her absence period.

4. Necessary particulars of the above individual are given below:

- a) Date of birth : 17.10.41
 b) Date of Appnt : 8.2.1966
 c) Proceeding from : Comd Hosp (CG) Lucknow
 d) Proceeding to : AMC Centre & School Lucknow.
 e) Nature of posting : Permanent posting
 f) Date of SOs : 26.3.1989
 g) Authority for move : AHQ letter No. B/72133/DG Ms. 3(B)/I dated 26th Dec 1988.
 h) Pay and allowances :

Basic Pay	DA	CCA	HRA	Total
Rs. 1640.-	377.-	50.-	*	2067.-

 j) Monthly deduction : GP Fund - Rs. 400/- (A/C No. 391833)
 CGEGIs : Rs. 20.- * Govt accn
 k) Leave balance as on : EL=47 HPI=81
 1.10.88
 l) Date of last increment : 1.3.1988
 -ent
 m) She is in occupation of Government accommodation, which will be vacated by her immediately.
 5. She is in possession of her identity card bearing No. C-97535

505/Coy/108
 Command Hospital
 Central Command
 Lucknow

25 Mar 89

Distribution:-

1. Army HQ AG's Br Director General of Medical services DCMS-3(B) DHQ PO N. Delhi-11
2. HQ Cent Comd (Med) Lucknow
3. HQ UP Area (Med) Bareilly
4. AMC Centre & School Lucknow - Please report her arrival to this unit
5. CDA (CC) Lucknow
6. Smt Komalavalli Nair Srno Gde II for compliance
7. Unit concerned.

Komalavalli Nair

(VP Singh)

Capt
 Coy Commander
 for Commandant

etc.

Shukla
 Advocate
 31.3.89.

Filed today

A
99

31/5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW

Misc. Application No. 49 of 1989 (C)

in

ORIGINAL APPLICATION NO. 31/89

KOMALAVALLI NAIR Applicant

v/s

Union of India and others Respondents

APPLICATION FOR STAY

The applicant above named begs to submit as under:-

1. That for reasons and under the circumstances stated in the accompanying application for amendment, the applicant prays that this Hon'ble Court be pleased to stay the operation of the transfer order No. 505/Coy/108 dated 25.3.1989 (copy enclosed) and the direction contained in sub para (m) of Para 5 thereof regarding vacation of Govt. accommodation, till final disposal of the original application. The applicant also prays that Respondent No. 3 be also directed not to force her to vacate Govt. accommodation as this would cause her extreme hardship and inconvenience.

Place: Lucknow

Date: 31 May 89

G. Shukla

Counsel for the Applicant

Shri Sirish Kumar

List before court on

5/4/89

maharaj
31/5/89

A
102

MOVEMENT ORDER

Under the authority of Army HQ letter No.B/72133/DG Ms 3(B) dated 26 Dec 88. No.6952303 smt Komalavalli Nair Srno Gde II of this hospital is hereby directed to proceed on permanent posting to AMC Centre and School Lucknow.

2. She will leave this unit on 25th Mar 89 (AN) and will be SOs wef 25th Mar 89 (FN).

3. She has been paid upto and for 30.9.83. She is absent with leave from May wef 1.10.88. Her pay and allowances for this period will be claimed after regularisation of her absence period.

4. Necessary particulars of the above individual are given below:

- a) Date of birth : 17.10.41
b) Date of appt : 8.2.1966
c) Proceeding from : Comd Hoap (CC) Lucknow
d) Proceeding to : AMC Centre & School Lucknow.
e) Nature of posting : Permanent posting
f) Date of SOs : 26.3.1989
g) Authority for move : AHQ letter No.B/72133/DG Ms-3(B)/I dated 26th Dec 1988.
h) Pay and allowances :

	Basic Pay	DA	CCA	HRA	Total
	Rs.1640.-	377.-	50.-	*	2067.-

j) Monthly deduction : GP Fund-Rs.400/- (A/C No.391833)
CGEGIs Rs. 20.- * Govt accn
k) Leave balance as on : EL=47 HPLA 81
1.10.88
l) Date of last increment : 1.3.1988
-ent
m) She is in occupation of Government accommodation, which will be vacated by her immediately.

5. She is in possession of her identity card bearing No.C-075350

505/Coy/108
Command Hospital
Central Command
Lucknow

(VP Singh)
Capt
Coy Commander
for Commandant

25 Mar 89

Distribution:-

- CC*
Shukla
Advocate
31.3.89.
1. Army HQ AG's Br Director General of Medical services DGMS-3(B) DHQ PO N.Delhi-11
 2. HQ Cent Comd (Med) Lucknow
 3. HQ UP Area (Med) Bareilly
 4. AMC Centre & School Lucknow - Please report her arrival to this unit.
 5. CDA (CC) Lucknow
 6. Smt Komalavalli Nair Srno Gde I for compliance
 7. Unit concerned.