

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOWINDEX SHEETCAUSE TITLE O.A. NO. 335/89 199

Name of the parties:

Man Singh

Applicant.

Versus.

Union of India and others

Respondents.

Part A.B.C.

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Branch Copy

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Certified that no further action is required to be taken
and that the case is fit for assignment to the record room (D)

Rechecked
on 3/2/12
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Chand, J. J. J.

14.0.5.92

Particulars to be Examined

Endorsement as to result of examination

11. Are application/duplicate copy/spare copies signed?
12. Are extra copies of the application with Annexures filed?
 - a) Identical with the Original?
 - b) Defective?
 - c) Wanting in Annexures
13. Have the file size envelopes bearing full addresses of the respondents been filed?
14. Are the given address the registered address?
15. Do the names of the parties stated in the copies tally with those indicated in the application?
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true?
17. Are the facts of the case mentioned in item no. 6 of the application?
 - a) Concise?
 - b) Under distinct heads?
 - c) Numbered consecutively?
 - d) Typed in double space on one side of the paper?
18. Have the particulars for interim order prayed for indicated with reasons?
19. Whether all the remedies have been exhausted?

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

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Court No. 1.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH AT LUCKNOW.

Registration (O.A.) No. 335 of 1989 (L)

Man Singh Applicant.

Versus

Union of India & another ... Respondents.

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

This application, under Section 19 of the Administrative Tribunals Act, 1985, is for quashing an order of transfer (contained in Annexure 'A-2') dated 31.5.1989 from Jahangirabad to Elgin Bridge, Bara Banki.

2. The applicant was admittedly transferred from elsewhere to Jahangirabad in October, 1987. His allegation is that on 1.2.1989 he was temporarily transferred from Jahangirabad to Lucknow where he was also granted Leave Travel Concession. On return he could not join for sometime on account of sickness of the members of his family, but he was surprised to find one day that by order dated 8.5.1989 he had been re-transferred from Jahangirabad to Elgin Bridge, Bara Banki without reference to his posting at Lucknow. The allegation is that this transfer was fraudulent and arbitrary.

3. The reply in the counter is that the applicant had been posted at Jahangirabad and was never transferred to Lucknow and that the LTC granted from Lucknow is not enough to show that he was transferred to Lucknow. It is said that the posting of the applicant had ^{at} all times been at Jahangirabad and that there was no


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illegality, fraud or arbitrariness in his re-transfer from Jahangirabad to Bara Banki. Dr. D. Chandra, appearing on behalf of the respondents, also complaints that the applicant has made uncalled for allegations against some of the officers in the application.

4. We have heard Sri T.N. Tewari for the applicant and Dr. D. Chandra for the respondents and have perused the material on the record. We do not find any infringement of a legal right of the applicant in the matter of transfer. It is not very material whether between February and May, 1989 the applicant was working in Lucknow because even if he was working here on temporary transfer, as alleged by the applicant, that would come automatically to an end since the competent authority passed the order of transfer from Jahangirabad to Bara Banki. Perhaps, the proper remedy for the applicant was to approach the higher authorities with the request to look into his case sympathetically on account of the fact that there had been sickness amongst the members of his family and as stated by the learned counsel for the applicant, two of the applicant's children also died. We think, therefore, that while this application may fail the applicant may approach the competent authority again, withdrawing uncalled for allegations and seeking his posting at some station of his choice and according to his pressing needs on sympathetic considerations.

5. The application is accordingly disposed of in the above terms at the admission stage.


MEMBER (A).


VICE-CHAIRMAN.

Dated: February 2, 1990.

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 335 of 1989 (A)

APPLICANT(S) Mam Singh

RESPONDENT(S) Union of India & others

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent ?
2. a) Is the application in the prescribed form ?
b) Is the application in paper book form ?
c) Have six complete sets of the application been filed ?
3. a) Is the appeal in time ?
b) If not, by how many days it is beyond time ?
c) Has sufficient case for not making the application in time, been filed ?
4. Has the document of authorisation/ Vakalatnama been filed ?
5. Is the application accompanied by B.D./Postal Order for Rs.50/-
6. Has the certified copy/copies of the order(s) against which the application is made been filed ?
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?
c) Are the documents referred to in (a) above neatly typed in double space ?
8. Has the index of documents been filed and paging done properly ?
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application ?
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ?

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
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22/12/89

Hon' Mr. Justice Kamleshwar Nath, V.C.

Dr. Dinesh Chandra takes notice on behalf of Op.Ps. Notices meant for Op.Ps may be delivered by the office to Dr. Dinesh Chandra. Opposite parties may file reply the date fixed. List this case for admission on 4-1-90. The opposite parties will also indicate the period from which the applicant has not been paid his salary. The case is likely to be disposed ^{finally} of on the date fixed.

Notice served on 22/12 to Dr. D. Chandra

Vice Chairman

(sns)

4/1/90

Hon Justice K. Nath, V.C.
Hon. K. Obayya, Jm.

OK
Dr. D. Chandra takes notice on 22/12/89.
No reply filed.
Subm. H. Tech. adm. ltr.

Shri T. N. Tiwari for the applicant Dr. Dinesh Chandra appears on behalf of opposite parties. He requests for and is allowed two weeks time to file reply to which the applicant may file rejoinders within two weeks thereafter and list for admission on 2/2/90 on which date the case may be disposed of finally.

No Reply filed
S. K. admission

Dinesh

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VC

11/2/90

Dr. D. Chandra
22/12/89

In the Hon'ble Central Administrative Tribunal,
Additional Bench Allahabad, Deputy Registrar(J)
Circuit Bench, Lucknow.

O.A. No. 335 of 1989 (L)

Man Singh

...Applicant.

Versus

Union of India & another

...Respondents.

I N D E X

Sl. Description of document relied page no.
no. upon.

- | | |
|---|-------|
| 1 . Application | 1-12 |
| 2 . Impugned order Annexure ^A -2 | 13- — |
| 3 . Postal Order | — |
| 4 . Power | 14- — |

S E P A R A T E

- | | |
|---|------|
| 5 . Annexure ^A -1, Application dated 8-5-1989 | 1- — |
| 6 . Annexure ^A -3, Application dated 31-5-1989 | 2- — |
| 7 . Annexure ^A -4, Application dated 15-7-1989 | 3-4 |
| 8 . Annexure ^A -5, Application dated 5-8-1989 | 5-6 |

Filed Today
Noted for
29/12/89

For the use in Tribunal office

Date of filing 07-12-1989

Registration no.

Signature
for Registrar

Signature
Applicant
through counsel

(T.N.Tiwari)
Advocate

Counsel for the applicant.

In the Hon'ble Central Administrative Tribunal,
Additional Bench, Allahabad,
Circuit Bench, Lucknow.

O.A. No. 335 of 1989 (L)

Man Singh Khalasi, aged about 30 years, son
of Sri Bajrang Singh, Central Water Commission,
Middle Ganga Division-I, Jal Tarang Bhawan,
Pratap Bagh, Lucknow, r/o village and Post
Bhat Pur, district Hardoi, presently residing
at 50, Mawaiya, Lucknow.

....Applicant.

Versus

1. Union of India, Ministry of Water Resources
through Chairman, Central Water Commission,
Sewa
Nirman Bhawan, New Delhi.

2. Executive Engineer, Central Water Commission,
Jal Tarang Bhawan, Pratap Bagh, Aliganj, Lucknow.

....Respondents.

Details of Application.

1. Particulars of the order against which
the application is made;

That the application is made against
the order dated 31-5-1989 in writing and lastly
verbally on 1-12-1989 thereby transferring the

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applicant fraudulently from Janhgirabad (Sitapur)
to Elgin Bridge (Bara Banki) (Annexure ^A2).

2. Jurisdiction of the Tribunal :

That the applicant declares that
the subject matter of the order against which
he wants redressal is within the jurisdiction
of this Hon'ble Tribunal.

3. Limitation :

That the applicant further declares
that the application is within the limitation
period prescribed in Section 21 of the
Administrative Act, 1935.

4. Facts of the case :

(a) That the applicant was initially
appointed as Khalasi on Adhoc (seasonal) in
January 1936 and later on was regularised on
the said post of Khalasi w.e.f. 3-3-1986 and
posted to THAL ^{Life} ~~Division~~, Pithaura Garh.

5. (b) That after serving at Thal the
applicant was transferred in October, 1987 from
Thal to Janhgirabad, district Sitapur ^{where} he
noticed that the Boat man Sri Liaqat Ali and

Ann 198

Gauge Assistant Shri Babu Lal were giving boats on hire to other persons and accordingly reported the matter to Asstt. Executive Engineer Sri A.K. Agrawal in December 1988 and January 1989 respectively.

(c) That despite repeated reports with evidence thereof no action was taken against the said boatman and gauge assistant to which later on it was learnt that it was with the prior permission of the respondent no. 2. Consequently, the applicant kept quite but was attached to Lucknow Head quarters by way of a temporary transfer order and accordingly the applicant had joined at Lucknow on 1-2-1989.

(d) That the applicant was serving peacefully at Lucknow upto 8-5-1989 and even L.T.C. was sanctioned to the applicant on 5-5-1989 from Lucknow and accordingly proceeded on L.T.C. as per the plan from where he returned on 22-6-1989 and reported for duty but could not perform the duty as it was a great misfortune that the father, mother, wife and children all family members of the applicant were suffering from serious sickness and as a result of that he went back for their treatment with the prior permission of respondent no. 2.

(e) That on 8-5-1989 the applicant learnt through reliable sources that he was

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being re-transferred from Jahngirabad to Elgin Bridge and accordingly submitted an application directly to respondent no.2 for being retained in his office at Lucknow on the grounds of the sickness of his family members. A copy of the application dated 8-5-1989 is annexed herewith as ANNEXURE A-1 to this application.

(f) That on 8-5-1989 when the applicant had submitted his application directly to respondent no.2 for retransfer to Lucknow, he took back the former temporary transfer order (from Jahngirabad to Lucknow) to issue a fresh transfer order for Lucknow and thereafter the applicant was instructed to perform the duties as usual.

(g) That it was utter surprise and applicant was shocked to learn on 31-5-1989 that despite explaining the problems and moving an application he was transferred to Elgin Bridge. A photostat copy of the *Releaving* transfer order dated 31-5-1989 is annexed herewith as ANNEXURE A-2 to this application.

(h) That the applicant then and there personally requested the respondent no.2

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apprising the situation who was pleased to advise that he can not cancel his own order and the applicant had to represent the matter to Superintending Engineer at Varanasi, who will cancel the said transfer order provided the respondent no.2 recommends. On the humble request the respondent no.2 had agreed to recommend the case and get cancelled the transfer order. Accordingly the applicant had submitted an application addressed to the Superintending Engineer through respondent no.2 on 31-5-1989 but nothing has been yielded so far. A true copy of the application dated 31-5-1989 is annexed herewith as ANNEXURE A-3 to this application.

(i) That the L.T.C. as stated in sub-para (d) above was availed mainly to take ailing daughter to "VAISNAV DEVI" for Darshan. After coming back from there the condition of the daughter was not improved and at the last she breathed her last on 30-6-1989. The condition of the wife of the applicant was also considerably serious as she was in advance stage of pregnancy and as a result of the same she delivered a dead male child on 12-7-1989.

(j) That facing all the aforesaid problems the applicant further represented

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the matter vide his application dated 15-7-1989 to remain at Lucknow and 5-8-1989/and was assured by respondent no.2 for retention at Lucknow . At the last on 24-10-1989 the applicant was allowed to join at Lucknow sub-division office. The true copies of the application dated 15-7-1989 and 5-8-1989 are annexed herewith as ANNEXURE A-4 & A-5 to this application.

(k) That after joining on 24-10-1989 respondent no.2 directed the applicant to work as labour and chowkidar at his house under construction . The applicant joined on 24-10-1989 and proceeded as per the direction to his under construction house where he worked up to 30-11-1989 but no salary was paid to the applicant.

(l) That on 1-12-1989 the applicant requested for the salary from 24-10-1989 to 30-11-1989 as on duty and prior to 23-10-1989 as on leave . The respondent after taking job at his private house did not pay even a single paisa and when salary was requested on 1-12-1989 it was ordered that the applicant should report to Elgin Bridge (Bara Banki) on the old transfer/Relocation order dated 31-5-1989 (Annexure A-2).

(m) That it will not be out of place

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to mention here that the applicant was put to suffer regularly by respondent-no.2 at various stages and at the last he is being forced to join at Elgin Bridge on the old trans i.e. *Releaving* order dated 31-5-1989 in the critical juncture where his personal presence is warranted at Lucknow.

(n) That it is further submitted that the applicant had already lost two children and his wife and mother-father all are suffering who need the physical help and at this critical juncture the respondent no.2 is ill-treating the applicant and not allowing him to look after his ailing family members.

(o) That under such circumstances the interference of this Hon'ble Tribunal is very much essentially invited, in the interest of justice.

5. Grounds for Relief with legal position:

That the applicant being aggrieved of the order dated 31-5-1989 and subsequently on 1-12-1989 passed by respondent no.2 thereby transferring the applicant to Elgin Bridge (Bara Banki) the applicant is seeking relief amongst other on the following

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(i) Because the transfer order is out come of the malice of respondent no.2 against the applicant as he reported the matter of hiring the boad which was with the consent of respondent no.2.

(ii) Because the respondent no.2 had allowed the applicant to remain at Lucknow and also took personal job at his private house .

(iii) Because the applicant has recently lost his two children and his wife, mother and father are still seriously ill and to be looked after by the applicant only.

(iv) Because there is none to look after ailing family members.

(v) Because the applicant has not yet joined at Elgin Bridge as he was allowed to work at Lucknow.

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(vi) Because even after passing transfer order the applicant had been allowed to work at Lucknow with an assurance of retention at Lucknow.

(vii) Because the applicant had worked on the private house of respondent no.2 with no salary and on the claim of salary he being forced to join on the old trans.

(viii) Because the constitutional rights of the applicant have been infringed by the respondent no.2.

(ix) Because the transfer order being outcome of malice is liable to be quashed by this hon'ble Tribunal.

6. Details of Remedies Exhausted ;

That the applicant had exhausted all the remedies available to him ⁱⁿ and the present critical juncture there is no other way except to approach the Hon'ble Tribunal for judicial intervention and Relief.

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7. Matter not previously filed or pending
with any other court.

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

8. Relief (s) Sought :

In view of the facts mentioned in para 4 above, the applicant prays for the following reliefs :

(a) That the Hon'ble Tribunal may graciously be pleased to allow the application Quashing the transfer order dated 31-5-1989 (Annexure A-2 to this application) and direct the respondent no.2 to post the applicant at Lucknow where he served after 1-2-1989 and his personal ~~presence~~ presence is needed even on humanitarian ground at Lucknow.

(b) That any other relief which this Hon'ble Tribunal may deem fit and proper in this circumstances of the case.

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(c) That the cost of the application may also be awarded to the applicant as against the respondents.

9. Interim order, if any, prayed for:

That pending final decision the applicant prays for the following interim relief :

(a) That the respondent no.2 may kindly be directed to allow the applicant to serve at Lucknow only.

10. N/A

11. A postal order sl.no. B 02 - 401888 dated 07-12-89 issued from Post Office C.P.O. Vko for Rs.50/- is enclosed herewith as court fee.

12. List of enclosures:

Annexures 1 to 5.

Lucknow, dated;
December 7-12, 1989.

Signature
Applicant

Signature

In the Hon'ble Central Administrative Tribunal
Adal Bench, Allahabad
Circuit Bench, Lucknow

O.A. No. — of 1989 (L)

Man Singh — — — — — Applicant
Versus

Union of India ^{An} Respondents

"ANNEXURE - A-2"

भारत सरकार
केन्द्रीय प्लान आयोग
मध्य गंगा मण्डल-पुष्प
जलतरंग भवन, पुतापुर्बा, अलीगंज,
लखनऊ-226020.

सं०: पी: रफ: डब्लु: सी: - /म(आं)(म०)-1/लख०/89/3102-03

दि०: 31/5/89

प्रति,
सहायक अध्यापी अभियन्ता,
उपमण्डल लखनऊ।

विषय:- कार्यप्रभारित क्वाररी के स्थानान्तरण पर कार्यपुष्टि।

इस कार्यालय के पत्र सं०: ई-9/म(आं)(म०)-1/लख०/89/
2697-2700, दिनांक 8.5.89 के द्वारा श्री मान सिंह, खासी
का स्थानान्तरण जहांगीराबाद से सीलोन ब्रिज जमीन में किया
जा रहा था।

आपने इन्हें लखनऊ में ही रहने का प्रार्थना पत्र भी प्रेषित
किया था, जिसमें आपको निर्देशित किया गया था कि श्री मान सिंह,
खासी को कार्यपुष्टि कर दें।

अतः आज दिनांक 31.5.89 को अपराह्न बाद इन्हें
जहांगीराबाद से सीलोन ब्रिज जाने हेतु कार्यपुष्टि किया जाता है।

॥ राम सरन ॥
अध्यापी अभियन्ता

प्रतिनीति:-

श्री मान सिंह, खासी, द्वारा सहायक अध्यापी अभियन्ता,
उपमण्डल, लखनऊ।

Handwritten signature: H. Singh
Handwritten signature: J. Singh

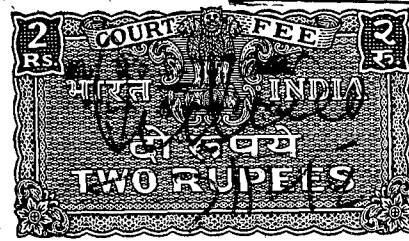
॥ राम सरन ॥
अध्यापी अभियन्ता

14/11/18
बअदालत श्रीमान Surin Hable C.A.T. R.B. Jadhav महोदय

वादी (मुद्दई)
मुद्दई (मुद्दालेह)

का

वकालतनामा



Man Singh

बनाम

Unnati Jadhav
प्रतिवादी (रिस्पान्डेंट)

नं० मुद्दमा

सन

पेशी की ता०

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ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

T.N. Timan

वकील

Advocate

एडवोकेट महोदय

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

नाम अदालत

नं० मुकद्दमा

नाम फरीकन

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९

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Accepted

Unnati Jadhav

(T.N. Timan) Advocate

इन दि आनरेबल सेंट्रल एडमिनिस्ट्रेटिव ट्रिबुनल, 120
एडीशनल बेन्च इलाहाबाद
सर्किट बेन्च लखनऊ ।

ओ० ए० नं० 335 आप 1989 (L)

मानसिंह

----- अपलीकैण्ट
बनाम

यूनियन आप इण्डिया

----- अफोरे रेस्पान्डेन्ट

अनेक्जर नं० - A-1

सेवा में,

श्रीमान अधिष्ठासी अभियन्ता
मुख्य गंगा मण्डल प्रथम
लखनऊ ।

स्थानान्तरण स्थगित करने हेतु ।

महोदय,

- 1- सविनय निवेदन है कि प्रार्थी को जहाँगीराबाद से लखनऊ स्थानान्तरित किया गया था और प्रार्थी 1.2.1989 को लखनऊ ज्वाइन किया और तब से आज तक 8.5.1989 सेवारत है। प्रार्थी को आज विश्वस्त सूत्रों से ज्ञात हुआ है कि प्रार्थी का स्थानान्तरण झीलगन बिज किया जा रहा है जबकि श्रीमान जी ने अस्थाई स्थानान्तरण आदेश द्वारा लखनऊ बुलाया था और यही स्थायी रूप से स्थानान्तरित करने को कहा था।
- 2- प्रार्थी की स्त्री बहुत ही बीमार चल रही है साथ ही एक पुत्री भी मरणासन्न स्थिति में बीमार चल रही है। यही नहीं प्रार्थी के माता-पिता भी बीमार चल रहे हैं। इन सब की देखभाल प्रार्थी की नैतिक जिम्मेदारी बनती है।
- 3- ऐसी विषम परिस्थिति में प्रार्थी को लखनऊ में स्थायी रूप से स्थानान्तरित करने की कृपा करें ।

प्रार्थी सदैव श्रीमान का आभारी रहेगा ।

प्रार्थी

दिनांक 8.5.1989

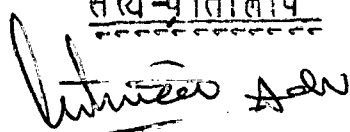
मान सिंह, खलासी

पुत्र श्री बजरंग सिंह

मुख्य गंगा मण्डल-प्रथम

जलतरंग भवन, अलीगंज लखनऊ ।

सत्य-प्रतिलिपि



इन दि आनरेबुल सेटल एडीमिनिस्ट्रेटिव ट्रिबुनल,
एडीशनल बेन्च इलाहाबाद
सर्किट बेन्च लखनऊ ।

ओप एन नं०

आफ 1989

मानसिंह

----- अपलीकैण्ट

बनाम

यूनियन आफ इण्डिया

----- रेस्पान्डेन्ट

अपिल नं० -A-3

सेवा में,

श्रीमान अधीक्षक अभियन्ता महोदय
मैसूरगंज, वाराणसी ।

द्वारा उचित माध्यम

स्थानान्तरण रद्द करने हेतु अपील

महोदय,

प्रार्थी सविनय निम्न निवेदन करता है :-

1. यह कि प्रार्थी के परिवाद के सभी सदस्य गम्भीर रूप से बीमार चल रहे हैं। सभी तथ्य प्रार्थी ने अपने प्रार्थना पत्र दिनांक 8.5.1989 में श्रीमान अधीक्षक अभियन्ता को सम्बोधित करते हुए वर्णित किया है। प्रतिलिपि संलग्न है।
2. यह कि संलग्न प्रार्थना पत्र में वर्णित तथ्यों को ध्यान में रखते हुए प्रार्थी की दयनीय हालत पर मानवता पूर्ण विचार करते हुए प्रार्थी का जहाँगीराबाद से इल्लिन ब्रित स्थानान्तरण रद्द करते हुए जहाँगीराबाद से लखनऊ ही रहने की कृपा करें ।

महान दया होगी ।

प्रार्थी

मान सिंह

खलासी

पुत्र श्री बजरंग सिंह

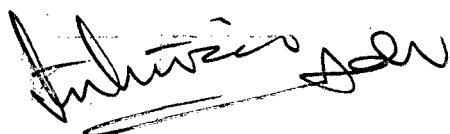
मध्य गंगा मण्डल - प्रथम

जलतरंग भवन, अलीगंज

लखनऊ ।

दिनांक : 31.5.1989

सत्य-प्रतिलिपि



इन दि आनरेबुल सेट्रल एडमिनिस्ट्रेटिव टिबुनल,
एडीसनल बेन्च इलाहाबाद
सर्किट बैच लखनऊ ।

ओओ एओ नं०

आफ 1989

मानसिंह

----- अपलीकैण्ट

बनाम

यूनियन आफ इण्डिया

----- रेस्पान्डेन्ट

अनेकजर नं० - "A-4"

सेवा में,

श्रीमान अधी० अभ्यन्ता महोदय
मध्य गंगा मण्डल प्रथम
के० ज० आ० - लखनऊ ।

विषय: स्थानान्तरण के सम्बन्ध में ।

महोदय,

साशुरोध आपका ध्यान निम्न तथ्यों की ओर आकृषित करवाना चाहता हूँ। और मुझे पूर्ण विश्वास है कि आप सहायुक्ता पूर्वक विचार करके न्याय संगत आदेश देने की कृपा करेंगे।

1. यह कि प्रार्थी की सुपुत्री कु० मन्जूलता जो कि स्व. बी. चिकित्सालय चारबाग लखनऊ में भर्ती थी जैसा कि महोदय को आवगत है जिसका 30 जून 1989 को रात 1 बजे चिकित्सालय में निधन हो गया ।
2. यह कि प्रार्थी की पत्नी श्रीमती शिवकुमारी सिंह जिनका भी इलाज चल रहा था जो कि महोदय को पूर्ण पूर्व पत्र द्वारा एवं मौखिक रूप से आवगत करा चुका है।
3. यह कि प्रार्थी ने दिनांक 10.7.89 को महिला चिकित्सालय गोलागंज लखनऊ को ले गये थे जिसमें मेरी पत्नी का इलाज चलता था जोकि हड़ताल होने के कारण विवेकानन्द पालीक्लीनिक रात 10 बजे ले जाया गया जो कि रात 12 बजे वहाँ के वरिष्ठ चिकित्साधिकारी ने जवाब दे दिया। जोकि प्रार्थी ने तुरन्त नीरा नर्सिंग होम अलीगंज में भर्ती करवाया जो दिनांक 11.7.89 को प्रातः 06 बजे जवाब दे दिया ।

मान मे

Signature

4. यह है कि प्रार्थी ने तुरन्त वहाँ के चिकित्साधिकारी के परामर्श से साहनी नर्सिंग होम आदर्श नगर आलमबाग लखनऊ को ले गये जहाँ पर डा० सन्तोष साहनी के अथक प्रयास से लगभग 11-30 बजे एक मृतक बच्चे का जन्म हुआ।
5. यह कि प्रार्थी के पत्नी की हालत बड़ी गम्भीर है जिसका इलाज डा० वीरेन्द्र कुमार अग्रवाल कर रहे हैं। हालत अच्छी न होने कारण प्रार्थी काफी परेशान है।
6. यह है कि प्रार्थी के दो बच्चे जो क्रमशः 6 वर्ष एवं 2 वर्ष के जिनका पालन पोषण प्रार्थी पर है।
7. यह है कि प्रार्थी के वृद्ध माता पिता की देखभाल भी प्रार्थी पर है जो कि प्रार्थी घोर संकट में है।

अतः श्रीमान जी से करबद्ध प्रार्थना है कि प्रार्थी की इस दयनीय स्थिति को ध्यान में रखते हुए प्रार्थी का स्थानान्तरण जो जहाँगीरा बाद से सलगिन हुआ है उसे निरस्त करके गेज साइट बनी अथवा लखनऊ में नियुक्त करने की कृपा करें जिससे प्रार्थी अपने बच्चों की सही-2 देखभाल कर सकें। एवं पत्नी का इलाज सही ढंग से करवा सकें।

अतः महोदय सानुरोध प्रार्थना है कि प्रार्थी की परिस्थितियों को ध्यान में रखते हुए न्यायसंगत आदेश देने की कृपा करें।

प्रार्थी आपको विश्वास दिताता है कि प्रार्थी की सेवा से छोटे से लेकर उच्च अधिकारी तक खुश रहेंगे।

अतः एक बार पुनः निवेदन है कि प्रार्थी को लखनऊ या बनी साइट पर नियुक्त करने की कृपा करें।

महान कृपा होगी।

प्रेषित प्रतिलिपि

॥ श्रीमान अधी अभियन्ता महोदय

म० ज० म० प्रथम लखनऊ।

॥ श्रीमान सहाय अधी अभियन्ता महोदय

ग० ला० ग० उ० ख० लखनऊ।

संलग्न-॥ दि० साटीफिकेट

साहनी नर्सिंगहोम
आलमबागलखनऊ।

आपका विश्वासपात्र

डा० अपत्नीय

15-7-89

॥ मान सिंह ॥

ख०

सत्य-प्रतिलिपि

मा० मा०

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इन दि आनरेबुल सेट्रल एडमिनिस्ट्रेटिव टिबुनल,
एडिशनल बेन्च इलाहाबाद
सर्किट बेन्च लखनऊ ।

ओप एड नं०

आफ 1989

मानसिंह

----- अपलीकैण्ट

बनाम

यूनियन आफ इण्डिया

----- रेस्पान्डेन्ट

अनेक्जर नं० - "A-5"

सेवा में,

श्रीमान अधिष्ठासी अश्विन्ता महोदय
मध्य गंगा मण्डल प्रथम - लखनऊ ।

विषय: स्थानान्तरण के सम्बन्ध में ।

॥ उचित माध्यम द्वारा ॥

महोदय,

सानुरोध आपका ध्यान निम्न तथ्यों की ओर आकृषित करवाना चाहता हूँ। और मुझे पूर्ण विश्वास है कि आप सहानुभूति पूर्वक विचार करके न्याय संगत आदेश देने की कृपा करेंगे ।

॥1॥ यह है कि प्रार्थी की सुपुत्री मन्जू लता जो कि एच.बी.बी. चिकित्सालय लखनऊ में भर्ती थी जैसा कि महोदय को अवगत करा चुका हूँ। जो कि जून 89 में गत 09 बजे उसका निधन हो गया ।

॥2॥ यह है कि प्रार्थी की पत्नी श्रीमती शिवकुमारी सिंह जिनका भी इलाज चल रहा था। जिसे भी महोदय को पूर्व पत्र एवं मौखिक रूप से अवगत करा चुका हूँ।

॥3॥ यह है कि प्रार्थी ने दिनांक 25.6.89 को पुनः इलाज करा रहा है। जो कि दिनांक 10.7.89 को महिला चिकित्सालय गो०गं० लखनऊ को ले गये थे। जिसमें पत्नी का इलाज चलता था। जो कि उसीदिन हड़ताल होने के कारण भर्ती ही न सकी जिससे प्रार्थी को रात 10 बजे विवेकानन्द पालीक्लीनिक ले गये। जो कि 2 घंटे वहाँ के वरिष्ठ चिकित्सा ने जवाब दे दिया ।

॥4॥ यह है कि प्रार्थी ने तुरन्त चिकित्साधिकारी के परामर्श से नीरा नर्सिंग होम अलीगंज को ले गये जो कि वहाँ के चिकित्साधिकारी ने साहनी नर्सिंग होम आदर्श नगर आलमबाग लखनऊ को भेज दिया ।

min MC

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- ॥5॥ यह है कि प्रार्थी ने साहनी नर्सिंग होम में भर्ती करवाया जहाँ पर दिनांक 12.7.89 को वहाँ के वरिष्ठ चिकित्साधिकारी के अथक प्रयास से 11-30 बजे एक मृतक बच्चे का जन्म हुआ ।
- ॥6॥ यह है कि प्रार्थी की पत्नी की हालत बड़ी गम्भीर है। जिनका इलाज डा० वी०के० अग्रवाल कर रहे हैं। डा० अग्रवाल जी जो कि स्त्री रोग विशेषज्ञ हैं जिनका कहना है कि इलाज काफी दिनों तक चलेगा। जिससे प्रार्थी बहुत परेशान हैं।
- ॥7॥ यह है कि प्रार्थी के अन्य दो बच्चे जो क्रमशः 5 वर्ष एवं 2 वर्ष के हैं जिनका पालन पोषण प्रार्थी पर निर्भर है। साथ ही साथ बड़े वृद्ध माता पिता की भी देखभाल प्रार्थी पर ही निर्भर है। जिससे प्रार्थी घोर संकट में हैं।

अतः प्रार्थी का करबूढ़ प्रार्थना है कि प्रार्थी की इस दयनीय स्थिति को ध्यान में रखते हुए प्रार्थी का स्थानान्तरण जो जल्द जहाँ बाद से सलगिन को हुआ है। उसे निरस्त करके गेज साइट बनी, लखनऊ अथवा करने की कृपा करें ।

जिससे प्रार्थी अपने बच्चों का इलाज लखनऊ में रहकर सही ढंग से करवा सके जिससे प्रार्थी को कुछ राहत मिल सके श्रीमान जी से एक बार पुनः निवेदन है कि प्रार्थी की परिस्थितियों को ध्यान में रखते हुए न्याय संगत आदेश जारी करने की कृपा करेंगे ।

महान कृपा होगी ।

दिनांक : 05.8.89

आपका विश्वासपात्र

डा० - अपत्नीय

5.8.89

॥ मान सिंह ॥

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उ० म० लखनऊ ।

सत्य-प्रतिनिधि

min Aie

Signature

In the Central Administrative Tribunal at Allahabad,

Circuit Bench, Lucknow.

O.A. No. 335 of 1989 (L)

A26

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS

Man Singh

Applicant

.....

.....

Versus,

Union of India & Others

.....

.....

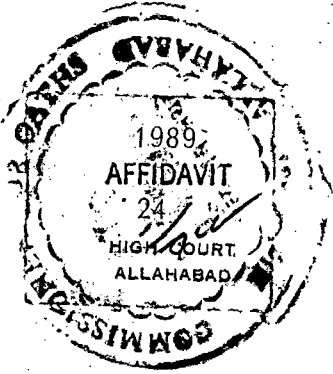
Respondents.

I, Ram Saran, aged about 33 years son of
Shri RAM DIN, Executive Engineer, Middle Ganga
Division - I, Central Water Commission, Lucknow, do
hereby solemnly affirm and state as under :-

1. That the deponent is competent to swear this affidavit on behalf of all the respondents.
2. That the deponent has read the application filed by Shri Man Singh and has understood the contents thereof.
3. That the deponent is well conversant with the facts of the case deposed hereinafter.
4. That the contents of paras 1 to 3 need no comments.
5. That the contents of para 4 (a) are admitted.
6. That in reply to the contents of para 4 (b) it is stated that the applicant remained posted at

contd....2....

[Signature]



P. J.
L
2/2/89

A27

Thal upto 12.10.87. During the period the applicant requested for his transfer to some site which might be nearer to his home town as his wife had been sick for sometime. He was therefore, transferred from Thal which was under Upper Sharda Sub-Division, Haldwani, Distt. Nainital to Jahangirabad under Gomti Lower Sharda Sub-Division, Lucknow. Rest of the contents are denied as no information as alleged in this para was received by the deponent or by the Sub-divisional Officer concerned.

7. That the contents of para 4(c) are denied. The applicant was not temporarily transferred to Lucknow.
8. That in reply to, the contents of para 4 (d) it is submitted that the applicant was posted at Jahangirabad site from where there was no railway route to Vaishno Devi. The shortest route for availing L.T.C. was from Lucknow to Jammu and from there to Vaishno Devi. L.T.C. was sanctioned from Lucknow Headquarter but that does not show that the applicant was posted at Lucknow.
9. That in reply to the contents of para 4 (e) it is submitted that the applicant was transferred from Jahangirabad to Elgin Bridge for the first time. He was never transferred from Jahangirabad earlier. It may also be mentioned that both Jahangirabad and Elgin Bridge, Distt. Bara Banki fall under the jurisdiction of Gomti Lower Sharda Sub-division, Lucknow. The applicant should have applied for his transfer to Lucknow through his Sub-divisional officer.
10. That the contents of para 4(f) are denied. No such instructions were issued by the deponent.



[Signature]

contd.....3.....

128

11. That in reply to para 4 (g) it is submitted that the applicant was transferred to Elgin Bridge in Distt. Bara Banki, in public interest on 8.5.1989. Elgin bridge is the most important and biggest site of the division and is adequately manned for carrying out the flood work in the mighty Ghaghra river.
12. That the contents of para 4 (h) are admitted to the extent that the applicant's application for transfer from this division had been forwarded by the deponent to the Superintending Engineer, Middle Ganga Circle, Central Water Commission, Varanasi. Rest of the contents are denied.
13. That the contents of para 4 (i) need no comment.
14. That in reply to the contents of para 4 (j) it is stated that the applicant was relieved from Jahangirabad for Elgin Bridge on 31.5.1989. So the question of retaining him at Lucknow Headquarters by the deponent or by the Sub-divisional officer concerned did not arise. This fact has already been indicated in the deponent's letter dated 31.8.1989 filed by petitioner as Annexure A-2. The petitioner never joined at Lucknow. When he was relieved for Elgin Bridge on 31.5.1989 how could he join at Lucknow.
15. That in reply to the contents of para 4 (k) it is stated that the applicant was relieved from Jahangirabad for Elgin Bridge on 31.5.89 and he could not join at Lucknow unless the transfer for Elgin Bridge was cancelled or modified. The petitioner's allegations against the deponent are baseless and mischievous and are vehemently denied.



Bara

contd.....4.....


A28

16. That the contents of para 4 (1) are denied. The allegations are false and baseless.
17. That in reply to para 4 (m) it is stated that the petitioner was transferred alongwith four other members of the staff on 8.5.1989 vide letter dated 8.5.1989, a copy of which is being filed as Annexure . R-1.
18. That in reply to para 4 (n) it is stated that the petitioner was transferred from Jahangirabad to Elgin Bridge. The petitioner's home town is Bhatpur and the distances from Bhatpur to Elgin Bridge is the same as that from Jahangirabad to Bhatpur.
19. That the contents of para 4 (o) need no comments.
20. That in reply to the grounds for relief mentioned in para 5 of the application it is stated that submission in this regard have already been made in the parawise comments of the various sub-paragraphs of paragraph 4 of the application and the same are re-iterated.
21. That the contents of paras 6 and 7 need no comments.
22. That in reply to the contents of para 8 & 9 it is submitted that in view of the submissions made in the above paragraphs the relief sought and the interim relief prayed for are liable to be rejected.
23. That the contents of paras 10 to 12 need no comments.
24. That in view of submissions made in the foregoing paragraphs, the application is not tenable in facts and law and is liable to be dismissed with cost.



Lucknow :

Dated : 2-2-90


Deponent
contd.....5.....

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VERIFICATION

I, the above named deponent do hereby verify that the contents of paragraphs 1 & 4 of the affidavit are true to the best of my knowledge and those of paras 5 & 24 are believed by me to be true as per legal advice and based on records. That nothing material facts have been concealed and no part of it is false, so help me God.

Signed and verified this the 2 day of January, 1990 within the court compound at Lucknow.
Feb


Deponent

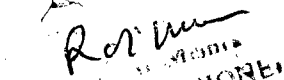
I identify the deponent who has signed before me, Mr. J. Chandra, Advocate, High Court of Lucknow Bench.


Advocate.

Solemnly affirmed by the deponent on 2-2-90 at 10-10 a.m./p.m. who has been identified by Shri Dr. D. Chandra, Advocate, High Court of Lucknow Bench.

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




COMMISSIONER,
HIGH COURT, LUCKNOW BENCH

24117-S-

2-2-90

कार्यालय आदेश

निम्नलिखित कार्यप्रभारित कर्मचारियों का स्थानान्तरण उनके नाम के सामने दशादि गये स्थान पर किया जाता है। यह आदेश तत्काल प्रभावी होगा।

क्रमांक	नाम व पद	वर्तमान कार्यस्थल	भविष्य का कार्यस्थल	टिप्पणी
1.	श्री राम सुन्दर, नाविक	मुसलितपुर	बस्ती	निजी हित में
2.	श्री हरी राम गुप्ता, नाविक	बस्ती	अयोध्या	- तदेव -
3.	श्री राम अचल [2], नाविक	अयोध्या	राममनेहीघाट	- तदेव -
4.	श्री अब्दुल कजीम सिद्दिकी, राममनेहीघाट	मुसलितपुर		- तदेव -
5.	श्री मान सिंह, कलासी	जवागिराबाद	एन्गिनियरिंग जेन हिल में।	

नोट :- कम तद्व्या-। पंखे प्रस्थान करेंगे।

॥ राम सरन ॥
अधिकासी अभियन्ता

नो:ई-१/मोगिमो-१/नसो/८९/२६९७-२७०० दि: ८/५/८९

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1. सहायक अधिकासी अभियन्ता/सहायक अभियन्ता, उपमण्डल, लखनऊ / गोरखपुर / गोरखपुर।
2. मैदानाभाग, मण्डलीय कार्यालय, लखनऊ।
3. सम्बन्धित कर्मचारियों को, द्वारा उपमण्डलीय अधिकारी।
4. व्यक्तिगत पदावली



॥ राम सरन ॥
अधिकासी अभियन्ता