

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE ...O.A. 343... OF 1989.....

NAME OF THE PARTIES ...Dr. Surya Prasad.....Applicant

Versus

.....Union of India.....Respondent

Part A.

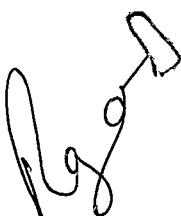
Sl.No.	Description of documents	Page
1 A	Check list	1 to 2
2 A	Order Sheet	3 to 4
3 A	Judgment	5 to 7
4 A	Petition	8 to 36
5 A	Power	37
6 A	C.A.	38 to 41
7 A	R.A.	42 to 47
8 A	M.P.	48
9 A	Power	49
10		
11		
12		
13		
14		
15		
16		
17		
18		

CERTIFICATE

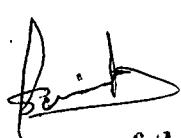
Certified that no further action is required to be taken and that the case is fit
for consignment to the record room (decided)

Dated 10-6-11.

Counter Signed.....



Section Officer/In charge



Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

第六部分

Registration No. 543 of 1989

APPLICANT(S) Sirajul Haq

RESPONDENT(S) Go

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent ? *Ys*

2. a) Is the application in the prescribed form ? *yes*

b) Is the application in paper book form ? *Ys*

c) Have six complete sets of the application been filed ? *Ys* only four sets.

3. a) Is the appeal in time ?

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

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

4. Has the document of authorisation Vakalatnama been filed ? *Ys*

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

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

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

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

c) Are the documents referred to in (a) above neatly typed in double space ? *Ys*

8. Has the index of documents been filed and pagging done properly ? *Ys*

9. Have the chronological details of representation made and the outcome of such representation been indicated in the application ? *Ys*

10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ? *No*

Particulars to be ExaminedEndorsement as to result of examination

11. Is the application/duplicate copy/spare copies signed ? *Ys*

12. Are extra copies of the application with Annexures filed ?
 a) Identical with the Original ? *Ys*
 b) Defective ?
 c) Wanting in Annexures
 13. Have the file size envelopes bearing full addresses of the respondents been filed ? *Ys*

14. Are the given address the registered address ? *Ys*

15. Do the names of the parties stated in the copies tally with those indicated in the application ? *Ys*

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? *N.A.*

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 ? *Ys*

18. Have the particulars for interim order prayed for indicated with reasons ? *N.A.*

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

Srinivas/

22.11.90

(P3)
343/10/1
Hon. Mr Justice K. Nath. VC
Hon. Mr. M. M. Singh AM

On account of the death of
Sri P. C. SAXENA, Advocate whose
cremation is likely to be ~~on~~ on 14.2.91
Prayer for adjournment is made
On behalf of Advocate List for
hearing on 14.2.91.

M. M. L.

AM

VC

4.2.91

No sitting adj to 14.2.91

4.5.91

No sitting adj to 13.8.91

J

OR

CA/RA have been
exchanged on behalf of
parties No. 2

Stamps

No CA filed on
behalf of D.P. No. 1

13.8.91

to
14.11

D.R.

Applicant's side is present
counter has not been filed
on behalf of O.P. No. 1

O.P. to file counter by
31/10/91.

(Dr)

O.A. 343/89 (C)

31-10-91
D.R.

Respondent No. 2

is present. CA/R.A.

have been filed
on behalf of O.P. No.
2. Case is listed
on 29/11/92 for filing
counter of O.P. No. 1.

29-11-92
D.R.

Both the parties
are present. Dr.
D. Chandra, counsel
for O.P. has filed
M.P. application
for listing the case
before the Hon. Bench.
Hence, this case is listed
on 30/11/92 for order.

(AS)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT
BENCH LUCKNOW.

Original Application No. 343 of 1989.

Dr. Surya Prasad..... Applicant.

Versus

Union of India & others..... Respondents.

Hon'ble Mr. Justice U.C. Srivastava-V.C.
Hon'ble Member Mr. A.B. Gorthi - Member (A).

(By Hon'ble Mr. Justice U.C. Srivastava-V.C.).

As a short matter is involved in this case, the case is being heard which may be disposed of finally.

The applicant was appointed in the I.A.S. cadre in the year 1970 and was assigned the State of U.P. in the year 1987. Some disciplinary proceedings were started against him which were concluded in the year 1987. The State Government of U.P. issued a warning to the applicant vide order dated 21.2.87. In the year 1986 selection of Super Time Scale took place. As the applicant was facing disciplinary proceedings, his case was also considered and recommendations were kept in a sealed bench cover. The ~~bench~~ cover was opened after conclusion of the disciplinary proceedings and the applicant was also allowed Super Time Scale vide order dated 28.3.87 and that it was made clear in the said order that the applicant's promotion was notional, but the applicant will not get actual scale from the date he was

2

promoted, but he ^{would} get the same only w.e.f. the date of order and in this connection the respondents have placed reliance on the office memorandum 22011/1/79, Establishment-A dated 30.1.87 issued by Government of India.

Learned counsel for the applicant contended that the applicant not having been punished and the Government of India also decided to keep the selection date from the due date like others ^{as} ~~he~~ he have been/found fit by the departmental promotion Committee. His selection for promotion was delayed for no fault on his part and as such he should not be deprived of the monetary ^{benefit} part of the same. There was always a willingness on his part to work at any post and actually he worked. As such he was entitled to the salary also from the date on which he was deprived and in this connection/reference has been made of the ^{case of} Union of India and others Versus K.B. Janki Raman 1991 Supreme Court page 2010. In the said case also sealed cover procedure was adopted and the court held that when an employee/compleatly exonerated in criminal and disciplinary proceedings and is not visited with the penalty even of censure indicating thereby he was not blame worthy in the least, he should not be deprived of any benefits including the salary of the promotional

(A2)

post. The normal rule of "no work no pay" is not applicable to such cases where the employee although he is willing to work is kept away from work by the authorities for no fault of his. The same position appears in this case and accordingly the application is allowed and the respondents are directed to give the Super Time Scale to the applicant since 29.4.86 when his juniors have been given. The payment of the arrears shall be paid to the applicant from the date within the period of three months from the date of the communication of this order. No order as to the costs.

Janaygor

Member (A)

L

Vice Chairman.

Dt: January 30, 1992.

(DPS)

Prasanta
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ^{Poppy Rd} LUCKNOW BENCH,
LUCKNOW

(Application no. 342/L of 1989)

DR. SURYA PRASAD

Applicant.

versus

Union of India & another

...

Respondents

INDEX

S.NO.	P A R T I C U L A R S	Annex.	P a g e s
1.	Memo of the application	-	1 - 8
2.	Photo copy of the impugned order, dated 21.2.87	1	9
3.	Photo copy of the impugned order, dated 11.9.89	2	10
4.	Photo copy of the impugned order, dated 11.5.87	3	11 - 12
5.	Photo copy of the impugned order, dated 9.11.87	4	13 - 14
6.	Photo copy of the circular/order dated 30.1.82	5	15 - 19
7.	Photo copy of the representation dated 31.3.87	6	20 - 21
8.	Photo copy of the representation, dated 16.4.87	7	22
9.	Photo copy of the representation, dated 31.8.87	8	23 - 24
10.	Photo copy of the representation, dated 12.10.88	9	25 - 26
11.	Photo copy of the representation, dated 5.7.89 to State Govt.	10	27
12.	Photo copy of the representation, dated 5.7.89 to Govt. of India	11	28
13.	Affidavit.	-	29 - 30
14.	Power.	-	31

Filed today
LUCKNOW: DATED:

NOV 21 : 1989:

Applies for me
(A. P. SRIVASTAVA) ADVOCATE,
COUNSEL FOR THE APPLICANT

Sub. 10/3

B/9

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(LUCKNOW BENCH):LUCKNOW:

(CA) Application No. 343 of 1989. (L)

BETWEEN
DR. SURYA PRASAD

APPLICANT

AND

1. The Union of India through its Secretary, Department of Personnel, North Block, New Delhi.
2. The State of U.P. through Secretary, Appointment Department, Annexe Bhawan, Sachivalaya, Lucknow.

....

RESPONDENTS.

1. DETAILS OF APPLICATION:

(i)	Name of applicant	Dr. Surya Prasad, I.A.S.
(ii)	Name of the father	Sri Debi Ram
(iii)	Age of the applicant	45 years
(iv)	Designation and particulars of the office.	Chairman, U.P. Public Services Tribunal No.V, 625, Jawahar Bhawan, Lucknow.
(v)	Office Address	625, Jawahar Bhawan, Lucknow.
(vi)	Address for service of all notices.	As above.



2. PARTICULARS OF THE RESPONDENTS:

(i)	Name and designation of the respondents	(i) Union of India through Secretary, Department of Personnel, North Block, New Delhi.
-----	---	--

Arif Mostafa

(2)

(ii) The State of U.P. through Secretary, Appointment Department, Annexe Bhawan, Sachivalaya, Lucknow.

(ii) Office address of the respondent As above

(iii) Address for service of all notices As above

3. PARTICULARS OF ORDERS AGAINST WHICH APPLICATION IS MADE:

(i) The application is filed against the order No. 6520/Do-5-22/36-71, dated 21.2.87 and order No. 3056/Do-5-22/36/71, dated 11.9.89, copy enclosed as Annexure no. 1 & 2 to this application.

and

(ii) against the order No. 1884/Do-5-19/1(9)/76, dated 11th May 1987 and against the order No. 4948/Do-5-87-19/1/9/76 dated November 9, 1987 and against the order of the Director, Department of Personnel and Admn. Reforms, Govt. of India Order No. 22011/1/79 Esst. (A), dated Jan 30, 1982 (copy enclosed as Annexure no. 3, 4 and 5 to this application).

Through the above orders the applicant being a senior officer in I.A.S. cadre has been given certain warnings and denied super time scale since juniors have been given super time scale.



July 1984

Ansawar... 3....

4. JURISDICTION OF THE TRIBUNAL:

A/1

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

5. LIMITATION:

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

6. FACTS OF THE CASE:

(i) That the applicant was appointed in the I.A.S. cadre in the year 1970 and took his assignment on 4.7.70 in the U.P. Cadre.

(ii) That the work, conduct, behaviour and performances of the applicant has always been very satisfactory.

(iii) That a disciplinary proceeding was initiated against the applicant in 1983 and that was concluded in 1987 and that the order was passed in 1987 copy of which already filed as Annexure no.1 to this application and thus the respondent no.2 delayed the disciplinary proceedings against the applicant, though the applicant submitted the reply of charge-sheet in time and took active part in the disciplinary proceedings which would be evident from the followings

- (i) Chargesheet was issued on 27.6.85
- (ii) Reply was submitted on 21.8.85
- (iii) Prosecuting Officer was appointed on 16.4.86.
- (iv) Enquiry was concluded in the end of the year 1986.



Sub 1/1/14

App. of awl
...4....

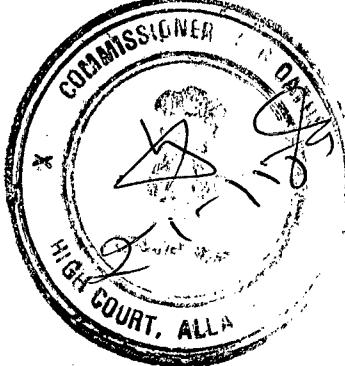
(iv) That vide Annexure no.1 merely a warning was issued against the applicant that he did not exercise effective control over the tour programme of his P.A. Sri R.B.Khare.

(v) That during the pendency of the disciplinary proceedings the junior officers of the applicant's batch were given super time scale and the applicant being senior was ignored and thus the respondents wrongly superseded the applicant, though the applicant was exonerated in the departmental proceedings. As the applicant was exonerated in the departmental proceeding therefore, the applicant was entitled to get all the benefits, which were attached to the post. But the respondents allowed super time scale to the juniors in 1986, and allowed super time scale to the applicant on 31.3.87 and thus the order of the respondents are arbitrary and discriminatory and are against the existing law.

(vi) That the super time scale was given to the applicant only on 31.3.87 and the super time scale was given to the juniors on 29.4.86.

7. RELIEFS SOUGHT:

(1) That the Hon'ble Tribunal be pleased to declare that the applicant is entitled to get the super time scale since 29.4.86 as and when juniors have been given super time scale with all the consequential benefits viz. seniority and pay with interest at the rate of 18% per annum on the dues found payable to the applicant and accordingly notional promotion be given to the applicant.



for him *Ans for law* *...5...*

813

(2) That the Hon'ble Tribunal be pleased to declare that Annexure nos. 1 and 2 of the application are void orders and the same are not a bar in granting the super time scale to the applicant.

(3) That the Hon'ble Tribunal be pleased to quash the Annexure nos. 3, 4 and 5 to this extent that the applicant will not get his pay since 29.4.86 in super time scale and be pleased to declare that Annexure no. 5 is against the Constitutional provisions and will get his super time scale since 29.4.86.

(4) That the cost of this application be awarded to the applicant.

(5) That any other and further relief as this Hon'ble Tribunal may deem fit and proper in the interest of justice keeping in view the circumstances of the case be given to the applicant.

9. DETAILS OF REMEDIES

EXHAUSTED:

(1) That the applicant made representations against the impugned orders on 31.3.87, 16.4.87, 31.8.87, 12.10.88, 5.7.89 and on 5.7.89, copies of these representations are being filed as Annexure nos. 6, 7, 8, 9, 10 and 11 to this application, but the representations of the applicant remained undisposed of, hence this application inter-alia on the followings amongst other grounds:-

(1) BECAUSE, Annexure nos. 1 & 2 are non speaking orders and the same are not based upon evidence.

(2) BECAUSE, the orders contained in Annexure nos. 1 & 2 of the application are not reasoned orders.



W.H.M.

As per facts

....6...

814

(3) BECAUSE, the applicant is entitled to get the super time scale and pay as and when juniors have been given in view of the decision of the Hon'ble Supreme Court in the case of State of Gujrat Vs. S.Tripathi 1986 L.I.C. page 1658.

(4) BECAUSE, Annexure nos. 1 & 2 are not bar in granting super time scale to the applicant.

(5) BECAUSE, there is no co-relation between the impugned orders, chargesheet and reply to the chargesheet, therefore, the orders contained in Annexure nos. 1 & 2 are the arbitrary orders which are not sustainable in the eye of law.

(6) BECAUSE, the applicant has been wrongly superseded in granting super time scale by the respondents.

(7) BECAUSE, the work and conduct of the applicant has always been very satisfactory and the applicant has been allowed annual increments and efficiency bar as and when it became due and thus there was no bar in making promotion and grant of super time scale.

(8) BECAUSE, the applicant was eligible and suitable in all respects to get the super time scale since 1986.

(9) BECAUSE, the policy of pick and choose in granting the selection grade and super time scale is unknown to law.

(10) BECAUSE, the order contained in Annexure no.5 has not been issued under theprovisions of Article 309 of the Constitution of India hence the same is not binding upon the applicant and the same has not got the force of law.



Subhramanyam

Adj. wscane

...7...

(7)

RS

(11) BECAUSE, the orders, GOs, and circulars can only supplement the law, but cannot supplant the law, hence the same is arbitrary and is against the provisions of Articles 14 and 16 of the Constitution of India.

(12) BECAUSE, merely the pendency of the enquiry against the applicant was not a bar in granting the super time scale.

(13) BECAUSE, the super time scale was granted to the juniors in 1986 and in 1986 there was no adverse material in the records of the applicant to supersede him in granting the super time scale.

(14) BECAUSE, the applicant was granted super time scale in 1987 considering him eligible and suitable in all respect.

10. MATTERS NOT PENDING
WITH ANY OTHER COURT ETC.

The applicant further declares that the matter regarding which this application has been made, is not pending before any court of law or any other authority or any other Bench of the Tribunal.

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

Postal Order No. 8-02 402294
dated 13-12-89 enclosed herewith.

12. DETAILS OF INDEX:

for 7th

Ap no 8/2

(8)

13. LIST OF ENCLOSURES:

- (1) Order No. 6520/Do-5-22/36-71, dated 21.2.87
- (2) Order No. 3056/Do-5-22/36/71, dated 11.9.89
- (3) Order No. 1884/Do-5-19/1(9)/76, dated 11.5.87
- (4) Order No. 4948/Do-5-87-19/1/9/76, dated 9.11.87
- (5) Order No. 22011/1/79 Esst.(A), dated 30.1.82.
- (6) Representation dated 31.3.87
- (7) Representation dated 16.4.87
- (8) Representation dated 31.8.87
- (9) Representation dated 12.10.88
- (10) Representation dated 5.7.89 to State Govt.
- (11) Representation dated 5.7.89 to Govt. of India

VERIFICATION:

I, Dr. Surya Prasad, Son of Sri Debi Ram, aged about 45 years, presently working as Chairman, U.P. Public Services Tribunal No.V, 625- Jawahar Bhawan, Lucknow R/o 31-Raj Bhawan Colony, Lucknow, do hereby verify that the contents from paragraphs 1 to 13 are true to my personal knowledge & belief and that I have not suppressed any material facts.

Dated: Lucknow.
Nov 21 1989.

sub 11.2
APPLICANT

sub 11.2 *Approve*



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,
LUCKNOW.

Application No. of 1989

Dr. Surya Prasad

Vs. Union of India & another

ANNEXURE NO. 1

मोपनीव

संख्या-6520/दो-5-22/361/71

प्रेषण,

श्री हरीश वन्द्र गुप्त
सचिव
उत्तर प्रदेश शासन।

सेवा में,

काठोर्सी प्रसाद
विशेष सचिव
उत्तर प्रदेश शासन,
वाल एवं पर्यावरण विभाग।

बियुक्ति अनुभाग-5

विषय:-

लेखक दिनांक: २१ फरवरी, 1987
भूमिका भारतीय सेवा में अनुशासन एवं अपील १९६९ के
नियम ४ के अंतर्गत चल रही अनुशासनिक फार्यवाही।

गहोदय,

उपर्युक्त विषयक शासन के आदेश नं-5447/दो-5-22/361/
71, दिनांक १५ जनवरी, 1986 का क्षया संबंध तें, जिसके द्वारा आपके विस्तृत
वाल रही प्रश्नागत अनुशासनिक फार्यवाही में काठोर्सी प्रसाद, आरोप एवं सूना
तटफालीक अध्यक्ष एवं प्रबंध निदेशक, उत्तर प्रदेश वीक्षी बिभाग संचालन प्रमुख सचिव,
वित्त विभाग को जांच अधिकारी नियुक्त किया गया था।

2- मुझे यह कहने का बिदेश हुआ है कि प्रश्नागत मामले में जांच
अधिकारी की आवाया प्राप्त हो गयी है, जिस पर शासन द्वारा विस्तृत से
विवार करने के उपरान्त यह पाया गया है कि आप पर जो आरोप लगाया
गया था उसमें आपके विस्तृत सत्याग्रह बनाये रखने में असफल होने का अंश
सिद्ध बहीं हुआ परन्तु आप इस सीमा तक दोषी पाये गये हैं कि आपने अपने
वैयक्तिक सहायक श्री आरोपी छरे के दिनांक ३-५-१९८२ से २८-५-१९८२ तक
के अमण्ड फार्यवाही को अनुमोदित करने तथा अमण्ड के पश्चात उनके टी०६० छिल
को स्वीकृत करने में आपने श्री छरे के फार्यकलापों पर प्रश्नावी वियंगण रखने का
परियाय नहीं किया क्योंकि विमिन फार्यलयों से सूबना आदि गंगाना दैय वित्त
सहायक के फार्यकलापों में बहीं आता है। अतः आप द्वारा उपरान्त वैयक्तिक सहायक
पर प्रश्नावी वियंगण के रखने के लिये शासन के आपको सवेत करने का बिनाई
तियां हैं।

TRUE COPY ATTESTED

मध्यदीय,

हरीश वन्द्र गुप्त
सचिव
20.2.87

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,
LUCKNOW.

Application no. of 1989

Dr. Surya Prasad Union of India & another

ANNEXURE NO. 2



मोपाली य
=====

अप्टी-आटोप०-३०५६/दो-५-२२।३६।७।

बृष्णि बिहारी टप्पड़
विषय संधिव,

संविवालय एवे तसी शक्ति
बियु वित अब्दुम्बाग-५

लख्नऊ दिनांक: ॥ सितम्बर, 1989

मिय महोदय,

विश्वामीय फार्मवाही में लिये गये शासन के बिर्ण्य दिनांक 21 फरवरी, 1987 पर प्रत्यावेदन विषयक अपने पत्र संख्या पी०८०/परसबल-८/८९ दिनांक 5 जुलाई, 1989 फा बृष्णा संदर्भ तें।

इस संबंध में आपसे यह फूहों फी मुझसे आफांका फी गई है कि प्रश्नगत प्रकरण में सम्यक रूप से विवार फरबे के उपरान्त शासन दे आपके अब्दुरोद्ध फो रवीकार फरबे फा फोई भौदित्य बहीं पाया है। उल्लेखनीय है कि आपको सदेत फरबे से संबंधित 21 फरवरी, 1987 फा जो पत्र आरो फिया गया है, वह आपकी विश्रित पंजी में बहीं रखा गया है।

मार्दूः

महदी य,

Abdul

। बृष्णि बिहारी टप्पड़ ।

510 सूर्य प्रसाद, आ०५०५०८०

अ०८३,

उ०८० लौकिक अधिकार-५

625, जयाहन भवन,

लख्नऊ।

=====

TRUE COPY ATTESTED

Kashif Ali



(11)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,
LUCKNOW

Application no. of 1989
Dr. Surya Prasad Vs. Union of India & another
ANNEXURE NO.3

संख्या ३४४/रो-कृष्ण/१९८९/८६

देखक,

हरीश कक्ष गुप्त
सचिव,
उत्तर प्रदेश सांसद ।

सेवमें,

दलालेश्वराकार (लेखा-2)
जी ३०६
इलुहान्दू ।

नियमित अनुसारण

लक्षण निर्णय ॥ वर्ष 1987

विषय: डॉ सूर्य प्रसाद, आर०३० संख्या (उ०३०-१९८८) का सुपर टाइप
फैल में वेतन निर्धारण ।

प्रतीक्षय,

डॉ सूर्य प्रसाद आर०३० संख्या का सुपर टाइप फैलमान में निर्णय
३१-३८७ से स्थानापन प्रोब्रेश विषयक राज्य सरकार को नियमित संहार्ष
२७३३/रो-१-१/१(८६)/८० निर्णय, जौलात, १९८७ के संर्वे में मुझे यह कहने
का निरेश दुआ है कि डॉ सूर्य प्रसाद, आर०३० संख्या (१९८८) को बपने वेतन
के लिये अधिकारियों के साथ सुपर टाइप फैल में प्रोब्रेश इस भारप्रदान नहीं
की जा सकी कि उस समय उनके विषय अनुसारणिक कार्यालयी वस रही थी ।
अनुसारणिक कार्यालयी की समाप्ति, जिसमें डॉ प्रसाद को ओर्डर इस नहीं किया
गया, पर सुपर टाइप फैल में उनकी स्थानापन प्रोब्रेश उक्त संविधान ज्ञान
द्वारा किया गया है ।

इस संबंध में यह भी निर्धारण किया गया है कि डॉ सूर्य प्रसाद के सुपर
टाइप फैल में कार्यकार प्रदान करने की तिथि वर्ष ३१-३८७ के उक्त वेतनमान
में उनका वेतन उनसे कमिल अधिकारी जिन्हें वर्ष १९८८ वेतन के अधिकारियों
के साथ प्रोब्रेश हो गयी थी के इतर पर नियमित किया जायगा । परन्तु उन्हें
१९८८ वेतन के कमिल अधिकारी भी सुपर टाइप वेतनमान में प्रोब्रेश की तिथि
से ३०-३८७ तक सेवानाम भेज में अनुशव्य फैल हो जाएगा ।

दबावमें,

(हरीश कक्ष गुप्त)
सचिव ।

120 (12)

-३०-

संदर्भ 1864(1)/ग्र-न० ९/१(२)/८६ तारीख

प्रतिलिपि निम्नलिखित को सुननार्थ के रूप लाभार्थ कार्यपाली

के द्वारा दिया गया

(1) सरिय, भारत सरकार, कार्यक्रम और लेक शिक्षात तथा

ऐन मंत्रालय, (कार्यक्रम स्व प्रशिक्षण) विभाग, नई दिल्ली

(2) डॉ सूर्य प्रसाद, आई.ए.सू.स्टू. अध्यक्ष, लेक सेवा कार्यकार्यालय, बद्रीनाथ लखनऊ।

(3) श्रीपदिभारी, लखनऊ।

(4) नियुक्ति अनुशासन १/६

माना दें।

AN&S

(कृष्ण विजयराम टहम)
संयुक्त सरिय।

TRUE COPY ATTESTED

krishna ram



CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,
LUCKNOW.

Dr. Surya Prasad

Vs. Union of India & another

ANNEXURE NO. 4



આંશકોપોદ્યો-4948/દો-5-87-19/1191/76

उत्तर प्रदेश शासक बियरित अन्तर्ग-5

ਲੋਧੀਨਾਨੂ ਵਿਕਾਸ: ੭ ਨਵੰਬਰ, ੧੯੮੭

प्रिय महोदय,

कृपया सुपर टाइम स्केल मे प्रोब्लेम विषयक अपके ग्रन्थ भासकीय पत्र संख्या पी०८०/परस्बल-८७ दिनांक ३१ अगस्त, १९८७ फा अवलोक्न करें।

मुझे आपसे यह फहने की अपेक्षा की गई है कि भास्त्रादेश संघर्ष-
 1884/दे-5-19/191/76 दिक्षांक ।। मई, 1987 में आपको सुपर टाइम रेल
 फा लाभ अनुमन्य किये जाने के आदेश भारत सरकार द्वारा फार्मलय द्वारा
 संघर्ष 22011/1/79 इस्टै.ए। दिक्षांक 30 जनवरी, 1982 प्रतिसंलेखन। मे
 दिक्षित निवेशों के अनुसार प्रसारित किए गये हैं।

आपके पत्र मे अपेक्षा की गई है कि सुपर टाइम स्केल मे आपको वेतन आपसे कमिष्ट अधिकारी से कम बहीं मिलना चाहिये उक्त शासक देश दिनांक ।। मई, 1987 मे तद्बुसार ही यह स्पष्ट आदेश दिये गये है कि सुपर टाइम स्केल मे आपकी फार्मलार ग्रहण की तिथि को आपका वेतन आपसे कमिष्ट अधिकारी जिन्हे वर्ष 1970 बैच के अधिकारियों के साथ प्रेसिडेंट दी गयी थी के स्तर पर बिवरित किया जायेगा। अतः इस संबंध मे शासक स्तर पर अन्य किसी फार्मलाही की अवश्यकता नहीं है। आप वेतन बिंदारप के संबंध मे महालेखाकार को लिखे फा फृट करें।

११. नवानी

STO सूर्य प्रसाद, अ८८४,

उत्तर प्रदेश लोक सेवा अधिकारप-5

604-जवाहर भवन,

ਲਖਨਊ। ੮

मध्य देशीय,
Peter B.
सिद्धार्थ बेहरा

(14)
(P20)

-2-

संख्या-4945।।/दो-5-87-19।।9।।/76
=====

प्रतिलिपि महालेखाफार, उत्तर प्रदेश । लेखा-2। जी. ई. -6,
इलाहाबाद फो इस अबुरोव के प्रेषित कि आई०ए०ए८० के सुपर टाइम
वेतब माब मे क्टो सूर्यप्रसाद। आई०ए०ए८० । १९७०। फा वेतब शाबदेश
संख्या । ८८४/दो-५-१९।।९।।/७६ दिकां० ।। मई, १९८७ मे पारित
आदेशोंके अबुसार दिकां० ।। मार्च, १९८७ फो उबसे फिरिंठ अधिकारी
जिन्हे वर्ष । १९७० बैद्य के अधिकारियों के साथ प्रेषणति दी गयी थी के
स्तर पर निर्धारित फर्के फी फूपा करे।

आशा से

। सिद्धार्थ बेहुरा ।

प्रियेष सविया।

TRUE COPY ATTESTED

Subhash



(15) (P23)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,
LUCKNOW.

Application no. of 1989

Dr. Surya Prasad Vs. Union of India & another

ANNEXURE NO. 5

No. 22011/1/79-Lett(A)
Government of India/Emarat Sarkar
Department of Personnel and Admin. Reforms
(Karmik Aur Prashasnik Sadhar Vibhag)

New Delhi, the 30th Jan., 1982.

OFFICE MEMORANDUM

Subject:- Promotion of officers in whose case "the sealed cover procedure" has been followed but against whom disciplinary/court proceedings are pending for a long time.

The undersigned is directed to say that according to the existing instructions, cases of the officers (a) who are under suspension or (b) against whom disciplinary proceedings are pending or (c) a decision has been taken by the competent disciplinary authority to initiate disciplinary proceedings against them or, (d) against whom prosecution has been launched in a court of law or sanction for prosecution has been issued, are considered for promotion by the Departmental Promotion Committee at the appropriate time but the findings of the Committee are kept in a sealed cover to be opened after the conclusion of the disciplinary/court proceedings. While the findings are kept in the sealed cover, the vacancy which might have gone to the officer concerned is filled only on an officiating basis.

2. If, on the conclusion of the departmental/court proceedings, the officer concerned is completely exonerated, and in case he was under suspension, it is held that the suspension was wholly unjustified, the sealed cover is opened and the recommendations of the D.P.C. are acted upon. If the officer could have been promoted earlier, he is promoted to the post earlier filled on an officiating basis, the arrangements made earlier being terminated. On his promotion, the officer also gets the benefit of seniority and fixation of pay on a notional basis with reference to the date on which he would have been promoted in the normal course, but no arrears are allowed in respect of the period prior to the date of actual promotion.

3. It has been noticed that sometimes the cases in the courts or the departmental proceedings take unduly long time to come to a conclusion in spite of all efforts and the officers undergo considerable hardship, even where it is not intended to deprive them of promotion for such a long time. In the circumstances, Government have had under consideration, in consultation with the Union Public Service Commission, the question how the hardship caused by the long pendency of disciplinary/court proceedings to the Government servants, in whose case sealed cover procedure has been followed, could

- 3 -

him for the period of notional promotion preceding the date of actual promotion.

If any penalty is imposed on the officer as a result of the disciplinary proceedings or if he is found guilty in the court proceedings against him, the findings in the sealed cover/covers shall not be acted upon. The officer's case for promotion may be considered in the usual manner by the next D.P.C. which meets in the normal course after the conclusion of the disciplinary/court proceedings. The existing instructions provide that in a case where departmental disciplinary proceedings have been held under the relevant disciplinary rules, "warning" should not be issued as a result of such proceedings. If it is found as result of the proceedings that some blame attaches to the officer, then the penalty of censure at least should be imposed. This may be kept in view so that no occasion arises for any doubt on the point whether or not an officer has been completely exonerated in the disciplinary proceedings held against him.

(iv) However, in some cases the disciplinary/court proceedings may not be concluded even after the expiry of two years from the date of the D.P.C. which first considered the officer for promotion and whose findings are kept in the sealed cover. In such cases, provided the officer concerned is not under suspension, the appointing authority may review his case to consider:-

- (a) whether the charges are grave enough to/warrant continued denial of promotion and the promotion of the officer will be against public interest;
- (b) whether there is no likelihood of the case coming to a conclusion in the near future, and
- (c) the delay in the finalisation of proceedings, whether departmental or in a court of law, is not directly or indirectly attributable to the official concerned.

In case the appointing authority comes to a conclusion that it would not be against the public interest to allow ad-hoc promotion to the official, his case should be placed before the next D.P.C. held in the normal course after the expiry of the two year period to decide whether the officer is suitable for promotion on ad-hoc basis. Where the officer is considered for ad-hoc promotion as above, the Departmental Promotion Committee should make its assessment on the basis of the totality of the officer's record of service and the fact that the disciplinary or court case is pending should not affect the assessment regarding the suitability for ad-hoc promotion. If the officer is recommended by the D.P.C., as a result of such consideration, for ad-hoc promotion, his actual promotion will be subject to the

....4/-

Kishan

attendant benefits. In such cases, the sealed cover(s) may be opened and the official may be assigned his place in the seniority list as he would have got in accordance with the recommendation(s) of the D.P.C.

5. Where the acquittal in a court case is not on merits but purely on technical grounds, and the Government either proposes to take the matter to a higher court or to proceed against the officer departmentally, the appointing authority may review whether the ad-hoc promotion should be continued.

6. Where the acquittal by court is on technical grounds, if the Government does not propose to go in appeal to a higher court or to take further departmental action, action should be taken in the same manner as if the officer had been acquitted by the court on merits.

7. If the officer concerned is not exonerated in the court proceedings or the departmental proceedings, the ad-hoc promotion already granted should be brought to an end by the issue of the "further order" contemplated in the order of ad-hoc promotion (Please see para (vi) above) and the officer concerned reverted to the post from which he was prompted on ad-hoc basis. After such reversion, the officer may be considered for future promotion in the usual course by the next D.P.C.

8. Ministry of Finance etc. are requested to bring the contents to the notice of all authorities under their control for their information, guidance and compliance.

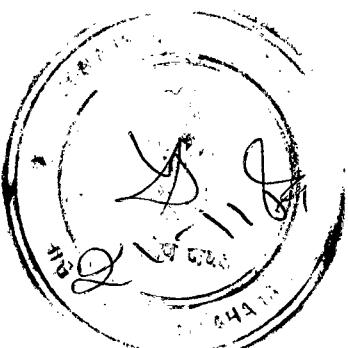
Sd/-
(B. S. NIM)
DIRECTOR.

To

All Ministries and Departments of the Government of India with usual number of spare copies.

TRUE COPY ATTESTED

July 11/73



(20)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,
LUCKNOW.

Application no. of 1989
Dr. Surya Prasad Vs. Union of India & another
Annexure no. 6

R/26

प्रेषण,

स्टोर्टर प्रसाद, आर्द्ध.र.स.
अवृद्ध,
उम्मीद लोक लेवा अधिकरण-5,
625- जयाहर भवन,
लखनऊ।

प्रेषण,

तथिद,
उत्तर प्रदेश शासन,
नियुक्ति अनुभाग-5,
एनेपीसी अवृद्ध, लखनऊ।

पत्रांक : एस.टी./5/87

दिनांक/मार्च 31, 1987

विषय: विभागीय कार्यवाही में लिये शासन के नियम दिनांक 21-2-87 के संबंध में।

महोदय,

मैं नियुक्ति अनुभाग-5 के गोपनीय पत्र संख्या: 6520/टो-5-221361/71, दिनांक 21-2-87 का तंद्रा में, जिसमें शासन ने मेरे विस्तृद की जा रही विभागीय कार्यवाही में मुझे जांशिक ला से दोषी पाते हुये वैयक्तिक सहायक पर पुभावी नियंत्रण न रखने के लिये संघेत किया है। इस आदेश में यह कहा गया है कि मैं जल्दीमात्र तक दोषी पाया गया हूँ कि मैंने अपने वैयक्तिक सहायक श्री आरोदीष्टर के दिनांक 3-2-82 से 28-5-82 तक के भ्रमण कार्यक्रम को अनुग्रहित करने तथा अपना के पश्चात उनके टी.एस.पी.एल को स्थीरूप करने में, श्री छात्र शुद्धीकारण पर पुभावी नियंत्रण रखने जा परियम नहीं दिया गया कि विभान्न कार्यालयों से सूचना ग्रहण ग्राहना वैयक्तिक सहायक के कार्यदोष में नहीं जाता है।

मुझे अत्यंत छोटपूढ़क यह उल्लेख करना है कि शासन ने मेरे विषयीकरण पर कोई ध्यान दिये बिना और उसमें धर्मात्मताओं पर ध्यान दिया हुये ही अपना नियम/आदेश दिया है। आरोप-पत्र के उत्तर में मैंने यह स्पष्ट कहा था कि "यात्रा करने से पूर्व श्री छात्र को अपना यात्रा कार्यक्रम मुझसे अनुग्रहित कराना चाहिये था, जो उनके लिये नियमानुसार आवश्यक था" जो श्रीदौने नहीं कराया और यात्राये



128

मनमाने हो गे की । इसपुकार मैंने स्पष्टतया भी बारे के दिनांक 3-2-82 से 28-5-82 तक के भुग्गा कार्यक्रम को कभी अनुमोदित नहीं किया था । इसके अतिरिक्त इसी अवधिके उनके भुग्गा कार्यक्रम से संबंधित टी०८०बिल की भी स्वीकृति मैंने प्रदान नहीं की थी । यह बात मैंने अपने आरोप-पत्र के उत्तर में भी कही थी । आरोप-पत्र के तारा प्रस्तुत तात्पर्य में भी भी भी बारे के दिनांक 3-2-82 से 28-5-82 तक के भुग्गा कार्यक्रम पर मेरा अनुमोदन नहीं इसी अवधिके उनके टी०८०बिल पर मेरा स्वीकृति का भी कोई प्रमाण उपलब्ध नहीं था । फिर जिस आधार पर मुझे उक्त जारी के लिये दोषी पाया गया है, यह स्पष्ट रूप से पूछत नहीं है । ऐसा प्रतीत होता है कि शासन ने किसी अन्य आदेश को भुग्गा कार्यक्रम का अनुमोदन नहीं किसी अन्य टी०८०बिल को लंबाभित टी०८० बिल, कैवल प्रभ/दोषपूण/दोषपूर्ण रूप न्याय की दृष्टि से पूर्णतया असंगत रूप असंविधानित/Arbitrary, null and void । है ।

शासन का यह आदेश पूर्णतः स्पष्ट रूप से सुविधारित speaking & with application of भी नहीं है क्योंकि इसमें तथ्यों का स्पष्ट ब्यौरा नहीं दिया गया है, जिसके आधार पर मुझे दोषी पाया गया है । तारा ही शासन ने आरोप-पत्र के लंबाभित भी मेरे उत्तर पर अपनी अपीली रूप तर्फ भी नहीं प्रस्तुत किया है, जिसके आधार पर उसे अमान्य समझा गया है और न डी शासन ने यह स्पष्ट किया है कि इसपुकार वह युद्धे दोषी मानने के निष्कर्ष पर पहुँचे हैं ।

अतः शासन से निषेद्ध है कि कूपया उपरोक्त आदेश को देवनसार संतोषित करते हुये मुझे पूर्णतया दोषपूर्वत करने का कष्ट करें ।

भवदीय,

डा०सूर्यप्रसाद आ०स०स० रमेश
अध्यक्ष ।

TRUE COPY ATTESTED

[Signature]

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,
LUCKNOW.

Application no. of 1989

Dr. Surya Prasad Vs Union of India & another

ANNEXURE NO.7

प्रेषाक,

ठाठसूर्य-प्रसाद, आई०स०स००
अध्यक्ष
उपर्युक्त लोक सेवा अधिकारण-५,
६०४- जवाहर भवन, लखनऊ।

प्रेषित,

सचिव,
उत्तर भूक्षेत्र शासन,
नियुक्त अनुमान-१,
लखनऊ।

पत्रांक प्र० २०/परसनल-६/८७ फिनांक अप्र० १६, १९८७
बिषय: सुपर टाईम स्केल के वेतनमान के तंबेदा में।
महोदय,

मुझे अपने पत्र संख्या पी०१००/परसनल-१/८७, दिनांक ४-४-८७ के तंदर्भ में यहाँनिवेदन करना है कि आपके आदेश व्यारा मुझे दिनांक २५-३-८७ को आई०स०स० के उपर टाईम रेल के प्रोन्नति देकर अध्यक्ष, उपर्युक्त लोक सेवा अधिकारण-५ नियुक्त किया गया है, जहाँ मैंने दिनांक ३१-३-९७ [पूर्वान्तर] में योगदान दिया है। अन्तः इस तीर्था से मुझे उपर टाईम वेतनमान हेतु महालेखाकार छारा ग्राहित कर वेतन पर्दी जारीकी जायेगी। इस तंबेदा में एक उल्लेखानीय है कि मुझसे लोनिष्ठ वर्ष १९७१ के आई०स०स०० अधिकारियों को मुझे पूर्व कदाचित् दिसम्बर/१९८६ के आंत में। सुपर टाईम वेतनमान स्वीकृत किया गया है। वैधिक मुझे प्रोन्नति वर्ष १९७० बैष के अधिकारियों के साथ ही मिलनी थी, जिन्हें मेरे विस्तृद उससमूह विमानसीय जौच घलमें कारण मेरा मामला तील्ह केत मैं रखा दिया गया था और जौचोपरान्त मुझे होणमुक्त पाया गया। अतः मुझे अपने बैष [१९७१] के अधिकारियों के हाथ ही सुपर टाईम वेतनमान मिलना याही और प्रत्येक दशा मैं मुझसे लोनिष्ठ वर्ष १९७० बैष के अधिकारियों की प्रोन्नति ब्यूर्ड मुझे यह वेतनमान प्राप्त होना चाहिये।

आपसे अनुरोध है, कृपया मेरे प्रश्नोंवेदन पर विचार कर न्यायोचित आदेश प्रदान करने का कष्ट करें, जिससे मुझे कोई अधिक या अन्य प्रश्न की हानि न हो।

TRUE COPY ATTESTED

भाजदीय,

ठाठसूर्य प्रसाद १६/५/८७
अध्यक्ष।

S/C

(23)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,
LUCKNOW.

Application no. of 1989
Dr. Surya Prasad Vs. Union of India & another

ANNEXURE NO.8

गोपनीय।

डॉ सूर्य प्रसाद, आई.ए.सी.
अध्यक्ष।

अपर्दीपातकीय इनाउ पी ०४०/परतनल- २७/८७
उत्तर प्रदेश लौह तेवा अधिकरण-५,
६०४- जवाहर भवन, लखनऊ।

दिनांक/अगस्त ३१, १९८७।

प्रिय महोदय्।

मैंने भूम्या भेरे अपर्दीपातकीय पत्र भिया पी ०४०/परतनल-१/८७, दिनांक ५-५-८७ को संदर्भ में, जिसमें मैंने आपसे अनुरोध किया था कि मुझे अपने द्वेष । १९७० आई०४०स्त०। के अधिकारियों के साथ ही सुपर टार्डम वेतनमान दिया जाय क्योंकि विभागीय जांच में मुझे टोषामुक्त पाया गया है। इस संबंध में मैंने एक अनुभारक, पत्र संख्या पी ०४०/परतनल-६/८७, दिनांक १६-५-८७ द्वारा नियुक्ति संघिद को भी दिया था, किन्तु इस बारे में शासन के विषय में मुझे अभी तक अवगत नहीं कराया गया है। इस संबंध में यह उल्लेखनीय है कि शासन के नियुक्ति अनुभाग-५ के पत्र तीया १८८८ दो-५-१९/१९८८, दिनांक ११-५-८७ को महालेलालार से सम्बोधित बदा मुझे पूछतांत्रित है, मैं यह तुष्टि भिया गया है कि सुपर टार्डम वेतनमान में मेरे कार्यभार ग्रहण करने की तिथि दिनांक ३१-३-८७ को उक्त वेतनमान में मेरा वेतन मुझसे कनिष्ठ अधिकारी, जिन्हे द्वेष १९७० के आई०४०स्त० अधिकारियों के साथ प्रोन्कृति दी गई थी, के स्तर पर नियांसित किया जायेगा, इसके द्वारा १९७० द्वेष के कनिष्ठ अधिकारी की सुपर टार्डम वेतनमान में प्रोन्कृति ही तिथि ते दिनांक ३०-३-८७ तक वेतनमान ब्रेड में अनुमत्य वेतन ही दिया जायेगा।

मुझे इस संबंध में पुनः निपेदन करना है कि मैंने भूम्या भेरे विस्तृद विभागीय कार्यालयी करने के कारण, मेरी प्रोन्कृति का वापसी संकेत केत गे रखा गया था और जांचेप्रणाली मुझे टोषामुक्त पाये जाने पर सुपर टार्डम वेतनमान में प्रोन्कृति दी गयी हैउः मुझे अपने द्वेष १९७० आई०४०स्त०। के अधिकारियों के साथ सुपर टार्डम वेतनमान मिसाया गया, न कि दिनांक ३१-३-८७ से। जब कि मैंने सुपर टार्डम वेतनमान में प्रोन्कृति के फलस्वरूप कार्यभार ग्रहण किया है।। यह तित्त दस्त पुस्तिका के बाणी-२ भाग-२ के तीव्रोधित नियम २२-षी १२।। उसका न्याय के निपटाना। Principle of Justice। के विरोत्त होगा कि मुझे मुझसे कनिष्ठ अधिकारी मुझसे अधिक वेतन प्रोन्कृत करे और मुझे उत्तरै लम वेतन दिया जाय।

तुम्हारे

मा: 1970 के मुहूर्ते कनिष्ठ अधिकारी को जिस तिथि
से तुम्हारे टाईम वैतनमान प्रदान किया गया है, उसी तिथि से दिनांक
31-3-87 तक की अवधि में "नोशानली" प्रोन्ति मानते हुये, मुझे तुम्हारे
टाईम वैतनमान प्रदान करने का कष्ट करें क्योंकि कार्मिक अनुभाग-1 के
कार्यालय शाप तिथि 15/85/1983-कार्मिक-1 दिनांक 30-11-83 के प्रस्तर
6 तारा 8 में भी यही वावट्टा रही थी है कि यदि आरोपित कार्मिक
पूर्णस्ति से टोड़ा गया पाया जाता है तो उसे, प्रोन्ति किये गये छारे गये उसके
कनिष्ठ कार्मिक की प्रोन्ति की तिथि में, नोशानली प्रोन्ति माना जायेगा
और उत्तमतार प्रोन्ति कार्मिक का वैतन दितीय नियम लाइड छार-2
भाग-2 के मूल नियम 27 का प्रयोग करके उसी तार पर निर्धारित किया
जायेगा, जो उसे उत्तर की यथन तमिति रही संतुति के आधार पर
साथ से प्रोन्ति सौने पर मिलता, जिस कार्य की संतुति के आधार पर
उसे प्रोन्ति तगड़ा गया है। सीधानन्द की धारा 14 और 16 रही भी
यही अधिकार है। मुझे आशा है, शासन ऐसे प्रत्यावेदन पर शारीरिक-
शारीरिक नियम लेकर मुझे सूचित करने का कष्ट करेगा और मुझे व्यापालब
की शरण न रही रहेगी।

तादर।

भवदीय,

इटोसूर्य प्रसाद।

श्री ऐष्टोकल्पाणाकृष्णन, आई०८०८०८०

मुख्य सचिव,
उत्तर प्रदेश शासन,
लखनऊ।

प्रतिलिपि श्री हरीश चन्द्र गुप्ता, आई०८०८०८०, सचिव,
नियुक्त अनुभाग-5, उत्तर प्रदेश शासन, लखनऊ को सूचनार्थ एवं आवश्यक
कार्यवाही हेतु प्रेषित।

• TRUE COPY ATTESTED

भवदीय,

इटोसूर्य प्रसाद।

अध्यक्ष।

(Signature)

(25)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,
LUCKNOW.

Application no. of 1989

Dr. Surya Prasad Vs. Union of India & another
ANNEXURE NO. 9

(Regd.)

FROM,

Dr. Surya Prasad, IAS;
Chairman,
U.P. Public Services Tribunal-V,
625- Jawahar Bhawan,
LUCKNOW.

TO:

The Secretary,
Government of India,
Department of Personnel,
New Delhi.

(THROUGH PROPER CHANNEL)

No. PA/Personal-34/1988

Dated/October 12, 1988.

Sub: Promotion of officers in whose case "the sealed cover procedure" has been followed but against whom disciplinary/court proceedings are pending for a long time.

Sir,

Kindly refer to Para 2 of the office memorandum No. 22011/1/79 Estay(A), dated 30.1.82 issued under the signatures of Sri B.S.Nim, Director, Department of Personnel and Administrative Reforms, Govt. of India, New Delhi, which is quoted as below:-

" On his promotion the officer also gets the benefit of seniority and fixation of pay on a notional basis with reference to the date on which he would have been promoted in the normal course, but no arrears are allowed in respect of the period prior to the date of actual promotion."

My case in short is that I belong to IAS batch 1970. A departmental enquiry was initiated against me in the year 1985. After the enquiry was over in 1987, no punishment could be awarded to me due to charges not being established. So the State Government issued a letter to the Accountant General, U.P., Allahabad for fixation of pay in Super time scale from the date of taking over charge, i.e. 31.3.87 at the level of 1970 batch IAS officers next junior to me, but they also directed the AG that I shall not be entitled for pay under super time scale from the date my next junior 1970 batch IAS officer is promoted to the date I actually continued in the selection grade before taking over charge in the super time scale, i.e. 31.3.87. When I made representation against this to the State Government quoting Financial Hand Book Rules and provisions of Articles 14 and 16 of the Constitution of India, the State Government rejected my representation on the ground of above referred provisions of Office Memorandum dated 30.1.82 of Government of India. They quoted "no arrears are allowed in respect of the period prior to the date of actual promotion," as

(26)
AB2

(2)

written in Para 2 of the said office memorandum. Therefore, there arises the need for representing to the Government of India.

It is cardinal principle of law and justice that a person cannot be penalised or rendered to suffer financially with no fault of him. If the Government has started any departmental enquiry against me, and I have not been punished due to charges not being established against me, I should not be allowed to suffer because of delayed promotion. When the Government agrees to notionally promote me from the date my next junior has been promoted and gives me seniority from that date, I cannot be denied the benefit of pay in super time scale from that date when my next junior had been promoted. This is a clear violation of Articles 14 and 16 of the Constitution of India also. Many cases have been decided by the Court awarding the petitioners consequential benefits of pay etc. from the date of notional promotion. Therefore, the Government ought to consider to remove the referred clause from Para 2 of the office memorandum baring the payment of arrears consequent on such promotion. I, therefore, request the Government of India to kindly consider my case and direct the State Govt. of U.P. to allow me the benefit of drawing pay under super time scale from the date my next junior had been promoted in the State, and do not compell me to seek the assistance of a Court of Law or a Tribunal for this matter. Kindly

Enclosures: Information about certain taken in this regard.

- (1) Representation dt. 4/4/87
- (2) Reminder dt. 31/8/87
- (3) Govt.Order dt. 11/5/87
- (4) Govt.Order dt. 9/11/87

Yours faithfully,

(Dr. Surya Prasad)
Chairman.

Copy to:

1. The Secretary, Appointment & Personnel Department, Govt. of U.P., with request to kindly forward this representation to the Secretary, Personnel Department, Govt. of India for necessary action, with recommendation.
2. The Secretary, Department of Personnel, Govt. of India, North Block, New Delhi in advance for information and necessary action.

TRUE COPY ATTESTED

Yours faithfully,

(Dr. Surya Prasad)
Chairman.

0/0

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW (Regd.)
BENCH, LUCKNOW.

Application no. of 1989
Dr. Surya Prasad Vs. Union of India & another

ANNEXURE NO. 10

त्रिपाद श

तथिया
उत्तर प्रदेश शासन,
नियमित अनधार-5,
स्वीकृती भवन, लखनऊ।

पत्रांकु ८००७०/ परतन्त्र-२ /१९८९

टिनांक/ज्ञानी ५, 1989

विभागीय कार्यालयी में लिये जाते हैं कि यह दिनांक 21-2-87
पर प्रत्यावेदन के तहें पर ।

महादेव

कृपया ऐसे पत्र संलग्नाः इति ०५/८७, दिनांक ३१-३-८७
 छ तंदर्भ में जिसमें मैं अने विस्तृत विभागीय कार्यवाही में शास्त्रान के
 क्रिया दिनांक २१-२-८७ में संशोधन छरके मुझे पूर्णतः दोषमुक्त करने का
 अनुरोध किया था । इस तंदर्भ में शीघ्र कार्यवाही हेतु मैं शास्त्रान का ध्यान
 दो अनुस्थारण द्वारा पूर्ण भी आळचित छर युक्त हूँ, किन्तु उभी तद शास्त्रान
 सार ते लिये हुये क्रिया की जानकारी मुझे प्राप्त नहीं हुई है । उपरोक्त
 तंदर्भी पत्र/प्राप्त्यापेदन की एक प्रति आपकी मुख्यिता हेतु संलग्न छरते हुये पुनः
 अनुरोध है कि कृपया शीघ्रतात्त्वीय ऐसे प्राप्त्यापेदन पर क्रिया लेहर कार्यवाही
 से अवगत छराने का क्षम्भ छरें ।

तीर्थग्नः- यज्ञोपरि ।

भाष्यदीक्षा

• डॉक्यूमेंट प्रसाट आइडेवरस्टो अख्यात ।

TRUE COPY ATTESTED

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,
LUCKNOW.

Applicationno. of 1989
Dr. Surya Prasad Vs. Union of India & another

ANNEXURE NO. 11

FROM,

DR. SURYA PRASAD, I.A.S.
Chairman,
U.P. Public Services Tribunal No.V,
625- Jawahar Bhawan,
LUCKNOW.

TO,

The Secretary,
Department of Personnel,
Government of India, North Block,
NEW DELHI.

NO. PA/Personal- 4 /1989

Dated/July 5 , 1989

Sub: Representation regarding arrears of pay.

Sir,

Kindly refer to my letter No. PA/Personal/88, dated 10.10.88 addressed to you in which a request was made to consider the case for modifying the office memorandum No. 22011/1/79-Batt. (A), dated 30.1.82 issued under the signatures of Sri B.S.Nim, Director, Personnel and Administrative Reforms, Government of U.P. and accordingly directing the State Government of U.P. to allow me the benefit of drawing pay in the super time scale from the date my next junior has been promoted in the super time and not from the date I had joined on the super time post. I have not received any information regarding the decision on my representation by the Government of India. In case the Government has decided my representation, I may kindly be intimated with the orders made in this respect soonest possible. In case no decision has been taken so far, kindly expedite the decision and inform me also accordingly.

Yours faithfully,

(DR. SURYA PRASAD)

Chairman.

Copy to the Secretary, Government of U.P., Appointment Section-5, Annexe Bhawan, Lucknow for information and necessary action at their end.

TRUE COPY ATTESTED

Yours faithfully,

(DR. SURYA PRASAD)

Chairman.

Post/C
6/7/89

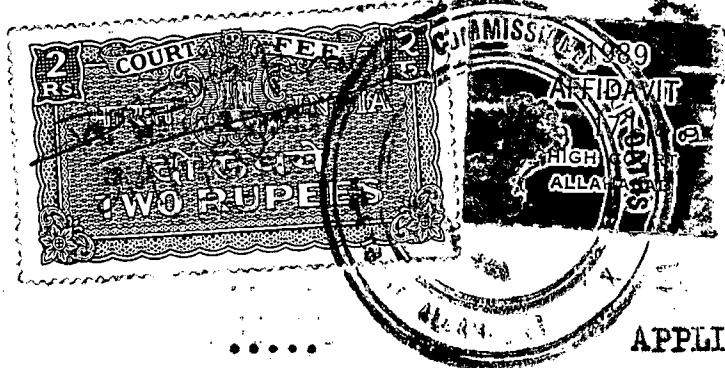
6/7/89

8/8

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,

L U C K N O W

Application no. of 1989



DR. SURYA PRASAD

APPLICANT.

versus

Union of India & another

Respondents.

AFFIDAVIT

I, Dr. Surya Prasad, aged about 45 years, son of Sri Debi Ram, Resident of 31- Raj Bhawan Colony, Lucknow, the deponent do hereby solemnly affirm and state on oath as under:

- 1/- That the deponent is the applicant in the above noted application and as such he is well versed with the facts of the case.
- 2/- That the contents of paras 1 to 8, 10, 11, 12 and 13 of the annexed application are true to my own knowledge and para no. 9 is also believed by me to be true on the basis of legal advice derived from the counsel.
- 3/- That Annexures no. 1 to 11 enclosed with the application are the true attested photo copies of their originals, which have duly been compared by the deponent himself from their originals.

Lucknow, dated.

Nov. 21, 1989.

Dr. Surya Prasad
Deponent.

VERIFICATION

I, the above named deponent, do hereby verify that the contents of paras 1 to 3 of this affidavit are true to my own knowledge. No material fact has really been concealed by me, so help me God.

Lucknow, dated.
Nov 21, 1989.

Dr. Surya Prasad
Deponent.

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

~~A.P. Srivastava~~
(A.P. SRIVASTAVA) ADVOCATE,
Counsel for the deponent.

Solemnly affirmed before me on 21-11-89
at 9-15 am by the deponent, who has
been identified by Sri A.P. Srivastava,
Advocate, High Court, Lucknow Bench, Lucknow.
I have satisfied myself by examining the deponent,
that he understands the contents of this
affidavit, which have been read out and explained
by me.

Sub: 1717

21-11-89
H. D. MULANI
OATH COMMISSIONER

High Court Lucknow Bench Lucknow

No. 1111 A.G. 2

21-11-89



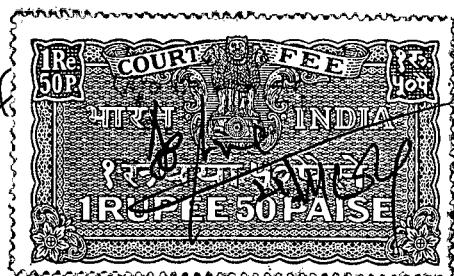
ब अदालत श्रीमान्
[वादी] अपीलान्ट
प्रतिवादी [रेस्पाइन्ट]

Central Administrative Region

Concert-Block, L.K.O.

महोदय

Dr. Surya Prasad का वकालतनामा



वादी अपीलान्ट

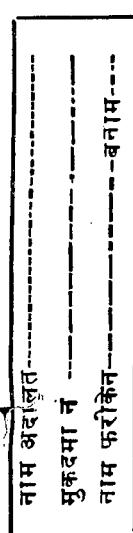
भारत द्वारा अपीलान्ट

बनाम

प्रतिवादी (रेस्पाइन्ट)

नं० मुकदमा सन् पेशी की ता० १९ ई०
ऊपर लिखे मुकदमा में अपनी ओर से श्री ए. पी. श्रीवास्तव एडवोकेट, हाईकोर्ट
वकील

सोनी हाउस बिरहाना पार्क, लखनऊ। महोदय
एडवोकेट



की अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकदमा 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 करावे और रूपया बसूल करें या मुलहनामा व इकबाल दाबा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकदमा उठावें या कोई रूपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पंरोकार को भेजता रहूंगा अगर मुकदमा 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।

हस्ताक्षर

साक्षी (गवाह) २।
दिनांक

साक्षी (गवाह) ।।
महीना सन् १९८०

स्वीकृत
एडवोकेट
21.11.1980

430

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

O.A. No. 343 of 1989 (L)

Dr. Surya Prasad

... Applicant

Versus

Union of India and others

... Respondent

COUNTER AFFIDAVIT

.. On Behalf of the
Opposite Party no.2

I, K.B. Tandon aged about 58 years

s/o late Shri M.C. Tandon Special Secretary

Appointment Department U.P. Government Lucknow

do hereby solemnly affirm and state on oath

as under :-

filed today
2/4/4/80

1. That the contents of para 6(i) and 6(ii) of the application need no comments.
2. That in reply to the contents of para 6(iii) and (iv) of the application it is stated that disciplinary proceedings were started against the applicant and charge

cd...2..

K.B. Tandon

D.B.S

.. 2 ..

sheet was served on him vide State

Government letter No. 3030/11-5-85-22

(36)71 dated 27.6.85. The Enquiry Officer

was appointed vide State Government Order

No. 5447/11-5-22(36)71 dated 15.1.86. The

report of the Enquiry Officer was received by

Government vide his letter dated 27.12.86.

After examining the report of the Enquiry

Officer the State Govt. issued a warning to

the applicant vide order dated 21.2.87 (copy

placed as annexure-1 of the application)

3. That in reply to the contents of para 6(v) of the application it is stated that the applicant is an officer of 1970 batch. I.A.S Officers of this batch were promoted to Super-time-scale of I.A.S. in April, 1986. As disciplinary proceedings were in progress against the applicant, the Selection Committee had placed its recommendations in regard to the applicant in closed cover. The closed cover

cd..3.

Refto Andaw

PWP

.. 3 ..

was opened after the conclusion of disciplinary proceedings and the applicant was allowed Super-time-scale vide D.O. No. 2581/11-11-4/1(76)/80 dated 28.3.87.

4. That in regard to the contents of para 6(vi) of the application it is stated that the order regarding Grant of pay to the applicant in Super-time-Scale of I.A.S. was issued vide State Government letter dated 11.5.87 in accordance with the following instructions of Govt. of India contained in their Office Memorandum No. 22011/1/79-Estt.(A) dated 30th January, 1982 (copy ~~enclosed~~ placed at annexure-5 of the application) relevant particular is reproduced ~~xx~~ below :

"In the normal course, on the conclusion of the disciplinary/court proceeding, the sealed cover or covers may be opened and in case the officer is completely exonerated

cd..4..

Abdul

i.e. no statutory penalty, including that of censure, is imposed, the earliest possible date of his promotion but for the pendency of the disciplinary/court proceedings against him may be determined with reference to the position(s) assigned to him in the findings in the sealed cover/ covers and with reference to the date of promotion of his next junior on the basis of such position. The officer concerned may then be promoted, if necessary by reverting the junior most officiating person, and he may be given a notional promotion from the date he would have been promoted, as determined in the manner indicated above. But no arrears of pay shall be payable to him for the period of notional promotion preceding the date of actual promotion".

5. That in view of the facts narrated in

cd..5..

Jeffreys

... 5. . .

foregoing paras Applicant has no case,
none of the grounds taken by Applicant are
tenable in the eye of law. Application
deserves to be dismissed with cost.

KB Tandon
23.4.90.
DEPONENT

The deponent is known to me and he
has signed before me.

C. S. Pandey
U.D.A.

Appat. Sec. 5

U.P. Sectt. U.C.

The deponent has read the affidavit
and understands the contents thereof

Dated.....

23/4/90
Oath Commissioner
& Section Officer,
Judicial (Writ) Section



Serial No. 40137190
Sworn (or affirmed) by Sri K B Tandon SPL. Secy. U.P. Govt. Appat. Deptt. (who was identified by Sri C S Pandey U.D.A. Appat. Section-5, U.P. Secy's)
23/4/90 in 1990..... 4.40 P.M. in case No. 343
1989 (L) R.A.T. LKO.
True copy
<i>23/4/90 28/4/90</i>
Section Officer, Judicial (Writ) Section

Dear Dr 22/11 (AM)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW

APPLICATION NO. 345 / 1989 (L)

Vs

The Union of India and others..... Opposite parties

Application for taking the
rejoinder affidavit on record.

Sir,

In the above noted application, the rejoinder affidavit is being filed to day and due to certain unavoidable circumstances, it is could not be submitted earlier.

It is therefore, prayed that the rejoinder affidavit may kindly be allowed to be kept on record after condoning the delay in the interest of justice.

Dated June 10, 1990

(A.P. Srivastava)

Advocate

Counsel for the Applicant

Placed on
22/11/20

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

O.A. No. 343/ 1989(I)

DR. SURYA PRASAD

卷之三

Applicant.

Union of India & others

Ver s u s

Opp. Parties.



REJOINDER AFFIDAVIT OF DR. SURYA PRASAD,
AGED ABOUT 45 YEARS, SON OF LATE SRI
DEBI RAM, CHAIRMAN, U.P. PUBLIC SERVICES
TRIBUNAL NO.V, 625- JAWAHAR BHAWAN,
LUCKNOW AGAINST THE COUNTER AFFIDAVIT OF
THE OPPOSITE- PARTY NO.2

1/- I, the above named deponent, do hereby swear and solemnly affirm on oath as under.

2/- That the deponent is the applicant in the above noted application and has gone carefully through the counter affidavit and have to lay down the reply of each and every paragraph as under:

3/- That the contents of paragraph 1 of the counter affidavit needs no comments.

4/- That paragraph 2 of the counter affidavit needs no comments. The departmental enquiry resulted in no punishment and the warning issued vide Annexure no.1 was not ordered to be kept in the character roll of the applicant. May kindly see Annexure no.2 of the application. As such warning is not to be kept in view in considering the applicant's case for promotion.

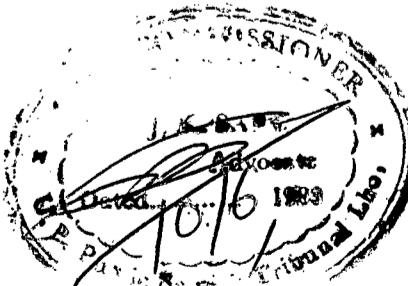
finalizing the applicant's case for promotion.

(A.M.)

5/- That paragraph 3 of the counter affidavit is misconceived. When the warning was not ordered to be kept on record, that was also not to be considered in making the promotion. The sealed cover provision though was adopted in the case of the applicant, but he was not given promotion as and when juniors were given promotion. The G.O. issued by the State Government regarding sealed cover is being filed as Annexure no.R-1 to this affidavit. The G.O. makes specific provision that the post till the opening of the sealed cover be kept reserved in favour of the employee/ officer concerned. As such it was incumbent upon the opposite-parties to keep one post reserved in favour of the applicant. But that was not done arbitrarily. As such the opposite parties flouted the provisions of law.

If the one post of super time scale would have been kept reserved in favour of the applicant, the applicant would have got the super time scale as and when juniors got their promotion.

6/- That in reply to paragraph 4 of the counter affidavit, it is to state that the Annexure no.5 of the application has been impugned by the applicant to the extent that the applicant will not get the pay. The notional promotion has also been claimed by the applicant and that could not be granted to the applicant. The Annexure no.5 is void to the extent that the applicant will not get the pay in view of the decision made by the Hon'ble Supreme Court as cited in paragraph 9(3) of the application.



111/111

(3)

The decision made by the Hon'ble Supreme Court is a binding force in accordance with the provisions contained in Article 141 of the Constitution of India.

7/- That paragraph 5 is misconceived and is against the facts and law stated in the application as well as in the rejoinder affidavit. The application is liable to be allowed with costs.

8/- That Annexure R-1, which is enclosed with the rejoinder affidavit, is true and verified copy of the original.

Dated: June 16, 1990.

DEPONENT.

VERIFICATION

I, Dr. Surya Prasad, aged about 45 years, son of Sri Debi Ram, presently working as Chairman, U.P. Public Services Tribunal- V, 625- Jawahar Bhawan, Lucknow, R/o 31- Raj Bhawan Colony, Lucknow, do hereby verify that the contents of paragraphs 1 to 8 of this affidavit are true to my personal knowledge & belief and that I have not suppressed any material facts.

Dated: June 16, 1990.

DEPONENT.

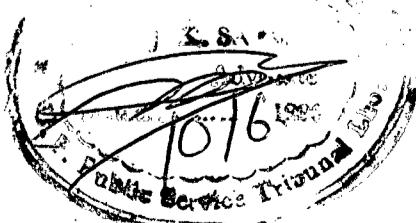
Dr. Surya Prasad
Who has signed
for me

John Paul
Saw

6a

Tom
I have satisfied myself by examining the deposition that the undersigned the contents of this affidavit which has been read out and signed by me, the Chairman, U.P.P.S.T.

John Paul
Commissioner of Revenue
U.P. Public Service Tribunal
16/6/90



In the cultural Administrative Bureau of India
10/6/1973
Dr. Surya Sen union of India
Ans. No. 1.

नोटों फ्रेशन नम्बर ४१३।७०-कामिक-१

डेटेड सितम्बर १३, १९७७

विषय :- प्रोन्नति वयन के दौरान जांच यानिलम्बन मोहरबन्द लिफ्टाफे की प्रक्रिया ।

अधोहस्तादारी की नियुक्ति अनुभाग -३ के कार्यालय ज्ञाप सं० ४१३।७० -नियुक्ति-३ के कुनावों में ऐसे अधिकारियों के सम्बन्ध में अपनायी जाने वाली प्रक्रिया निर्धारित की गई है, जिन के विरुद्ध जांच या जांचापरिक कार्यवाही आदि चल रही हो । इस कार्यालय ज्ञाप में यह भी निर्देश दिया गया है कि ऐसे अधिकारियों, जो निलम्बित हों या जिन के विरुद्ध आरोप-पत्र जारी हो गए हों और जिन के विरुद्ध जांचापरिक वैभागिक कार्यवाही अथवा प्रशासनाधिकरण की कार्यवाही रुक्ख रही हैं हो, के विरुद्ध में वयन समिति का पत कार्यवाही के साथ अकित न किया जाए वरना स्क मोहरबन्द लिफ्टाफे में रक्खा जाए तथा लिफ्टाफा तब खोला जाए जब जांच समाप्त हो जाए । यह प्रक्रिया उन अधिकारियों के सम्बन्ध में नहीं अपनानी है जिन के विषय में सर्वकाता विभाग अथवा सी० आई० डी० में प्रारम्भकजांच या विभागों या जांच हो रही हो ।

२- उपर्युक्त प्रक्रिया के सम्बन्ध में यह शंका व्यक्त की गई है कि ऐसे मामले में कौन सी प्रक्रिया अपनायी जाए जिस में सर्वकाता अधिष्ठान द्वारा खुली जांच (जो साधारणतः प्रारम्भकगोपनीय जांच के बाद होती है) चल रही हो । उन जांचों के आरम्भ होने की सूचना सर्वकाता विभाग द्वारा सम्बन्धित विभाग को हर मामले में दी जाती रही है । इस सम्बन्ध में यह स्पष्ट किया जाता है कि सर्वकाता अधिष्ठान में खुली जांच के मामले में भी मोहर बन्द लिफ्टाफे की प्रक्रिया ही अपनाई जाती अर्थात् ऐसे मामले में भी वयन समिति का पत कार्यवाही के साथ अकित न किया जाएगा बल्कि भी मोहर बन्द लिफ्टाफे में रक्खा जाएगा और लिफ्टाफा तब खोला जाएगा जब जांच समाप्त हो जाए । ऐसे मामलों की सूची सर्वकाता सचिव को भेजी जाएगी जिस से यह जांचें वरीयता से सम्पन्न हो सकें ।

३- मोहर बन्द लिफ्टाफे के सम्बन्ध में इस बात की विशेष सावधानी बरती जानी चाहिए कि वे अविकसित समय के लिए ऐसे ही

(२)

पड़े न रहजाएँ । अतः यह आवश्यक है कि ऐसे मामलों में जांच आदि की स्थितिका द्विार्थीक पुनरीक्षण अवश्य किया जाए । यह भी सुनिश्चित किया जाना चाहिए कि अगले चयन के समय या जांच समाप्त होने पर, जैसा भी स्थिति हो, इन मामलों को ध्यानमें रखा जाए तथा आवश्यकतानुसार कार्यवाही की जाए ।

४- बहुधा स्थायीकरण के समय में भी यह प्रश्न सामने आया है कि निलम्बन। औचापरिक विभागीय कार्यवाही। प्रशासनाधिकारण की कार्यवाही। सतीकता अधिष्ठान की खुली जांच के होने की दशा में क्या प्रक्रियाजपनायी जाए । इस सम्बन्ध में भी स्पष्ट किया जाता है कि कथित दशा में स्थायीकरण के मामले में तब ही विचार किया जाए जब उक्त कार्यवाही या जांच समाप्त हो जाए और तब तक के लिए सम्बन्धित अधिकारी के लिए पद आरक्षित रखा जाए ।

५- अनुरोधहै कि उपरोक्तानुसार कार्यवाही को जाए ।

10/11/1965 Date

10/16
10/16
10/16

PMQ

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

M.P.No. 84 of 1992. (2)

Union of India Petitioner/Respondent

In

O.A.No. 343 of 1989.

Dr. Surya Prasad Applicant.

Versus

Union of India & others Respondents.

The Petitioner/Respondents respectfully submits as under :-

1. That in the above O.A., the Union of India is a proforma party and the relief prayed for is to be granted by the U.P. Govt.
2. That under the above circumstance no Counter-affidavit from the above respondents is called for and the Govt. of U.P. has been requested to contest the case on behalf of the Union of India also.
3. That the U.P. Govt. has filed the Counter-affidavit and the case is ripe for hearing.

It is, therefore, requested that the above case may kindly be listed for hearing on 29-1-92 when it is fixed for filing Counter-affidavit from the Union of India.

Dated:- 20-1-92

(Dr. Dinash Chandra)

Advocate.

Counsel for Union of India.

3)

ब्र अदालत श्रीमान

[वादी] - अपीलान्ट

प्रतिवादी [रेस्पान्डेन्ट]

Central Administrative Tribunal
Agra

Aug

महोदय

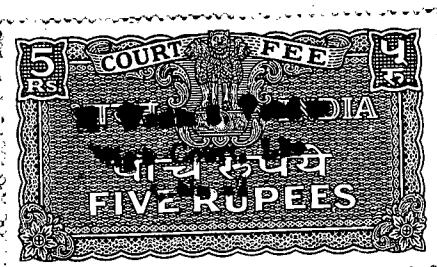
श्री Mr. Surya Prasad

वकालतनामा

Mr. Surya Prasad

v.

Union of India
and another



वादी (अपीलान्ट)

बनाम

प्रतिवादी (रेस्पान्डेन्ट)

मुकदमा नं० ३४३(L) सन् १९८९ पेशी की ता० २९-१-१९९२ ई०

अपर लिखे मुकदमा में अपनी ओर से श्री Shivendhar Jevade,

एडवोकेट
महोदय

30/1/92
अदालत
मुकदमा नं० नाम
कुक्की कर्मन

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया बसूल करें वा सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रूपया जमा करें या हमारी या विष्क्षी (फरीकासनी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या एच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वशा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अपर मुकदमा 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।

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

२५

महीना

।

सन् १९९२ ई०