

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW.

INDEX SHEET

CAUSE TITLE C.A. 36 of 1989 (U)

Name of the parties R. B. Rajpuri Applicant.

Versus.

Union of India Respondents.

Part A.B.C.

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Reuch Copy for B79

copy C1 - C2

Certified that no further action is required to be taken and that
the cause fit for conveyance to the record room (U).

Rajpuri 22-6-2011

505

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD (A2)

CIRCUIT BENCH

LUCKNOW

O.A.36/1989

R.B. Bajpai

versus

Union of India & others

Applicant

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.B. Gorthi, Adm. Member.

(Hon. Mr. A.B. Gorthi, A.M.)

By means of this application under section 19 of the Administrative Tribunals Act, 1985, Shri R.B. Bajpai, Assistant Accounts Officer, challenged the validity of the order transferring him from the office of Garrison Engineer (West), Lucknow (G.E. (W) for short) to the office of Controller of Defence Accounts (C.D.A. for short), Lucknow.

2. The applicant was posted as Unit Accountant in the office of G.E. (W) Lucknow vide C.D.A. Lucknow letter No. A.N./1/1236/BOL-II dt. 28.3.88. Normally, the officials in the rank of Assistant Accounts Officer and Senior Auditor are appointed in rotation as Unit Accountants which appointment carries an extra remuneration of Rs 100/- per month. It is also considered to be a sensitive appointment. The said appointment is ordinarily for a period of two years. The applica

PR

2. One Shri Ram Swarup, Senior Auditor with the office G.E. ^{had} Memora ~~set~~ to be reverted to the office of G.E. (W) for administrative reasons. He was, however, required to proceed the G.E. Memora on every Thursday to attend the work there. When the respondents ordered that Shri Ram Swarup should accordingly report to G.E. Memora on every Thursday, he represented that since he had worked as the Unit Accountant with the G.E. Memora, it would not be dignified for him to go to that very unit as ~~some~~ Senior auditor. His problem was duly appreciated by the respondents who then directed that he would go once a week to G.E. Memora in the designation of Unit Accountant. The applicant did not like this arrangement and refused to send Shri Ram Swarup to the office of G.E. Memora. He blatantly disobeyed all official instruction issued by his superior authorities in this regard.

3. The applicant's case is that he was right in not obeying the various instructions issued by his superiors and that his transfer order was issued due to malice towards him.

4. The respondents have stated that after the applicant was posted as Unit Accountant with G.E. (W) it transpired that he had previously worked in a sensitive appointment at Kampur. It was, therefore, decided to shift him from the office of G.E. (W) and post him to the office of C.D.A. in the same station.

5. Apparently, the transfer order was issued because the applicant became a stumbling block in the smooth functioning of the office of the respondents. ~~They~~ We are not convinced with the applicant's plea that anyone in particular amongst the respondents had any personal grudge or malice towards the applicant. The transfer order was issued in departmental interest and cannot be interfered by us. In the case of Union of India vs. H.N.Kirtania 1989 SCC(L&S) 481 the Supreme Court held that transfer of a public servant on administrative grounds or in public interest should not be interfered with unless there are strong & instructions and pressing grounds rendering the transfer order illegal on the ground of violation of statutory rules or on ground of malafides.

6. In the result, the application is liable to be dismissed and we order accordingly.

Shakeel
A.M.

V.C.
V.C.

Lucknow Dt. 19-9-91.

Shakeel/-

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL JUDGE,

23-A, Thornhill Road, Allahabad-211001

Registration No. 36 of 1989 (C)

APPLICANT (s) R. B. Bagaria

U-02

RESPONDENT(s)

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	Yes
2. (a) Is the application in the prescribed form ?	Yes
(b) Is the application in paper book form ?	Yes
(c) Have six complete sets of the application been filed ?	No
3. (a) Is the appeal in time ?	Yes
(b) If not, by how many days it is beyond time ?	—
(c) Has sufficient cause for not making the application in time, been filed ?	—
4. Has the document of authorisation/Vakalat-nama been filed ?	Yes
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-	Yes U.P.O. No. DD 080932) Rs. 50/- dt- 24.1.89
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	Yes
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Yes
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Yes (by counsel.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT DELHI.

(A3)

C.A./T.A. No. 36 1989 (L)

R. B. Bajpa

Applicant(s)

Versus

U.O.C. 408 -

Respondent(s)

S. No.	Date	Orders
8.2.89.	<u>Hon. A. 2nd/201, AM</u>	Issue notice to the respondents to show cause why the petition be not admitted. Notice returnable on 24.2.89. Notice be issued Dasti
		<u>AM</u> 13/2/89
8.2.89.	<u>SR</u>	Dasti notices issued to the counsel of applicant. 1 8/2
13.2.89.	<u>SR</u>	Dasti summonses were issued through the counsel for applicant under the court's order dt. 8.2.89. fixing 24.2.89. Counsel for applicant has submitted the acknowledgement as required under C.A.T Procedure Rule 1986.
24/2/89		No reply to the show cause notice has been filed. Sub. Mr. H. V. Bajpa the applicant is present. The respondents were given one more opportunity to file reply within four weeks. Put up on 27-3-89 for admission. 13/2/89

(Loy)

J.S.

be

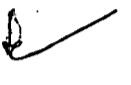
Attn:

O.A. No. 36/89(L) AU

Hon'ble Mr. D.S. Mishra, A.M.
Hon'ble Mr. D.K. Agarwal, J.M.

27/3/89 Mr. Mohd. Ilyas, learned counsel for the applicant is present. None is present for respondents and no reply to show cause notice has been filed by them. List the case for further direction on 28/3/89.


(sns)


A.M.

Hon'ble Mr. D.S. Mishra, A.M.
Hon'ble Mr. D.K. Agarwal, J.M.

28/3/89 Mr. Mohd. Ilyas learned counsel for the applicant is present. Shri D. Chandra learned counsel for the respondents requests for further time to file reply to show cause notice. The case be listed for 24-4-89.


(sns)


A.M.

OR

Counsel for respondents has not filed any reply so far on the question of admission.

Submitted for order on admission. 
2/4/89

Hon'ble Mr. D.S. Mishra, A.M.
Hon'ble Mr. D.K. Agarwal, J.M.

24/4/89

On the request of the learned counsel for the applicant, this case is adjourned to 25-4-89 for admission.


(sns)


A.M.

36/49

(AS)

2/3/90

Hon. Justice K. Nath, V.C.
Hon. K. T. Ramam, A.M.

The applicant is present in person. Dr. Dinesh Chandra is present on behalf of the opposite parties. Comite & rejoinder have been exchanged. Only the supplementary Comite, if any, is awaited. The case be listed for final hearing on 11/5/90; the opposite parties may file a supplementary Comite, if any, within two weeks of which the applicant may file a ^{Supplementary} rejoinder by the date fixed.

OR

V.C.

Re

Hon. Mr. K. T. Ramam A.M.

Hon. Mr. D. K. Agarwal, I.M.

OR

Supplemental A filed with application for condonation of delay.

No supplement.

R.A. filed.

S. F. H.

10/5

Applicant in person and Dr. Dinesh Chandra for the respondents are present.

The applicant wants adjournment. List it for hearing on 12/12/90.

Meanwhile supplementary rejoinder if any can be filed by the applicant within 6 weeks.

by
H. Subb R.A.
filed's P.M.
11/12

S.d.

Deo

J.M.

W.M.

A.M.

36/89(D)

(Ab)

12.12.90

case not reached. adj. to 17.1.91.

17.1.91

—No sitting Adj. to 26.3.91.

(v)
B&C

26.3.91 No sitting Adj. to 17.5.91

(d)

17.5.91

No sitting - adj. to 22.7.91

(h)

22.7.91

No sitting Adj. to 17.9.91.

(d)

to 17.9.91

Hand. Mr. Justice L.C. Greene Vc No Supply
Hand. Mr. A.B. Gorham A.M. R.R. Filed

Arguments heard. Judgment - S.F.W
reserved.

(d)

A.M.

(h)
Vc

(d)
13.9.91

R & G
J. Gorham
A.M.

Received copy of
judgment and
Dated 11/91

1st Copy for Tribunal

A10

10

Before the Central Administrative Tribunal, Allahabad,
(Lucknow Circuit)

Claim Petition No. of 1989.

R.B. Bajpai Applicant

vs.

Union of India and others .. Opp. Parties.

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Re-allys

Counsel for the Petitioner

C.M.D. IL GAS

A.D.V.

Recd of
Recd
25/1/89
25/1/89
25/1/89
25/1/89

(1)
All

Before the Central Administrative Tribunal, Allahabad,
(Lucknow Circuit).

Claim Petition No. of 1989

R.B. Bajpai ^{Assistant} Account Officer, A/C No. 8282624

U.A.G.E. (W) Lucknow. . . . Petitioner

Vs.

Union of India and others Opp. Parties

Claim Petition under section 19 of the
Administrative Tribunal Act, 1985.

1. Particulars of the applicant :-

(i) Name of the Applicant :- R.B. Bajpai.

(ii) Name of father Shri Bholi Ram Bajpai

(iii) Designation and office A.A.O., U.A.G.E.(W) Lucknow
in which employed :- As Unit Accountant

and Assistant Account
Officer, in G.E. (W)

Lucknow.

(iv) Office Address :- G.E. (W) Lucknow.

(v) Address at which notices may be sent H.NO 551 JWA/51 Ram Nagar (Alambagh)
Po Chandni Nagar Lucknow.

2. Particulars of the respondents :- (1) Union of India
through the Ministry

Secretary Ministry of
(Finance)
Defence, New Delhi.

(2) Controller General
Defence Accounts, New
Delhi.

(3) C.D.A. Lucknow.

(4) R.A.O. (MES) Lucknow.

Ram Bholi Ram Bajpai

(N.Y.)

3. Particulars of orders
against which application
is made :-

Order No. A/1/1238/80 (A)
dated 22-12-88, passed by
opposite Party no. 3. at
Annexe (13) page 29.

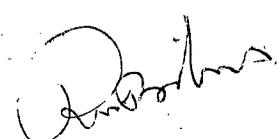
4. Jurisdiction of the Tribunal :- The Applicant declares
that his Hon'ble Tribunal
has jurisdiction because
this Hon'ble Tribunal has
exclusive jurisdiction.

5. Limitation :-

The claim and relief
sought is within
limitation as the order
for reversion and transfer
has been passed on 22-12-88

6. Facts of the case :

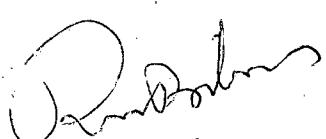
(i) That there has been the appointment of
Unit Accountant according to rotation
and roster point. The petitioner's turn
fell due in Oct., 1987 in the G.E. (East)
Lucknow but the petitioner was not
appointed until the office of Unit
Accountant G.E. (West) fell vacant.
As a matter of fact the opposite parties
No. 1 and 2 wanted that somehow or the
other Sri Ram Swaroop, Senior Auditor
may be appointed as Unit Accountant but
as he had got three chances earlier there-
fore he could not be detailed as Unit
Accountant this time but ways means and



method and manœuvring had by out to fix up Sri Ram Swaroop some how or the other as Unit Accountant by ousting the petitioner by getting some illegal thing done by him but the petitioner was cautious being aware of the intention of the opposite parties No. 3 and 4 and so worked according to rules and written orders of the opposite parties No. 2 and 3. The petitioner began to be harassed for fixing up Sri Ram Swaroop as Unit accountant in the hope that the petitioner might surrender his office and in that event opposite parties No. 3 and 4 may be able to achieve their end by fixing up Sri Ram Swaroop so that their vested interest involved with Sri Ram Swaroop may be achieved, but the petitioner went on facing all onslaughts from the opposite parties No. 3 and 4. The harassment done to the ~~petitioner~~ ^{petitioner} will be ~~at~~ started towards the end after describing the facts relevant for the disposal of the case.

(ii) That the practice for the last about 3 decades or more had been that the Unit Accountant is appointed in rotation according to roster point. The petitioner was posted as United Accountant G.E. (West) on ~~5-4-1988~~ 4-4-1988 vide order dated 28-3-1988. The true copy of the order of posting is Annexure (1) to this petition.

(iii) That there was whole time Unit Accountant under A.G.E. at Mamora station. Lastly Sri Ram Swaroop, Senior Auditor was working at Mamora under ~~EXX~~ AGE Mamora as Unit Accountant but the opposite party No. 2



(4)

felt that there was no necessity of an office of U.A. at Mamora and so the said office of U.A. under A.G.E. Mamora was abolished and merged in the office working under G.E. (West) Lucknow. The said order of the opposite party No. 2 is Annexure (2) to this petition.

(iv) That on the ~~basis~~^{basis} of the order contained in Annexure (2) Sri Ram Swaroop, Senior Auditor, working as Unit Accountant at Mamora had to come back to G.E. Lucknow as Senior Auditor.

(v) That because of the abolition of the office of unit accountant at Mamora and transfer of Sri Ram Swaroop as Senior Auditor under G.E. (W) Lucknow, the order to the effect was passed that one Auditor should be appointed or posted for a day within a week amongst the Auditor working under G.E. (W) Lucknow in turn. The said order is Annexure (3) to this petition.

(vi) That pursuant to the order contained in Annexure (3) the petitioner began to depute and post ~~one~~^{one} Auditor once in a week to lookafter the working of A.G.E. Mamora.

(vii) That the turn of Sri Ram Swaroop came and the petitioner posted Sri Ram Swaroop ~~as~~^{to} go to the office of A.G.E. Mamora as usual.

(viii) That the said Sri Ram Swaroop, Senior Auditor ~~refused~~^{refused} to go to Mamora as Auditor and so gave an application dated 8-8-88 to the effect, as he felt insulted to go as Auditor in an office where ~~he~~ he was working as Unit Accountant. The true copy of the said



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application is Annexure (4) to this petition.

(ix) That the petitioner made report of Sri Ram Swaroop for non-compliance of the order of the petitioner. The true copy of the complaint made by the petitioner against the said Sri Ram Swaroop is Annexure (5) to this petition.

(x) That as submitted Sri Ram Swaroop had gained great sympathy and favour of the opposite parties No. 3 and 4 and so instead of any action taken against the said Sri Ram Swaroop the opposite parties began to find out uncalled for and unwarranted and untenable faults in the petitioner so that they ^{may} achieve their objective of fixing up Sri Ram Swaroop as Unit Accountant. For favouring the said Sri Ram Swaroop the opposite parties No. 3 and 4 began to disregard the orders of the opposite party No. 1 as also the orders passed by opposite party No. 3 himself.

(xi) That the opposite parties No. 3 and 4 in collusion and malafide for selfish end and motive wanted the petitioner to detail Sri Ram Swaroop as full fledged Unit Accountant at A.G.E. office Manora in violation and utter disregard of order of the opposite party No. 3 vide letter No. RA0/1/I/Estt. dated 13-7-88. The true copy of the said letter of opposite party No. 4 calling upon the petitioner to detail Sri Ram Swaroop as full fledged Unit Accountant is Annexure (6) to this petition and the order of opposite party No. 3 is contained in Annexure (2) and referred to above.



(A16)

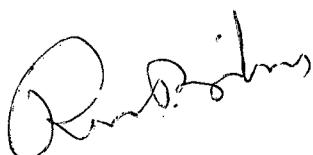
Annexure (2) referred to above.

(xii) That since the said order was in conflict and contravention of orders of the opposite party No. 2 and also that of opposite party No. 3 referred to above therefore the petitioner was not in a position to comply with the order of the opposite party No. 4 as the petitioner as well as opposite party No. 4 were bound to give effect to the orders of the opposite party No. 2 and 3 and were bound not to act against them.

(xiii) That when the petitioner could not give effect to illegal order of the opposite party No. 4 in posting Sri Ram Swaroop as desired by him in the aforesaid letter to the office of A.G.E. Mamora so the opposite party No. 4 issued a show cause notice dated 20-7-88 saying as to why Sri Ram Swaroop, Senior Auditor, account No. 8295846 has not been deputed to work as full fledged Unit Account at A.G.E. Mamora on every thursday and deputed other auditors. The true copy of the said show cause notice is Annexure (7) to this petition.

(xiv) That the petitioner gave reply to the aforesaid show cause notice cum threatening letter on 6-8-88 saying that the petitioner will be held responsible for consequential loss on this account if Sri Ram Swaroop Senior Auditor is not deputed as full fledged Unit Accountant. The true copy of the said letter is Annexure (8) to this petition.

(xv) That another letter directing the petitioner was given by the opposite party No. 4 on 20-8-88



(7)
AIX

in violation of the order of C.D.A and C.G.D.A, the opposite parties No. 2 and 3 to depute Sri Ram Swaroop and nobody else as full fledged Unit Accountant in the office of A.G.E. Mamora. The true copy of the said letter is Annexure (9) to this petition. The petitioner was given 3 days time.

(xvi) That the petitioner in reply to above letter informed the opposite party No. 4 that exhaustive reply is being given by the petitioner.

(xvii) That on 8-9-88 the petitioner had difficulty in complying with the order of the opposite party No. 4 as it was in direct conflict with and in contravention of the orders of the opposite party No. 2 and 3 therefore the petitioner gave exhaustive reply on 8-9-88 vide letter No. 1 P-1/XXXX/Misc., The true copy of the said reply is Annexure (10) to this petition.

(xviii) That in the meantime the opposite party No. 3 opined that there is no increase of work load in the office of A.G.E. Mamora which may warrant the detailment of a full fledged S.O. (A) and as such the present arrangement does not deserve any change. The letter used the designation ~~XX~~ as S.O. (A) which actually meant the designation of U.A. as there was no S.O. (A) in the office of G.E. (W) Lucknow. The said letter dated 2-11-88 is Annexure (11) to this petition.

(xix) That the letter dated 2-11-88 confirmed the stand of the petitioner as legal in as much as no full fledged



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6-8-8

Unit Accountant could be detailed at A.G.E office Memora and as such the order of the opposite party No. 4 insisting for the detailment of Sri Ram Swatooon alone as full fledged Unit Accountant was illegal.

(xx) That in spite of the said clear cut order of the opposite party No. 3 the opposite party No. 4 was so much interested in Sri Ram Swaroop in becoming U.A. in the office of A.G.E Memora as full time U.A. that the opposite party No. 4 on 5-12-88 called upon the petitioner to show cause and explained for not deputing Sri Ram Swaroop as full fledged Unit Accountant in the office of A.G.E Memora while himself drawing the attention of the petitioner to the letter of opposite party No. 3 dated 2-11-88 which made the things clear but the action of the opposite party No. 4 was on account of total malafides and vendictiveness against the petitioner.

(xxi) That it appears that on the death of Account Officer of CDA the new account officer of CDA on resuming the charge made and reflected the correct position of posting and orders in regards to the detailment of U.A. to the office of A.G.A. Memora caused the opposite party No. 4 uneasy and so the opposite party No. 4 contacted and approached the opposite party No. 3 and became able to win him over so that the opposite party No. 3 in contravention of his own order dated 2-11-88 again wrote a letter No. A/1/1397 dated 19-12-88 addressed to opposite party No. 4 and copy to the petitioner saying therein that one auditor who is detailed to visit A.G.E. Mamora once a week to



lookafter the work of A.G.B. Mamora and will also exercise the powers of Unit Accountant to deal with the cases there finally to avoid delay in payment of bill etc., and suitable orders in this regard be issued to the U.A. G.E. (W) Lucknow. The true copy of the said letter is Annexure (12) to this petition.

(xxi) That no such instruction as embodied in the Annexure (12) was issued to the petitioner by the opposite party No. 4.

(xxii) That the opposite parties No. 3 and 4 became annoyed with the petitioner for no fault of his own except that he followed legal orders and complied with them and did not comply with the orders which were illegal and so manoeuvring was done to penalise the petitioner for not deputing Sri Ram Swaroop as full fledged Unit Accountant by ignoring the orders of opposite party No. 2 and 3, which opposite party No. 3 himself attempted to ignore under illegal advice of opposite party No. 4.

(xxiii) That the petitioner as Unit Accountant is entitled to Rs. 100/- per month as ~~petitioner's special Pay~~ ^{salary} which will not be payable to the petitioner if he becomes only Assistant Account Officer.

(xxiv) That the first punishment which the opposite opposite parties No. 3 and 4 hatched out conjointly with malafide intention is that the petitioner by order dated 22-12-88 has been reverted from the office of Unit Accountant to simply Assistant Account Officer and in consequence transferred the petitioner

RamBilas

(10)
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to the CDA office under the control and jurisdiction of opposite party No. 3 for the simple reason that the petitioner did not give effect to illegal order which created malafide and vindictive attitude towards the petitioner and if such state of affair will prevail then there will be no smooth working and legal work. The order in original is annexure (13) to this petition.

(xxv) That the next punishment which the petitioner apprehend due to the annoyance and vindictive attitude of the opposite party No. 3 and 4 is that the petitioner was promoted as Assistant Account Officer and is on probation and as such adverse remark and report is likely to be made to affect the future career of the petitioner.

(xxvi) That the present reversion from the office of Unit Accountant within a period of one year is first of its kind during the past three decades on account of favouritism shown by the opposite parties No. 3 and 4 to the detriment of the petitioner when none had been removed or reverted from the post and office of Unit Accountant before or after completion of 2 years for a day and none has been deprived from working for a day and none has been deprived from working for a complete period of two years.

(xxvii) That the action of the opposite party No. 3 in removing and reverting the petitioner to the post of Assistant Account Officer simpliciter is discriminatory and violative of Article 14, 16 and 19 of the Constitution of India.



A²¹

(xxviii) That the petitioner made representations on 26-12-88 and on 28-12-88 to the opposite party No. 3 and on 26-12-88, 28-12-88, 2-1-89 to the opposite party No. 2 but no reply has been received from the opposite party No. 2. The true copies of the representations dated 28-12-88 and reply of opposition No. 3 are Annexures are Annexure (14) and (15) to this petition and true copies of representations dated 28-12-88 and 2-1-89 are Annexures (16) and (17) to this petition.

(xxix) That in the aforesaid representations the petitioner

(X X) - 7/1/89
Subsequent to his transfer to his new office in the absence of formal delivery of his productivity linked bonus for Rs. 1760/- for 33 days and asked for the formal delivery of A of A Factories Calcutta and forwarded to CDA (CC) Meerut more than 1 1/2 years ago. The harassment meted out to the petitioner proved through documents are annexed to the representations.

Relief Sought :-

(a) that the petitioner may not be reverted or removed from the office of Unit Accountant and consequently may not be transferred from U.A. G.E. (W) Lucknow and so

the order contained in Annexure (13) be quashed.

(b) It
be declared

that the
applicant
is freed
of duty from
3-3-8 till he
is allowed to sign
the attendance
register with
arrears of salary
for the intervening
period.

8. Interim Relief if prayed :-

(a) that the petitioner prayed that pending the decision of the petition the petitioner may not be removed or reverted from the post and office of Unit Accountant and may not be transferred from Unit Accountant Office G.E. (W) Lucknow and the charge of that office may not be taken from the petitioner.

9. Particulars of remedy exhausted :-

The petitioner gave representations to the opposite parties No. 2 and 3 on 26-12-88, 28-12-88 and 2-1-89 but received no reply.

10. Matter pending with any Court :-

It is hereby declared that the matter is not pending with any Court.

11. Particulars of Bank draft :-

Postal order in respect of

the application fee:- 10/-

DD 088932

(i) Name of Bank on which drawn :- NIC

(ii) Name of Issuing Post Office :- Lucknow High Court

(iii) Date of issue of Postal Order :- 24.1.1989

(iv) Post Office at which payable :- Allahabad

List of Enclosures :-

- (1) Application letter of Appointment as U.A- Annexure (1)
- (2) Order of abolition of U.A Office - Annexure (2)

Ram Birla

A23

(13)

- (3) Order for appointment of A.U. - Annexure (3)
- (4) Application of Sri Ram Swaroop Annexure (4)
- (5) Complaint of the petitioner - Annexure (5)
- (6) Letter dated 13-7-88 . Annexure (6)
- (7) Show Cause notice dt 26-7-88 Annexure (7)
- (8) Annexure letter dated 6-8-88 Annexure (8)
- (9) letter of opposite party No. 4 Annexure (9)
- (10) Letter reply of the petitioner Annexure (10)
- (11) letter dated 2-11-88 Annexure (11)
- (12) letter dated 2-11-88 Annexure (12)
- (13) letter of opposite party No. 3 Annexure (13)
- (14) letter of removal/reversion/transfer A { 14 }
{ 15 }
- (15) Representation dated 26-12-88 Annexure (15)
- (16) " " N 28-12-88 Annexure (16)
- (17) " " 2-1-89 Annexure (17)

In Verification:*Ram Bahadur Bajpai*
Applicant

I, R.B. Bajpai son of Sri Baliram Bajpai
aged about 50 yrs r/o U.A./G.E (W) do hereby
verify that the contents of para's 1 to 13 are
true to my personal knowledge and belief and that
I have suppressed no material facts.

Ram Bahadur Bajpai
R.B. Bajpai
Applicant

Place Lucknow
Date 25.1.1989.

6

ANNEXURE - (1)

(1)

(2)

Confidential
Ref. AN/1/1236/016 22
OFFICE OF THE COMMISSIONER
LUCKNOW.

DATED 28/12/88

20.

The RAO (RCS)
LUCKNOW

Subject: OFFICER POSTING - 1988 (A)

The following Inter office postings are ordered
where the dates noted against each:

Sl. No., Grade A/C No.	Office from posted	Office to posted	Date of relieving
1. Y.K. Verma SG(A) A/C No. 4298913	UAGC (W) LUCKNOW	C.O.A. LUCKNOW	6-4-88 (AM)
2. R.B. Rajpal SG(A) A/C No. 5212684	C.O.A. LUCKNOW	UAGC (W) LUCKNOW	6-4-88 (PM)

As at the same station, joining/relieving report may please be forwarded
to this office.

Proper handing/taking over records should also
be rendered to this office.

SDY
A.O.O (AM)

Copy to:

- 1. UAGC (W) Lucknow
- 2. Shri R.B. Rajpal SG(A) for compliance.
- 3. UG (W) Lucknow
- 4. AYSI Local
- 5. AS 1-3 Local
- 6. AN/2/1004/Com281/
- 7. Com. O.C. Meerut

Tested true copy

Really as
(Vocat)
25/11/89

SDY
A.O.O (AM)
28/12/88

Rajpal

ANNEXURE - (2)

(15)

(A25)

(2)

CONFIDENTIAL
No. AR/1/1397
OFFICE OF THE C.D.A.
LUCKNOW
DATED: 4/5/88

To

The RAO (NES
LUCKNOW)

Subj:

Downgrading of UA AGE (I) Memora

Ref:

Correspondence resting with your No. RMO/L/1/Confld-11
dt. 19/11/87 addressed to CS LZ and copy to Chief Engin-
eer H.Q. Central Command, Lucknow.

It has been decided to close the office of UA AGE (I) Memora and the work relating to this office attached with UA GE (West) Lucknow. Shri Ram Swaroop SCA A/C No. 8295846 who is acting as UA AGE (I) Memora be directed to wind up the office and report to the office of UAGE (West) Lucknow along with the complete office record. A list showing the complete details of the record in triplicate is required to be prepared and a copy thereof sent to this office along with the relieving report.

A separate transfer order is also being issued separately.

SM
D.C.D.A. (AU)

Copy To:

1. Chief Engineer Lucknow Zone Lucknow
2. Chief Engineer HQ. Central Command Lucknow
3. AGE (I) Memora
- ✓ 4. UAGE (West) Lucknow. Shri Ram Swaroop SCA 8295846 may be taken on the strength of your office when he reports for duty along with the office record of Memora office and his joining report sent to all concerned in usual manner.
5. C.D.A. CC Meerut for information wrt. their No. E/X/1705/NDE dt. 8/4/88
6. 6. AGE (I) Memora for compliance

Attested true copy

Reddy
J.S.

Deo
A.O. (AU)

b/175

R. D. D.

Advocate.

25/1/89 DATE

(P26)

(16)

Annexure (3)

AR/1/1397
OFFICE OF THE C.D.A.,
LUCKNOW
DATED: 29/6/88

(4)

To

The RAO(MES)
LUCKNOW

SUB: IA AGC(1) MEMORANDUM CLOSING OF

It has been decided that one Auditor from UACB (WEST) Lucknow may be detailed for one day a week to look after the work of AGC(1) MEMORA with immediate effect. The date of visit will be decided by the M.E.S. Authorities.

action will be Please acknowledge receipt.

When in receipt of

to be detailed

14 AGC(1)

MEMORA

29/6/88

Sd/-

ACCOUNTS OFFICER (AG)

COPY FOR INFORMATION TO:-

1. Chief Engineer Lucknow Zone
Lucknow

2. CEC Lucknow suitable day of week on which
visit is to be made may please
be intimated to the UACB (WEST)
Lucknow under intimation to
this Office.

3. AG (AGC)
Lucknow

4. AGC(1) Lucknow

5. UACB (WEST) Lucknow

6. CEC Central Command Lucknow.

Attached for copy

T. C. Mys

A. Mysore

29/6/88

Shyam

Accounts Officer (AG)

R. B. B.

annexure (4)

(17) A²X

Mr. M.A.G.B (W)

Advocate

Sir -

With references to Yours

Letter order No 83 dt 2-8-38 it is
requested that my T.D. as Auditor
to A.G.B (1) remains as unprestigious
for me. As such
~~he~~ and as unable to go on T.D.
as auditor to the A.G.B (1) remains
dt 2-8-38

Yours faithfully

Attached true copy

T.C. G.

Advocate

2/1/54

Ramdaswamy

Official Auditor

Advocate

Ramdaswamy

Dum Dum (5)

(19)

(18)

(128)

Confidential MEMORANDUM

From UAGF(W) To The R.A.O
Jackson

No. AP-1/XXXX/Visc Jackson Date 11/8/88
Sub:- UAGF E(1) Memana closure of

Other than if you N.R.A.O/L/11 Eattit 6/8/88
copy X X X X

As per your orders I deposited
T. C. 1000/- in Ramawaroop S.A. Ac No. 8295846
to look after works of AGF(1) Memana
on 11-8-88 (one day) but he refused
to obey the orders and expressed his
unhappiness with his application dt
8/8/88 received by me on 11/8/88 (copy
attached for ready reference). Since you
ordered not to deposit any other person
for this job, ~~so~~ no one was deposited on
that day.
One time P.T.O. of UAGF(W)

Prashant

Demand (b)

A20

(19)

Marking: u.

Entitled

To

✓ (8) NO Ref/L/1/1551-
Office of the RAe (O.R.E.)

Letter of 13.7.08

The M.A.G.E (W)

BUCKNELL

Reb: - M.A.G.E (1) Mearings closed 2.
Ref: - C.D.A, demand letter No. 14/11
1397 of 29-6-88 addressed to
this office and copy send to
you and other offices and C.W.E.P.
Letter No. 2000/41
Thurs/EE 27-7-7-00

Please refer to the above quoted
Communication and depite sum
Ran Swartz Jr. Auditor M.E
No 8295 846 to 727K as full
filled M.A. at M.A.G.E (1) Mearings
on every Thursday till further
order.

Copy to: -

RAe (O.R.E.)

1. The CDA Lucknow for
information.
2. The C.W.E.P, Lucknow for
information.

Attended this day by RAe (O.R.E.)

Y. C. Ellyan

Advocate

29/1/89

R. D. D.

Amur (7)

(20)

Geological

Mr. & Mrs. J. J. & S. H.

Strecken Rn (B115)

Received at 26-7-88

10

The ~~usage~~ (k)

Lieutenant

13

Sub:- 1. A, A3, E, (1) (Remarks. closed)
Ref: In continuation of this letter
referred at 13.7.68 addressed to
you 2 copy to D.A., HQ & E.O.E(P), HQ.

It has been reported by AGF(1) (Mauritius) that despite of orders issued by this office, San Ramon Group Corp. Sr. Auditor, ACN 8295846 has not been deputed to work as full fledged staff of AGF(1) (Mauritius) on every Thursday, but you have deputed an other auditor. The circumstances under which the orders issued by this office has not been obeyed/implemented may be investigated within 3 days of the receipt of this memo.

Please attach Receipt of
Miss Lulu.

Two C.M.s
for
F. G. Meyer
T. G. S. 11/11/03
for
F. G. Meyer
T. G. S. 11/11/03

R. R. Wilson

Dumaine (D)

(B1)

Confidential

(17)

No RA/1/1/EST
Pte. Agent Rec (PES)
LIC No. D-6-088

To

The CAGE (D),
LOCK NO.:

Recd by - LIA, AGE (1) (Remarks - closed)
Ref - YOCS No. A/P-1/8XX of 3.8.80
addressed to this Office & City
to CDA, Dehra Dun.

The Subj of explanation
Called for under this Office
Even No. of 26.7.80, furnished
his yrse above quoted letter
is not acceptable/agreeable
As per instructions issued
under this Office even No. of
13.7.80 may be completed
immediately and the cir-
cumstances under which Mr
Ran Groop, Sr. Auditor
Af C No. 0255 046 has not been
depicted for the same, may
be communicated within 3 days
of the receipt of this memo
Please note, if in case any
other information is required for
the job, you will be held responsible

True W.M.
After 2 days
P.M. 24/11/83

D. Dinesh

ANNEXURE (9)

AB2

22

Enclosed

(21)

No. R.P. 1/1/1/284-1

Office of the M.R. (M.S.)
Lucknow D.F.C. 8-88

Sir R.B. Bagchi

AGC (U) Lucknow
AHO

Replies - M.A., AGC (U) Lucknow - closing

Ref - Your No. A/P-1/XXXX of 11-8-88
addressed to this Office &
Copy to CDA, Lucknow.

You were directed under
this Office order No. D/13-7-88
to depose Sri Ram Sircar,
S.R. Auditor A/c No. 82495846 as a
full fledged M.A. every Thursday
to carry on the work relating
to payment etc. at AGC (U),
Lucknow instead of complying
with the above order, you had
stated in your letter No. A/P-1/
XXXX of 3-8-88 that due to
administrative reasons to
depouse Sri Ram Sircar as
full fledged M.A. every Thursday
was not possible without
stating the specific administrative
reasons for which he could not be

deposited. Your copy

Really

A. Advocate
Aug 1/89

R. Bagchi

23

23

on every Thursday.

You were also required to reply to this Office even on 07-07-08 & 26-07-08 & 08-08 within 3 days but your reply was not received within the specified period for which reasons explaining full details may also be intended. The reply of this Office letter of even 04-08-08 has been received on 19-08-08 i.e. after 13 days. Please explain.

Your action is reprehensible and you are called upon to explain further information of the CDA why disciplinary action should not be initiated against you for failure on your part to comply with the orders of this Office and not replying letters in time.

You are again directed to dispute Sun Ram Swaroop as earlier directed failing which you will be held responsible for consequential loss on this account. Your reply should reach to this Office within 3 days of the receipt of this memo.

Attached for copying

7 days

Advocate

22/10/09

Mr. R. R. Rao (S)

R. R. Rao

Brundavan (10)

(A24)

Confidential

Mr. M. P. Singh

(25) Officer of the UAGE (W)

Mr. R. P. (M.T.)

Lucknow 31/8/1988

Lucknow

Sub - U.A. P.G.E.(1) Memorandum closure of

Off. - Yours vs R.A.O/1/1/88 dt 20-8-88

In continuation to this office even No. 1125/8/88 the reply of yours letter under reference is furnished below.

The undersigned was directed ^{vide} by the CDA Lucknow No. AN/1/1397 dt 29/6/88 to detail one auditor once in a week but C.W.E.(P). Vide his letter No. 20000/1/1/charge 2 dt 21/7/88 instead of deciding the day, repeated to appoint auditor as full fledged U.A. In your office while issuing orders to the undersigned vide yours vs R.A.O/1/1/88 dt 13/7/88 something more was added to appoint Shri Ram Swarup Senior Auditor A/c No. 8295846 only as full fledged U.A. It may please be clarified as to whether A UAGE may disobey the orders of CDA in compliance with the orders of a R.A.O.

In continuation to the above correspondence your attention is also invited towards C.E.L 2 Lucknow No. 123206/12/15/1/10 (11dm) dt 9/8/88, A.G.E.(1) Memuana No. 1008/83/1/1/12 8-88 and C.W.E.(P) Lucknow N. 20000/1/1/1/2, dt 21/7/88 under which P.B. Rayappa U.A.G.E.(W) Lucknow himself has

1. True copy
2. Col. C. S. Garg
3. Handwritten
4. 29/1/89

R. B. Singh

(25) (A35)

bein, however to be detailed in next 2 months but the orders in this regard are still presented.

In addition to the points raised in para one and two above following points are also creating doubt in Company with your orders to detail Pansawarp Senior Auditor only as full fledged UA.

1) The office of UA AGE (1) Memawra has been closed and merged in the office of UAGE (w) ducknow. In case Shri Ramawarys auditor is detailed as full fledged UA, ~~then~~ there will be two UA AGE in the office of UAGE (w) ducknow.

2) Generally UAGE are paid by the CDA. This office is not aware of any Rule position under which QAO/PAO may detail any auditor as UAGE. The number and date under which powers if delegated may please be intimated.

3) The intent of your office to detail Pansawarp only as full fledged UA is not understood.

4) The detailment of auditor as UA many not be among the motions to become UA which in turn may a create misconception and choose, hence among the motions.

Attested tow copy

T. C. Chatterjee

Advocate
2nd May 1994

R. D.

In instance you are aware of the disqualification of Ram Swami's senior auditor who as although auditor has refused to work as auditor in Mysore as already intimated to you.

In view of the points explained above it may clearly be seen that undesignated neither disobeyed your orders, intending to do so, nor failed to handle the situation. The works is running smoothly and satisfactorily and undesignated has efficient control on the works and position.

It is again stated that creation of such position may create indiscipline and disobedience amongst the staff which may badly effect efficient working of office. It may also create mental torture and harassment to undesignated.

It is, therefore, requested that formal orders for detachment of UAGC(W) Mysore himself as desired by AGC(W) Mysore to look after works of that office on Wednesday of every week may please be issued.

Copy to the C.A. ^{at 1} a/c UAGC(W)
for information and necessary
action please.

Attached the copy. O/c UAGC(W)

T. C. Kelly

Advocate

29/3/19

R. D. D.

Domestic (1)

(27)

(A27)

CONFIDENTIAL

No. AN/1/1397
OFFICE OF THE C.B.I.,
LUCKNOW
DAT. DT: 2/11/98

To

The C.B.I.
NEHAZRA

(35)

SUBJ:

UACE (1) NEHAZRA CLOSING UP.

REF:

YOUR NO. 1267/03/C/DET. D/17 17/8/98
addressed to Headquarters C.B.I. (P)
Lecture and copy to this office
and others.

In this connection it is stated that arrangement for detailing one auditor has already been made from UACE (WEST) Lucknow for visiting your division once a week, which is based on the load of work and as also discussed with HQ C.B.I. As the load of work does not warrant detailment of a full fledged SC (4) the present arrangement does not deserve any change.

S. D. S. D.
ACCOUNTS OFFICER (AM)

COPY TO:

- 1- Headquarters C.B.I. (P), 220,
KC Road, Lucknow.
- 2- CIBL Lucknow.
- 3- CDA CC Lucknow.
- 4- RAO (MSS) Lucknow.
- 5- OS (WST) Lucknow.
- 6- SAOS (WST) Lucknow.
- 7- SHAI R.D. BAJPAI, AAO.

Attached Two copy

K. D. Dey
Advocate
27/10/98

(Bhatnagar)
ACCOUNTS OFFICER (AM)

R. D. Bajpa

Dominion (12)

(2D) (P2D)

CONFIDENTIAL

No. AN/1/1397
OFFICE OF THE C.D.A.O.
LUCKNOW
DATED: 19/12/80

45

To

THE FAO, (MES)
LUCKNOW

SUB:

UAC AGS (I) MAMAUZA CLOSURE OF.

REF:

This office even No. dated 29/6/80
and 2/11/80

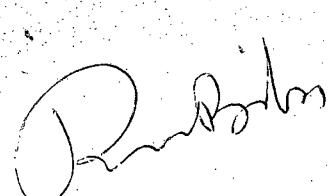
I have been directed to nominate that one auditor, who is detailed to visit once a week to look after the work of AGS (I) MAMAUZA from UAC (MES) Lucknow will also exercise the powers of UA also to deal the cases that finally to avoid delay in payment of bills, preparation of rent bills etc. Suitable instructions in this regard may please be issued to the UA in this regard and also ensure that the auditor is detailed regularly so that the work may not fall in arrears.

ACCOUNTS OFFICER (AM)

COPY TO:

1. Headquarter, CMB, Lucknow - For information with reference to your R.O. No. 920510/87-82/3AM/ 3/101/3 2 w(A) dt. 6/12/80.
2. Headquarter, CMB, Lucknow + For information with reference to their R.O. 20009/41/1978/22 dt. 1/12/80.
3. CG (MES), LUCKNOW + For information.
4. AGS (2) MAMAUZA - This dispenses your R.O. 1003/82/8-1 dt. 6/11/80.
5. UAC (MES) LUCKNOW - For information immediate compliance.
6. THE CGA CG MEETING - For information.

Attached true copy
S. K. Dutt
Advocate
20/1/89


S. K. Dutt

ACTED

Annexe (13)

(29)

RB

Confidential

No. AN/1/11238/50A
Office of the CDA
Lucknow, dt 22/2
88

No.

The U.A.G.E (West)



Lucknow

Sub: Transfer: D.A.O. eff.

It has been decided to transfer the following individual from & to the office noted against him with immediate effect.

Sl. No.	Name, grade & No.	From	To
1.	Sri R.B. Bajpai, U.A.G.E (West) AAO ACCO. 8202684	Lucknow	CDA Lucknow

Sri Bajpai will hand over the charge to the senior most Auditor/ Senior Audit immediately.

No. TA/DA 2 joining time is admissible, as the transfer is being at the same station.

Blotterized

Copy to:-

Se (B)

1. The C.D.A.C.C. Meemt. for information
2. The RAO (MES) Lucknow -to-
3. The AAI/UT (local)
4. AN/1/13 (local) for necessary action
5. AN/1/1004/Confidential

R.B.B.

Allen
T.M. M.P.Y.
F.C.C.
May 11/89

ACO

Dumaine (14)

(30)

To,

The C.D.A.
Lucknow.

Subject : Transfer of R.B. Bajpal from UACE(7)
Lucknow involving Ranswaroop Factor.

Sir,

With due respect and humble submission, I
beg to state that I was posted as UACE(7) Lucknow vide
your No. AN/ 1/ 1238 / Vol II dt. 28.3.88 and now have
been transferred from UACE (4) Lucknow so earlier vide
your no. AN/ 1/ 1238 / 50 (A) dt. 27.12.88 and have
been ordered to handover charge to Senior most Auditor.
The Senior most auditor is Ranswaroop.

In this connection I request that reality has
not been brought to your kind notice and facts have been
misled by lower authorities only to post Ranswaroop
as UACE(7) Lucknow any how by transferring / removing
me from that post. This fact is clear from the following
points :-

1. I was ordered by you to detail one auditor for
for one day a week to look after the work of
AGI (I) Kherwara vide your letter No. AN/ 1/
1307 dt. 29.4.88 (Photo copy attached) but
RAO (VLS) Lucknow Shri S.N. Mehta who due
to his selfish moto was personally interested
in detailment of Ram Swaroop S.A. A/c No. 8206848
not only as auditor but as full fledged U.A.
and ordered for his detailment vide No. RAO/1/
1/ Batt. dt. 13.7.88 (Photo copy attached)
No. RAO / 1/1 / Batt. dated 24.7.88. (Photo copy attached)

2. As per your orders I deputed one auditor once
a week to look after the work of AGI (I) Kherwara
but RAO (VLS) Lucknow Shri S.N. Mehta vide
his letter No. RAO/ 1/1 / Batt. dt. 8.8.88
(Photo copy attached) threatened to bear the
consequential loss on this account if any in-
dividual other than Ranswaroop was detailled
as full fledged U.A. to look after the work of
AGI (I) Kherwara. 25.8.88

3. I detailed Shri Ram Swaroop as auditor but
vide his application dt. 8.8.88 (Photo copy
attached) Ram Swaroop refused for his detail-
ment as auditor although he is auditor.

4. R.A.O. (VLS) Lucknow again threatened me to threaten
initiate disciplinary action if Ranswaroop was
not detailled as full fledged U.A. vide his No.

Contd. 2

Allecto
True copy
J. P. D.

J. P. D.

Att

(31)

11: 2 11

F.A.O. / I / 1 / Estt. - I dt. 20.8.88 (Photo copy attached). I explained all the faults in the Letter No. A / P/1/ XXXX / Misc. dt. 8.9.88 addressed to RAO (M/S) Lucknow and copy to you. R.A.O. again threatened me to initiate disciplinary action vide his letter No. RAO / I/1 / Estt - I dated 27.8.88 .

6.

You ordered for detailment of auditor only vide your No. AN/ 1 / 1397 dt. 29.6.88 (Photo copy attached) but it is surprising to me that you also stressed upon posting of Ram Swaroop as full fledged U.A. without issuing any order from your side and called for explanation vide your letter No. AN / 1 / 1397 dt. 6.9.88 (Photo copy attached), signed by A.O. (AN) of your office and Shri Satish Chandra Ji D.C.D.A. said me on Telephone " Detail Ramswaroop as full fledged U.A. C.D.A. desires .

After above correspondence you again ordered to detail one auditor only vide your letter No. AN/ 1397/ dt- 2.11.88 (Photo copy attached) Inspite of your repeated orders for detailment of one auditor only RAO again issued a letter No. RAO / I / 1 / Estt. dt. 5.12.88 (Photo copy attached .) Inwhich he twisted all the facts .

After prolonged correspondence you issued orders for detailment for one auditor as U.A. vide your No. A.N./1 / 1397 dt. 19.12.888 (Photo copy attached) Addressed to F.A.O. and copy to others but orders from F.A.O. in this regard are still awaited . Although in this connection I explained all the points in letter No. A/ P- 1 / XXXX / Misc. dt. 8.9.88.

In view of the position explained above it may clearly be seen that I always obeyed the orders but lower authorities being interested in posting of Ram Swaroop only as U.A. due to their selfish moto putup twisted facts before you and any how succeeded to get me transferred from U.A.G.B. (W.) Lucknow so earlier for personal benefits of Shri Ram Swaroop Auditor .

I , therefore , request your honour to consider my case sympathetically and cancell

Contd. 3

Alfred
Tom M
Recollyer
Ari

D. D. B.

32

32

11/3/88

my transfer under intimation to me. In case my appeal is not succeeded to my application addressed to C.G.D.A. attached with this application may please be forwarded to him for interview with him. The time and date of interview may pleased be intimated to me. Pending decision on my appeal handing taking over may be postponed. In case my application forwarded to C.G.D.A. I may pleased be intimated. I shall be thankful for your kind consideration and sympathetic action.

Thanking you,

Yours faithfully,

Dated: 28.12.88

(-R.B. Bajpai -)

A.A.O.

A/c No. 8282684

U.G.E. (T) Lucknow.

R.B. Bajpai

Albert
Mr CM
Zadig
Absent
24/11/88

Dharmendra (15)

(33)

ARB

CONFIDENTIAL

No. AN/I/1238/50 (A)
OFFICE OF THE C.D.A.,
LUCKNOW
DATED: 6/1/89

To

Shri R.B. Bajpai
151 Jha/51 Ram Nagar
Alambagh,
Lucknow

SUB: TRANSFER BAD ESTABLISHMENT.

REF: Your application dated 26/12/88

The points brought out by you in your application dated 26/12/88 has already been taken into account before arriving at the decision. Your action for not handing over the charge to your successor has not been appreciated. You are, therefore, once again directed to handover charge to your successor and report for duty in this office immediately. Your application has, however, been sent to CGDA, New Delhi.

Bhatwedi

ACCOUNTS OFFICER (AN)

Allesdix
Tme 09
Toddyas
T. Asoch
24/11/88

R. B. Bajpai

Annexure (16)

APG

To

34

The C.G.O.A.
West Block V
N.K. Puram
New Delhi.

Through Proper Channel.

Subject Transfer of R.B.Bajpal from UACB (V) Lucknow
Involving Headquarter Factor.

Sir,

With due respect and humble submission, I beg to state that I was posted as UACB (V) Lucknow vide C.G.O.A. Lucknow letter No AN/1/1238/ Vol IX dt. 28.3.88 and now have been transferred from UACB (V) Lucknow letter No. earlier vide CGA Lucknow No. AN/1/1238/ SO(A) dt. 22.11.88 and have been ordered to hand over charge to Senior most auditor. Senior Most auditor is Headquarter. I feel that I have been transferred so earlier from UACB (V) Lucknow because I could not detail Ram Swaroop auditor as full fledged UAC in my can office which was against orders and practice followed in the past and for which I was not only being compelled but threatened to incur the consequential loss, as may be seen from RAO (M.P.S.) Lucknow letter No. RAO / L / 1/ Batt. dt. 28.3.88 (Photo copy attached).

In this connection I requested to C.G.O.A. Lucknow vide my application (Copy attached) dt. 28.12.88 but my appeal has not been acceded to.

I, therefore, request your honour to consider my case sympathetically and permit me for interview to explain the facts. The time and date of Interview may please be intimated to me. Pending decision on my appeal handing taking over may please be postponed. I shall be thankful for your kind consideration and sympathetic action.

Thanking you,

Yours faithfully,

(R.B. Bajpal)
A.A.O.
A/c No. 8282806
UACB (V) Lucknow.

Dated : 28.12.88

R.B. Bajpal

Allesw. for
My
Family
Aman
24/1/89

ANNEXURE (17)

Act

To

(35)

The C.G.O.A.
West Block
R.K. Puram,
New Delhi.

Through Proper Channel.

Sub: Harassment R.D. Bajpal A.A.O. A/o No. 222694.

Sir,

With due respect and humble submission I beg to state following few points for your kind consideration and sympathetic action. From these points it may clearly be seen that how much harassment and mental torture has been given to me.

1. Transfer from UAGE so earlier.

I was posted as UAGE (V) Lucknow w.e.f. 4.4.88 vide C.O.A. Lucknow letter No. AN/1/1238/Vol. A.I dated 28.3.88 and now have been transferred from UAGE (V) Lucknow so earlier vide C.O.A. Lucknow No. AN/1/1238/S.O.(A) dt. 22.12.88 and have been ordered to handover charge to senior most auditor. The senior most auditor is Ramswaroop. In this connection I have already represented to C.O.A. Lucknow vide my application dated 28.12.88 (photo copy attached).

2. Orders in contradiction to manuals.

R.A.O. (WB) Lucknow Sri G.N. Mehrotra ordered vide his No. RAO /L/1 / Gen -II dated 20.7.88 (Photo copy attached) me to change office hours in contradiction to para one of U.A. Manual. In this connection I requested vide No. A/P -1 / Misc. dated 8.8.88 addressed to C.O.A. Lucknow and copy to R.A.O. for clarification and orders but clarification is still awaited.

3. Harassment regarding L.T.C.

I submitted my L.T.C. claim in time (Photo copy attached) which has been countersigned by C.O.A. (A.N.) and A.C.O.A. and was returned to me vide C.O.A. Lucknow No. AN/1/1238/Vol. A.I dated 21.8.88 (Photo copy attached) with the instructions

Accepted from U.P.

Reddy Yes
Adsookh

24/8/88

Aut

(36)

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to re-submitt it as and when informed by the administration. Since then I have been given no information in this regard and it is surprising that full amount of advance has been recovered from my pay and allowances for the month of March 1988 to June 1988 without any prior intimation to me. Now I have been called for explanation vide C.O.A. Lucknow No. A.N / II / 1400 / Confidential / P-1 S I 24 dated 28.10.88 (Photocopy attached) as to why disciplinary action should not be initiated.

4. Non Payment of P.L.B. 85-86 :-

I served under kind control of C of A (Fys) Calcutta upto 31.3.86 I was entitled for P.L.B. for 85-86. A sum of Rs. 1760/- on account of P.L.B. for 33 days for the year 1985-86 has been passed by C of A (Fys) Calcutta and has been passed on vide his No. 473 / AN - Pay - II - OLF - dated 29.10.1986 to C.O.A. (C.C.) Meerut Cantt but payment has still not been made to me.

In this connection I requested to C of A (Fys) Calcutta vide my application dated 27.10.86, 3.3.87, 11.3.87 and C.O.A. (CC) Meerut vide my application dated 27.7.87, 8.10.87 and 14.4.88 but no reply has been received.

I requested to your honour vide my applications dated 8.10.87 and 14.4.88 through proper channel and advance copy by registered post but action taken is not known to me.

I also requested for personal attention of C.O.A. Lucknow vide my application dated 9.5.88 by registered post but action taken by him is still not known to me.

It may clearly been seen by your honour that I am continuously being harassed and mentally tortured (as already written to C.O.A. Lucknow vide No. A/P - 1 / XXXX / Mixc . dated 8.9.88) to keep me mentally disbalanced and in financial loss.

I, therefore, request your honour with folded hands to come to my rescue and issue instructions to stop harassment and mental torture and also cancell my transfer and to make payment of P.L.B. in question as early as possible , as I am in financial hardanip.

Contd. 2

Alka Mr. C.P.
Really
Am
24/11

R. B.

(37)

(P.D.T.)

11. 8. 89

I shall be thankfull for your kind consideration
and sympathetic action.

Thanking you,

Yours faithfully,

Dated : 2.1.1989.

(R.B. Bajpai)

A.A.O.

A/c No. 3282684

U.A.G.B. (W) Lucknow.

Enclosed 4 copies
Photocopy.

Home Address :

H.N. 551 Jha / 51

Ram Nager (Alambagh)

Lucknow.

Ram Bajpai

Albust from C.M.
See below
24/11/89

~~35th 37~~ 17/1/1963

11/05/1963

To : CCG(E)(b) Lucknow dt 20/7/68
R.P.D. Ad. C.I.G.I./C.H.B.S.O.
LUCKNOW

Sub:- Office hours- observance of

The undersigned has been directed by the C.G.A. Lucknow that the Office hours will be observed from 9.30 AM to 17.00 PM with 1/2 an hour lunch from 1.30 PM to 2 PM to & f 25-7-68 every day except Wednesday & Saturday. The Office hours on Wednesday & Saturday will be observed from 9.30 AM to 4.00 PM with half an hour lunch as stated above.

The receipt of this Communication may be acknowledged.

Copy to:-

Mr. D.A.O (M.E.S.)

The C.G.A. Lucknow (A.N.-I)
for information.

Find below

Mr. D.A.O (M.E.S.)

Mr. D.A.O (M.E.S.)
for information
Find below

~~3737~~ 37 B
PAG

CONFIDENTIAL
MOST URGENT

To,

The CDA
Lucknow

No. A/P-1/Misc
Office of the
UA GE (West)
Lucknow

08 Aug '88

SUB : OFFICE HOURS OBSERVANCE OF

REF : RAO Lucknow No. RAO/L/1/Gen-II dated 20-7-88

A circular as quoted under reference has been received from RAO Lucknow in which it has been stated that CDA has directed to observe office hours in the office of UA GE (W) Lucknow from 0930 AM to 1700 PM with half an hour Lunch from 1330 to 1400 PM every day except Wednesday and Saturday. The office hours on Wednesday and Saturday will be observed from 0930 AM to 1600 PM with half an hour Lunch as stated above. At present office hours in this office are being observed from 0900 AM to 1700 PM with half an hour Lunch everyday except Wednesday and Saturday. The office hours on Wednesday and Saturday are observed from 0900 AM to 1400 PM without Lunch.

2. It has clearly been mentioned in Second sentence of Para 1 of UA Manual that Unit Accountant will conform to the Organization of the formation to which he is attached & in regard to hours attendance and Holidays.

3. It may clearly be seen from the facts as mentioned in Para 1 and Rule position as in Para 2 above that in case office hours are observed in this office as per Orders of RAO there will remain no conformity with the office hours observed by GE (W) Lucknow in his own office and it may effect working and efficiency of this office.

4. The case is referred to you for clarification and orders. Till receipt of your Orders this office is observing office hours as usual.

Copy to :-

1. The RAO Lucknow

2. GE (W) Lucknow - for immediate necessary action

S/18
UA GE (W) Lucknow

2/2/88
UA GE (W) Lucknow

Abdul, True copy
T. S. Chakraborty
T. S. Chakraborty
vii/11/88

AN/II/1400/Confldl/P-1 5224
Office of the CDA
LUCKNOW
Dated:- 10/10/1988

To

Shri

Ram Bala Sora,
8299769
CAGE(W) Lko.

98

Subject:- LTC ADVANCE-DAD ESTT.

of Rs. 1625/-

You have drawn LTC advance for the block year 82-83 on 12/86 for journey in 12/86.

You have neither commenced the journey nor deposited the Govt. money within 30 days of its drawal.

You have kept the Govt. money with you unutilised for the period from 12/86 to 2/88.

Please explain the reasons why disciplinary action should not be initiated against you for the above lapse.

Your reply should reach the undersigned within 10 days from the receipt of this memo.

Shri
ACCOUNTS OFFICER (ADMIN)

6
88

Attn: Mr. CDA
Re: Your
Advocate
26/10/88

Ram Bala Sora

अदालत श्रीमान्

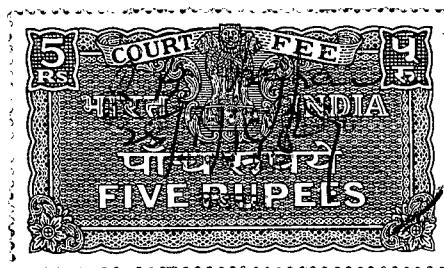
[वादी अपीलान्ट]

श्री प्रतिवादी [रेस्पाइन्ट]

महोदय

वकालतनामा

R. B. Bajaj



वादी (अपीलान्ट)

Urur of date बनाम

प्रतिवादी (रेस्पाइन्ट)

नं० मुकद्दमा

सन्

पेशी की ताता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से थी

11/10/01 Bala

वकील

Court No.

महोदय
एडवोकेट

नाम अदालता
नाम मुकद्दमा नं०
नाम फरीकेन्ट

बनाम

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

हस्ताक्षर R. B. Bajaj

साक्षी (गवाह) साक्षी (गवाह)

दनांक २५/१०५ महीना सन् १६ ई०

स्वीकृत

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

filed today
Aug
25/4/69

Case No. : 36/69 (L).

H. S. Bajpai

... . . .

1969
AFFIDAVIT
44
HIGH COURT
ALLAHABAD

APPLICANT

Versus.

Union of India & Others

... . . .

OPPOSITE PARTIES.

SWITZER STATEMENT ON BEHALF OF OPPOSITE PARTIES

I, Satish Chandra, aged about 46 years son of Shri Ram Lal, Dy. Controller, Defence Accounts, Office of the Controller of Defence Accounts, Lucknow, do hereby solemnly affirm and state as under :-

1. That the deponent is the Dy. Controller of Defence Accounts in the office of the Controller of Defence Accounts, Lucknow and is fully conversant with the facts facts aforesaid hereinafter.
2. That the deponent above named has been authorised by the Opposite Parties to swear this affidavit on their behalf.

Preliminary Objections

- I- The applicant has not availed of the alternative departmental remedies available to him before coming to this Hon'ble Tribunal for relief. The petitioner no doubt made a representation through proper channel to the Controller General of Defence Accounts, New Delhi. A copy of this representation has been filed as Annexure 17 to the application. His representation



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was rejected by the Controller General of Defence Accounts. Appeal against this decision lies with the Financial Advisor/Secretary, Ministry of Defence which the petitioner has not availed of. It may, however, be pointed out that the petitioner filed the present application before this Hon'ble Court on 25.1.89, much before the decision of the Controller General of Defence Account was communicated to him.

- II- The transfer of the applicant from the post of Unit Accountant in the office of the Garrison Engineer (West) to the office of the Controller of the Defence Accounts, Lucknow on the post of Asstt Accounts Officer was an administrative arrangement by which neither the status nor the scale of pay/cadre of the applicant has been affected. Unit Accountant and Asstt.Accounts Officer are of the same grade and enjoy the same status and cadre. An AAO/SO(A) when posted in the Accounts Office attached with the Garrison Engineer is designated as Unit Accountant.
- III- The petitioner exceeded to all limits of official decorum and behaved in the manner unbecoming of a responsible officer when he did not handover to his successor the official keys of the almirah containing official documents and absented himself from the date of his transfer without reporting for duty in the office of the Controller of Defence Accounts, Lucknow.

Without prejudice to the above pleas, it will be the worthwhile to give below the brief history of the present case so that this Hon'ble Tribunal may consider the petitioner's grievance in true perspective.

Units Accounts are detailed from amongst



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PLS

the Section Officers (Accounts), Asstt. Accounts Officer and Senior Auditors of the Department for being posted to Accounts Officers attached with the office of the Garrison Engineers (M.E.S.). The normal tenure of posting is for a period of two years. Since the posts of unit Accountants are of sensitive nature, selection of the Candidates for such post is done on the basis of their seniority at the station, Annual C.R.s Service Records and whether the eligible candidate had worked earlier on a sensitive assignment or not. The post of Unit Accountant carries a duty allowance of Rs.100/- As the posts of Unit Accountant are limited, posting is done by rotation i.e. those who have already served as Unit Accountant are to wait for their turn till the cycle is complete. This is done with a view to give fair chance to all the eligible persons.

The applicant, who was the Asstt. Accounts Officer in the office of the Controller of Defence Accounts, Lucknow was posted as Unit Accountant.G.E. (West) Lucknow vide C.D.A. Office Order No.AN/1/1238/VOL. II dated 28.3.88 on the basis of the information gathered from him that he had not worked on any sensitive assignment earlier. Later on it was revealed by the letter of his previous office, that the applicant had already served in sensitive assignment in the office of the Accounts Officer O.E.Factory, Kanpur. The applicant was, therefore, transferred from the Unit Accountant GE and was posted to the office of the CDA Lucknow. It was simply an administrative arrangement.

Shri Ram Swaroop, Senior Auditor was working as

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Unit Accountant at Memaura. Much before Shri Ram Swaroop could complete his tenure of two years of Unit Accountant at Memaura, his office at Memaura was downgraded and attached with the Unit Accountant, G.E. (west), Lucknow, under the overall supervision of Regional Audit Officer, Lucknow. On account of administrative difficulties experienced in this arrangement, on the request of the Asstt. G.E. (Works), Memaura, it was decided to detail one auditor from Unit Accountant, G.E. (west) for one day in a week to lookafter the work of the ^{Payments of Be} A.G.E. (I), Memaura. This arrangement also did not solve the accounts problems at Memaura. So on the request of the Chief Engineer Lucknow Zone and Col. T.R. Gulati, Commander, the Regional Audit Officer directed the applicant to depute Sri Ram Swaroop Sr. Auditor every Thursday to work as fulfilled Unit Accountant at AGE (I), Memaura, as Shri Ram Swaroop had been working there in that capacity before his office was downgraded and shifted to Lucknow. The above arrangement was made in consultation with the C.D.R., Lucknow.

The deponent files parawise reply to the application as under :-

1. That the contents of para 1 to 5 of the application are formal and need no reply.
2. That in reply to para 6 (i) of the application it is admitted that posting is done according to rotation and on station seniority, and not merely by roster point. It is denied that the applicant was due for posting as a Unit Accountant in the office of G.E. (West) in Oct. 1987. This post fell vacant on 12.4.88 when Shri P.D. Upadhyay who was working as



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Unit Accountant in the G.E. (East) office was relieved for hanikhet viae C.D.A. office No. AN/I/ 1238 Vol-II date 11.4.68. The allegations made by the applicant in this regard are baseless and uncalled for.

3. That in reply to the contents of paras 5(ii) of the application it is submitted that Unit Accountants are appointed in rotation and on the basis of seniority and not on roster point.
4. That the contents of paras 6 (iii) to 6 (v) of the application need no comments.
5. That in reply to the contents of paras 6 (vi) and 6 (vii) of the application it is stated that Shri Ram Swaroop was ordered to work as a fullfledged Unit Accountant viae R.A.L. office C. No. AN/L/1/ dtt. dated 13.7.68 but the applicant ~~was~~ ordered him viae Section order No ~~his~~ letter No. 63 dated 8.6.68 to work as an Auditor to AGE (I), Memaura.
6. That the contents of paras 6 (viii) and 6 (ix) are not relevant to the subject matter of the application.
7. That in reply to the contents of paras 6(x) and 6 (xi) of the application it is stated that the petitioner has made uncalled for allegation against his superiors which warrants disciplinary action against him. Regarding deputing of Shri Ram Swaroop as Unit Accountant for Memaura it is stated that Shri Ram Swaroop was already working as Unit Accountant in the office of the G.E. Memaura before its accounts section was shifted and attached to the office of the G.E. (west), Lucknow. As such, it is considered just and proper



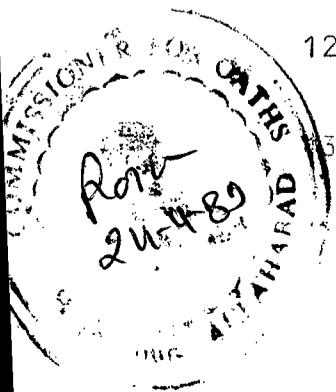
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to detail him as a fullfledged Unit Accountant for Memaura while operating from Lucknow. Moreover, Shri Ram Swaroop had not completed his tenure of two years at Memaura before he was shifted to Lucknow. There was nothing malefide in this arrangement. It was purely an administrative decision for the efficient working of the department.

8. That in reply to the paras 6 (xi) and 6 (xiii) of the application it is stated that it has been committed by the applicant that he disobeyed the orders of his superior in not deputing Shri Ram Swaroop to look after the Account work of AGE - I (Memaura). The applicant appears to have been ill advised in questioning the correctness or otherwise of the orders of his superior officer, specially in a defence establishment where discipline is the corner stone of the organisation.
9. That in reply to paras 6 (xiv) to 6 (xx) of the application it is stated that the petitioner disobeyed the orders of his superior officer in not deputing Shri Ram Swaroop for the job.
10. That in reply to para 6 (xxi) of the application it is stated the the petitioner's contention is speculative and devoid of facts.
11. That the contents of para 6 (xxii) of the application are denied. The petitioner should prove the illegality of the orders and also produce evidence to establish that the same were issued to penalise him.
12. That the contents of para 6 (xxiii) are admitted.
- That in reply to para 6 (xxiv) it is stated that Unit Accountants and Ass'tt. Accounts Officer are of the same cadre and enjoy the same status. When an



Asstt. Accounts Officer is posted in the G.E. office, he is designated as Unit Accountant and when a Unit Accountant is posted in C.D.A. office he is called as Asstt. Accounts Officer. There is neither any promotion nor reversion/demotion in either posting.

14. That in reply to para 6 (xxv) it is stated that the apprehensions of the applicant are imaginary and allegations are mischievous and uncalled for.
15. That in reply to the contents of para 6 (xxvi) and 6 (xxvii) it is stated that in posting the petitioner from the post of the Unit Accountant to that of Asstt. Accounts Officer, no reversion is involved as already explained above. The petitioner was transferred from the post of Unit Accountant to that of Asstt. Accounts Officer, on account of the simple facts that his appointment as Unit Accountant was done in ignorance of the facts that the applicant had already worked on sensitive assignment at Kanpur, earlier. When the said fact came to the knowledge of the administration, the posting of the applicant as Unit Accountant which is sensitive assignment had to be reviewed. Accordingly he was transferred from the post of Unit Accountant to the post of Asstt. Accounts Officer in the office of the C.D.A., Lucknow.
16. That in reply to para 6 (xxviii) it is stated that all the representations made by the petitioner from time to time were duly considered and replied vide letter No. AN/1/1258/SU (k) dated 4.1.89 and 28.2.89. That the contents of para 6 (xxix) of the application are denied. The applicant was asked to observe the same working hours as was being observed by other Unit



(A6)

Accountant working under the CUA, Lucknow, but the applicant refused to carryout the order.

The explanation of the applicant for not submitting his Travelling allowance claims was correctly called for as he had drawn T.A. advance of Rs. 1625/- in Dec. '86 whereas he utilised only Rs. 183/- and the remaining unutilised amount of Rs. 1442/- was recovered from his pay of 1988 and onwards. Thus he kept the Govt. money unutilised with him for a considerable long period.

The applicant did not give the certificate called from him for payment of productivity linked bonus of Rs. 1760/- for the year 1985-86. Payment was received in the office on 5.5.88 and the applicant was asked to submit the certificate required under rule 43 of F.R. Rule, (Part-II). The office while authorising the payment had desired submission of this certificate before payment could be made to the applicant.

18. That in view of the above facts the application filed by the petitioner is untenable in law, it lacks merit and is liable to be dismissed with costs.

Lucknow,

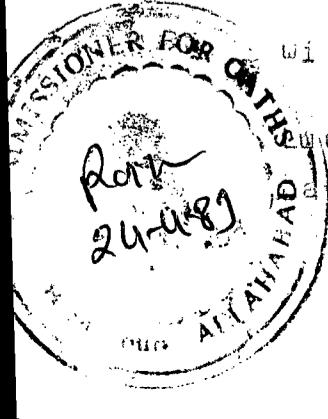
Dated : 25-5-89

Deponent.

Verification

I, the above named deponent do hereby verify that the contents of paras 163 & 164 of this affidavit are true to my own knowledge and those of para 165 for record which are believed by me to be true.

Signed and verified this the 24 day of April, 1989 within the court compound at Lucknow.



24-4-89
Lucknow;
dated : 25-5-89

Deponent.

I identify the deponent who has signed before me Shyam Lal Advocate.

AG2

(9)

Solemnly affirmed before me on 24-4-89 at 11-15 am/pm by
Shri.. Satish Chandra The deponent who has been
identified by Shri. Dinesh Chandra, Advocate, High Court
Lucknow Bench, Lucknow. I have satisfied myself by examining
the deponent that he understands the contents of the above
counter-affidavit which has been read over and explained
by me.

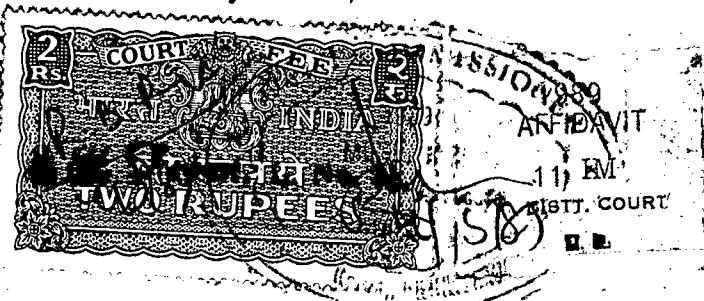


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24-4-89

A63

In the Central Administrative Tribunal

Lucknow Camp, Lucknow.



R.B. Bajpai Petitioner

vs.

Union of India & Others Opp. Parties

C.A. No. 36 of 1989 (L)

REJOINDER AFFIDAVIT

I, R.B. Bajpai aged about 53 years S/o Sri Bali Ram Bajpai R/o H.No. 551Jha/51, Ram Nagar (Alambagh), Lucknow, do hereby solemnly affirm as under :-

1. As regards preliminary objection no. 1 it is submitted that no appeal lies after representation. C.G. D.A. is the Head of Defence Accounts Department and he controls and administrators the entire department. The deponent Shri Satish Chandra has not pointed out the section or rule under which appeal lies. The rejection of representation was communicated to the applicant on 24.1.89 by C.D.A. Lucknow, hence on 25.1.89 the application was filed in the Hon'ble Tribunal.

2. As regards preliminary objection no. 2 it is submitted that Assistant Accounts officer do not enjoy special pay benefit of Rs. 100/- per month which was enhanced from Rs. 50/- per month by the forth pay commission, Asstt. Accounts officer does not get special pay of Rs. 100/- per month. Thus there is loss of

.....2.



*Shri S. Kumar
I have seen &
read up
before
Court of
Accounts
M. D. O.*

A.M.

Rs. 100/- per month to Asstt. Account officer in
comprision to Asstt. Accounts Officer working as unit
accountant G.E.

3. As regards preliminary objection no. 3 it is submitted that on 22.12.88 the order of transfer was received as 4.45 P.M. and there was none available to whom charge could be given. Shri Ram Swaroop was not available at 4.45 P.M. Charge could not be given within hours but it was a matter which required atleast 3 days. The applicant became ill under high fever and had to be confined to bed consequently could not attend the office as advised by the attending physician. M.C. F.C. has been submitted and accepted by the opposite parties. The applicant was declared fit on 3.3.89 and then attended the office and handed over the charge from 3.3.89 to 7.3.89. Shri G.N. Mehrotra R.A.O. (M.E.S.) Lucknow questioned Shri R.B. Verma about his authority in taking charge from the applicant and also asked why did you allow applicant to mark his attendance and why did you receive fitness certificate. Shri Mehrotra then took him on 10 A.M. to C.D.A. Lucknow and Shri R.B. Verma did not return to U.A.G.E. Office upto 6.30 P.M. so nothing could be done on 6.3.89. Thus the charge could be completed on 7.3.89. The applicant was not given the releaving order and was asked to go to C.D.A. office without it. The applicant contacted the C.D.A. office on 9.3.89 but was not allowed to join the office without furnishing the releaving order. The applicant represented in this regard to C.G.D.A. New Delhi on 15.3.89 (The true copy of representation is annexure 18). The contents



P.S.

of para 2 of 3rd preliminary objection need no reply.

3rd

The contents of para 3 of/ preliminary objection are admitted. ~~lex regarde xx content xx expara~~

4. As regards preliminary objection No. of contents of para 4 it is submitted that as disclose by the opposite parties that the appointment is made on the basis of seniority at the Station, on the basis of rotation. As such the appointment of applicant was done on the basis of record maintained by the office at Lucknow Station Lucknow and not on the basis of the information gathered from the applicant. It is totally wrong that applicant had already served in the accounts office of O.E. factory Kanpur just like this office was not like the office of Unit Accountant Z.G.E because firstly the post on which the applicant worked was not sensitive as it did not carry with it any special pay much less special pay of Rs. 50/- per month or Rs. 100/- P.M. and secondly as the accounts office O.E. Factory Kanpur is under administrative control of C-of A Factories Calcutta which is a separate organisation and has no concern with C.D.A Lucknow which is extension of C.D.A. (C.C.) Meerut, thirdly it is admitted in 7 and 8th line of page 3 of counter affidavit wherein it is said "Candidates for such post is done on the basis of their seniority at the Station". The station of Kanpur is separate from station of Lucknow. Forthly sensitive post is that which carry special pay with it and no such special pay was admissible in the office of accounts office O.E. Factory Kanpur.



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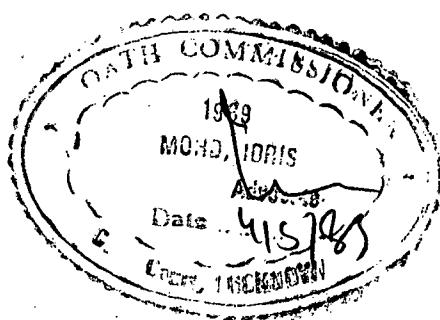
C.D.A. (C.C.) Lucknow is only extension of C.D.A. (C.C.) Meerut. All works of U.A.G.E. are controled by C.D.A. (C.C.) Meerut and C.D.A. (C.C.), Lucknow renders some reports and returns only C.D.A. (C.C.), Lucknow makes posting/transfer within limited jurisdiction. There are so many individual who were posted as unit accountant on the basis of seniority at the station only by the CDA (CC), Lucknow, although they have served in other UAGE Offices and some individuals in accounts office factories Calcutta. The justification given by opposite parties in support of its action balattently belied by the following facts:-

- (A) Shri Ram Swaroop who is getting favour from administration was given third chance to serve as unit accountant in the office of UAGE (I) Memaura during his about 25 years service. He had already served in the office of UAGE (FW) Kanpur and UAGE (Pithauragarh), although he is junior in service than applicant.
- (B) R.B. Verma who has been posted at the place of applicant has been given second chance to serve as unit accountant in UAGE (W) Lucknow and getting special pay of Rs. 100/- per month. He had already served as unit accountant in the office of UAGE infantry, Mhow and was getting special pay Rs.50/- per month.
- (C) Nirbhaya Singh AAO also served in accounts office ordinance factory Kanpur and later on served as UAGE (FW) Kanpur and was getting special pay.

(B) Shri K.N. Shukla AAO also served in accounts office ordinance factory Kanpur and later on served as UAGE (EM) Lucknow and was getting special pay of Rs. 100/- per month.

Thus the transfer of the applicant from sensitive post of applicant before two years is discriminatory malafide and illegal as it is not an administrative arrangement but it is a ~~pm~~ punitive measure to deprive the applicant of special pay of Rs. 100/- per month and to confer that benefit to Shri Ram Swaroop. Moreover transfer order has not been issued by competent authority.

The contents of para 5 of 3rd preliminary objection are totally baseless unwarranted malafide and twisted and Shri Satish Chandra has tried to mislead Hon'ble Tribunal in as much as the office at Memaura was closed down and totally merged with the office of UAGE (W) Lucknow under the over all supervision and control of UAGE (W) Lucknow by the order of CGDA New Delhi communicated to the applicant by CDA (CC) Lucknow. CGDA is the competent authority to sanction post of UAGE and to abolish to same. There was no sanction of CGDA New Delhi for the re-opening of post of UAGE (I) Memaura ~~once~~ abolished by his order, as communicated by CDA (CC) Lucknow (Annexure 2 of application). The request of GE work Memaura if at all was there it could be forwarded with recommendation to CGDA New Delhi and without its sanction it could not be re-opened. No request was made by the Chief Engineer Lucknow Zone and Col. T.R. Gulati for deputation of Shri Ram Swaroop Senior Auditor every thursday to work as full fledged unit accountant at AGE(I) Memaura but on the contrary the applicant and opposite



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party no. 4 where informed on 2.11.88 that as there is not work load in AGE (I) Memaura therefore no question of fulfledged unit accountant at AGE(I) Memaura was necessary and the order passed for UAAGE abolitions of AGE (I) Memaura will hold good and no change will be made. This order was binding on the applicant and opposite party no. 4 as opposite party no. 3 was senior to the opposite party no. 4 and applicant and in the ~~an~~ event of disobedience ~~by~~ the applicant and opposite party no. 4 were liable to be punished. Since the order was very clear and set at rest all controversies regarding posting of fulfledged UA at AGE (I) Memaura. A part from this when the office of UAAGE (I) Memaura was ~~was~~ merged with the office of UAGE (W) Lucknow and there became only one office that is UAGE (W) and the office of UAAGE (I) Memaura ~~is~~ seized to exist how could there ~~be~~ two unit accountants in the office of UAGE (W) Lucknow without sanction of CGDA New Delhi. Thus it is clear that Shri Ram Swaroop could not be appointed alone on every thursday as ful-fledged unit accountant by the applicant in violation of the order of CGDA New Delhi and CDA (CC) Lucknow. Thus it is clear that opposite party no. 4 was ought to help Ram Swaroop out of way and in violation of the orders of opposite party no. 2 and 3. It is also wrong and perjury to say that the ~~app~~ appointment of Ram Swaroop as ful fledged UA at AGE (I) Memaura was in consultation with the CDA(CC) Lucknow as on 2.11.88 CDA (CC) Lucknow opposite party no. 3 made it clear that no change will be made in AGE (I) Memaura as



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there is no work load in that office and the present position of deputing one auditor (not Ram Swaroop alone) be adhere to once a week.

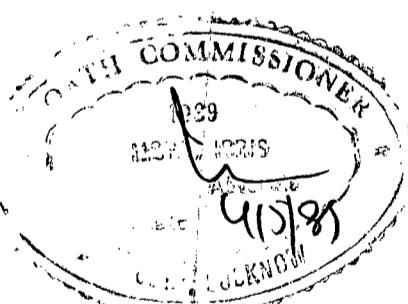
Contents of para one of page 4 of counter affidavit need no reply. Contents of para two of page 4 of counter affidavit so far as for first sentence is concerned are admitted but the second sentence thereof are denied as the claim of applicant fell due for UAGE (East) in Oct. 1987 and not for UAGE (West) for Oct. 1987 as allaged. The post of UAGE fell vacant in Oct. 1987 due to transfer of Shri P.D. Upadhyaya who was not releaved until 12.4.1988 from UAGE (East) when he ought to have been releaved from UAGE (East) in Sept. 1987. This is why the applicant was denied the post of UAGE (East) and was posted as UAGE (West) then Shri R.K. Singh relative of adm officer Shri I.J. Singh was appointed as UAGE (East) on 12.4.1988. Thus the applicant was denied the post of UAGE (East) from Oct. 1987 to 12.4.88 on ground of favouritism and was put to the last ^h special pay of Rs. 100/- per month.

Contents of para 3 & 4 need no comments as regard contents of para 5 it is submitted that applicant there was not only one order of RAO (Lucknow opposite party no. 4 but there were two orders of superior officers i.e. CGDA New Delhi (CC) Lucknow opposite party no. 2 and 3 to the order that the abolition ~~of~~ ⁵ of the post of UAGE (I) Memaura shall continue and one auditor once a week (not Ram Swaroop alone) shall do



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to A.G.E.(I) Memaura as there is no work load. These orders of opposite parties no. 2 & 3 were addresses to the applicant as well as opposite party no. 4 and were binding on both and both were liable to be punished for violation of the order. How could the applicant dare to violate the order of the highest authority when addresses to him and made note of by him. Contents of para 6 of counter affidavit are need no reply. Contents of para 7 of counter affidavit are denied. It is wrong to alleged that the office of UAAGE (I) Memaura ~~was~~ where Shri Ram Swaroop was working was shifted and attached to UAGE (West) Lucknow it is a lie because the office of UAAGE (I) Memaura was not shifted and attached to UAGE (West) but was abolished and closed and ^{No} ~~no~~ two offices of full fledged UAGE could be created in one office of UAGE as UA is officer incharge of UAGE office and there can not be two officer incharge in one office as UAAGE(I) Memaura has been abolished and seized to exist. The favouritism and discrimination made in favour of Shri Ram Swaroop is that he was earlier posted at three sensitive offices i.e. UAGE (EW) Kanpur and UAGE (Pithauragarh) and UAAGE (I) Memaura and was getting special pay. The person who has been appointed as UAGE (West) Lucknow namely Shri R.B. Verma has worked as UA at UAGE (Infantry) Mhow and got special pay of Rs. 50/- per month as per rule for two years and has been again posted as UAGE (W) Lucknow and getting special pay of Rs. 100/- per month and is junior than applicant at the station.



(AP)

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This is clear cut discrimination and malafide. It is not purely administrative but it is malafide vindictive and discriminatory against the applicant. ~~xxxmazaz~~

As regards contents of para 8 it is submitted that defence account department is purely civil department and independent of Army, Navy, and Airforce. Thus discipline and rules of Army, Navy, & Airforce are not applicable to the employees of defence accounts department. The applicant has never disobeyed the orders of his superior officers. It was not possible to disobey the order of opposite party no. 2 & 3 by obeying the illegal order of opposite party no. 4 when the order of opposite parties no. 2 & 3 were communicated to the applicant and the opposite party no. 4 both as in that event both were liable to be punished for violation of order. If there had not been order of superior officer to the applicant and opposite party no. 4 there was no difficulty in obeying the illegal order of opposite party no. 4. Contents of para 9 are denied as it is has been replied above.

As regards contents of para 10 it is submitted that it need no reply. As regards contents of para 11 it is submitted that the orders of opposite party no. 2 & 3 as regard the posting of one auditor at AGE(I) Memaura once a week communicated to applicant and opposite party no. 4 (As Annexure 3 and 11) prove that the order of opposite party no. 4 for posting of Shri Ram Swaroop as UA was palpably illegal and was throwing the applicant for disobedience of order of opp. party no. 2 & 3. Contents of para 12 of counter affidavit ~~no reply~~



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As regards para 13 it is submitted that the office of UAGE carries with it special pay of Rs.100/- per month for holding sensitive post. As applicant is entitled to receive the same as admitted by ~~the~~ Shri Satish Chandra and was entitled for a period of two years which benefit has been attempted to be denied to the applicant for fixing up Shri Ram Swaroop who had worked as UA office for two years earlier and it was his third chance to serve in UAGE office at Memaura when he could not complete two years and his office was ~~distance~~ ^{disputed} with three or four months earlier only. Contents of para 14 are denied. The averment made in para 14 are based on substantial evidence. The deponent Shri Satish Chandra wants to suppressed facts. He once himself said that there can not be two ful fledged UAGE in one UAGE office. Contents of para 15 are denied. The applicant has not worked on sensitive assignment at Kanpur just like UAGE office and was not paid any special pay at Kanpur as is paid in the office of sensitive assignment from which the applicant has been deprived illegally. There are following persons who had worked on sensitive post and were paid special pay twice or thrise and have been posted as UAGE. The facts are given below:-

Serial No.	Name	Office Sensitive Non-sen- sitive	Period	Special pay
1.	Ram Swaroop	UAGE (FW) Kanpur UAGE(Pithau- ragarh) UAAGE(I)Memaura	1.1.73 to 31.8.75 27.5.79 to 16.1.82 27.10.86 to 21.6.88	Rs. 40/- per month - do - Rs. 80/- P.M.

Contd....11.

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Serial No.	Name	Office	Period	Special pay
		Sensitive	Non-Sensitive	
2.	R.B. Verma	UAGE(Infantry) - Mhow UAGE (W) Lucknow	June 89 28.12.88	Rs. 50/- per month Rs. 100/- per month
3.	Nirbhaya Singh	Accounts office ordinance factory Kanpur UAGE (FW)Kanpur -		Rs. 100/- per month
4.	Ka.N. Shukla	AO Ordinance factory Kanpur UAGE (EM) Lucknow		Rs. 100/- per month

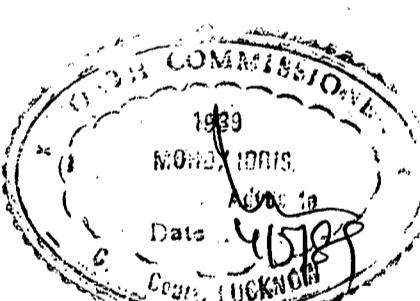
As regards contents of para 16 it is submitted that the representation of the applicant dated 26.12.88 28.12.88 and 2.1.89 have been made to the opposite parties no. 3 & 2 the reply of representation dt. 26.12.88 has been received but reply of other representation ~~maxxat~~ have not yet been received. The opposite parties bent upon violating orders rules manuvals and regulations. It is contemplated in UA Manuval 2nd sentance of para 1 that office hours and holidays of UAGE office will be observed as in the office of GE. The true copy of the second sentence of para 1 of U.A. manual is (Annexure 19) to this rejoinder affidavit. No one can alter it not even opposite party no. 3 & 4 accept opposite party no. 1 & 2 in consultation with Army Head Quarter. When question of changing the office hours was taken up the G.E. (W) opined in writing that the working of the office will be upset in case the



Office hours of UAGE will be changed. The applicant also requested in this regard to opposite party no.3 for clarification of the rule position on 8.8.88.

sub
The contents of/para 2 of para 17 are denied. The applicant already submitted his claim within prescribed time but action on it was not taken by opposite party no. 3 and was returned to applicant. The full amount ~~was~~ of advance was recovered by the opposite party no. 3 without prior intimation to the applicant after one year of the submission of the claim when opposite parties were bent upon to harass and to make loss of the applicant and opposite party no.3 called for explanation after one and a half year after submission of the claim when opposite party no. 4 and 3 became more furious upon the applicant.

The contents of sub para 3 of para 17 are denied. A sum of Rs. 1760/- on account of P.L.B. was passed by C of A factories Calcutta in Oct. 1986 and payment authority of it was passed on to C.D.A.(CC) Meerut by C of A factories Calcutta vide his no. 473/AN-Pay-II/OEF dt. 29.10.86 (Information receive through reliable source). A telegram was also received from C of A factories Calcutta on 17.8.87 in reply of D.O. letter no. AA/1-B/1118 dt. 19.3.87 which was return by Shri Satish Chandra (Deponent). Incase first payment authority was misplaced, lost or knowingly destroyed only to harass the applicant and second payment authority has been issued the certificate under rule 43 F.R. part II should be issued by the authority whom first payment



APR

authority was issued and not by the applicant. However no information in this regard has been received by the applicant although applicant is continuously requesting for payment of P.L.B. of 1985-86 vide his applications dt. 27.10.86, 3.3.87, 11.3.87, 27.7.87, 8.10.87, 14.4.88, 3.5.88 and 2.1.89 but reply of these application has not yet been received by the applicant.

Contents of para 18 are denied.

The applicant is still being harassed and being given mental torture and to put in financial loss as he is neither being issued releasing order nor being allowed to join without releasing order. His pay and allowances are also not being paid since Feb. 1989.

That for the reasons mentioned above the order of transfer order dt. 22.12.88 Annexure 13 may kindly be stayed and it be ordered that deponent may be paid his salary immediately to avoid his financial hardship.

Lucknow.

Ramón Bolaños
De ponente

Dated: 4-5-89 Verification

I, the above named deponent do hereby verify that the contents of parasix paras as mentioned above are true to my personal knowledge and no part of it is false and nothing material has been concealed so help me God.

Signed and verified on this fourth day of May 1989
in the court's compound at Lucknow.

Lucknow,

Dated: 4-5-89


Anna Bialas
Depanent

8 Identify the deponent/executant who has put
his/her signature, T. I. before me.

Cur A. jn³ Advocati
in F. D. S.

4.5.89

MONS. TORIS
Advocate
Oath Commissioner
C. Court House

4578

मंत्रा भू.

श्रीमान शी.डी.डी.ए.
परिवारी ब्लॉक-5
जार.के.पुरम, नई दिल्ली ।

महोदय,

सविनय निवेदन है कि मैंने शू.ए.डी.ई. ऐस्ट लखनऊ में यूनिट एकाउन्टेट के पद पर कार्यरत हूँ। मुझे शी.डी.डी.ए. लखनऊ और उनके अधीनस्थ अधिकारियों और उनके गिरोह के वर्षवारियों द्वारा योजना बनाकर पैशले द्वारा दर्जी से प्रताधित किया जा रहा है। इस विषय में मैंने वर्ष पर आपकी सेवा में शी.डी.डी.ए. लखनऊ के माध्यम से भेजे हैं और सदूचे बाद तो प्रदिनांक 20.10.89 को सी.डी.ए. लखनऊ के माध्यम से आपकी सेवा में भेजा है जिस पर क्या कार्यालयी की गयी है मुझे अभी तक ज्ञात नहीं हुआ।

प्रतारणा का यह निलिम अभी भी बन्द नहीं किया गया है। और सी.डी.ए. लखनऊ तथा उनके अधीनस्थ अधिकारियों और अधिकारियों द्वारा किस प्रकार योजना बनाकर मुझे प्रताधित किया जा रहा है मैंने इसके उदासरणार्थ निम्नलिखित पैक्सियों आपकी देखा में निवेदित तर रहा हूँ और प्राप्ति तर रहा है कि ऐसी प्रातों पर जहांमुझे फूर्ख गोर करने, मुझे न्याय प्रदान करने और यिनी कारण के प्रताधित करने के लिए प्राथमिक सुन्नत फिरावने और अप्रिय वरेण्यानी ऐसा करने वालों के विरुद्ध कार्यालयी करके उनसे सरकार प्रदान करने की तृप्ति करे।

निवेदन है कि मैंने अपनी लम्बी श्रीमारी के पावं दिनांक 30.3.89 को शू.ए.डी.ई. ऐस्ट लखनऊ में गया। जहां पर मैं यूनिट एका॒उन्टेट के पद पर कार्यरत था। मैंने हाजिरी रीतिहार में अपनी हाजिरी लगावं और भैडिल फिटेस सर्टीफिकेट की जारी.डी.ए.एफ को दे किया जिसको मेरे छहटी पर छोड़े के कारण आपका का कार्य हैलाने के लिए लगाया गया था। हीकिं मेरा स्थानान्तरण इस लायलिया में, शी.डी.ए. लखनऊ के लिए ही दुकाया और मैं श्रीमारी ही जाने के कारण जारी नहीं है पाया था इसके बारे देना बाबा और श्री जारी.डी.ए. वर्मा ने मुझसे बार्ज लेना प्रारम्भ करदिया। यह कार्य पुरे दिन भर चलता रहा।

दिनांक 4.3.89 को प्रातःकाल कार्यालय पहुँचकर मैंने फिर हाजिरी रजिस्टर में अपनी हाजिरी लगायी और बार्ज देना प्रारम्भ कर दिया। बार्ज देने का कार्य 7.00 बजे सार्काल समाप्त हुआ और

४०३-४०

A.R.K

हैन्डिंग टेक्निक और वार्ज सीट पर कैसे तथा श्री आर.बी. वर्मा
मैं इस्ताधार कर दिया । हैंडिंग 5000 रुपये साथकाल जी.ई.वी.सी.स्टू
लचॉमजु का कार्यालय छन्द हो जाता है तथा जी.ई. साहब द्वारा या
चुले हैं अतः उन्हें प्रति इस्ताधार वार्ज सीट पर नहीं हो पाये जिनके
लिए वार्ज सीट पूर्ण नहीं मानी जाती है और युधे कार्यमुक्त नहीं
दिया जा सकता है । हैंडिंग 5-3-89 को रविवार था अतः श्री
आर.बी. वर्मा ने 1 दिनांक 6-3-89 मैं वार्ज सीट पर जी.ई. से प्रति
इस्ताधार करने और कार्यमुक्त प्रमाण का देने वा निष्पत्य किया ।
किन्तु मैंने वार्ज सीट की एक प्रति जापने पाल रखाना अविश्वक लगाना
और श्री वर्मा जी ने मुझे एक प्रति दे दी और मेरे इस्ताधार प्राप्त
करने के कार्यालय वार्जी पर करा लिये ।

दिनांक 6-3-89 को ठीक समय पर मैं पिर यू.ए.जी.ई.
8 ब्लैट । लचॉमजु के कार्यालय पहुँचा वहाँ पर श्री जी.एन. मेहरोता
आर.ए.बी.पी. पम.ई.एस. । लचॉमजु श्री आर.बी. वर्मा को डार रहे
थे कि "सी.डी.ए. से मूँह जिन तुमने घार लेना थे शुरू कर
दिया इन्हों । राज लियास घाजपेयी हो । एस कार्यालय मैं हाजिरी
कैसे लगाने दिया इनका ऐडिल फिल्म सार्टीफिल्ट यहाँ आफे देखे
वे लिया फौरन सी.डी.ए. आपस कलजर दात करो ।" श्री वर्मा
को डाले के लाभसाह श्री मेहरोता जी ने मुझे भी डाटा और मेरे
पास जो वार्ज सीट की कापी थी उसे श्री आर.बी. वर्मा हो वापस
करा दिया । हाजिरी रजिस्टर हो ताले मैं छन्द लखा दिया और
मुझको दिनांक 6-3-89 को वे हाजिरी नहीं लगाने दी और उठकर
पहले गये । उनके कैसे जाने के बाद श्री वर्मा जी भी कैसे गये । मैं दिन
भर कार्यालय मैं हैं वर्मा जी के लौटने का इंजार करता रहा । श्री
वर्मा जी साथकाल 5-3-89 लौट तब कार्यालय छन्द हो चुका था और
जी.ई. साहब घले गये हैं अतः वार्ज सीट पर प्रति इस्ताधार इस
दिन भी नहीं हो पाये ।

दिनांक 7-3-89 को मैं पिर ठीक समय पर कार्यालय गया
किन्तु वर्मा जी ने मुझे हाजिरी रजिस्टर मैं भरी हाजिरी नहीं लगाने
दी जी.ई. साहब लाइट पर कैसे गये हैं अतः प्रति इस्ताधार नहीं हो
पाये । काफी देर वार्ज जी.ई. साहब लौट तब वार्ज सीट पर

(129)

1141

उपर्युक्त तथ्यों से स्पष्ट हो रहा है कि युवी मानिक प्रताञ्जला
देने तथा आर्थिक पैदानी के बारा भुलामरी के कारण तब पुष्टाने तो
मुनियाजित हुए से प्रथात लिया जा रहा है । और इसीलिए न तो
मुझे कार्यमुक्त प्रमाण पत्र दिया जा रहा है और न उन्हें किसी युवी
ज्वाइन करने दिया जा रहा है । साथ ही युवी वेतन न देकर मुझे
तथा मेरे छाल बच्चों तो भूलों मारने की योजनाबद्ध कोशिश दी
जा रही है । मुझे साथे छाल दुष्टा और अस्वीकृत इस घात ला है जिस
आपके कायलिय लों दिनांक 20.1.89 को सी.डी.ए. राजनऊ के
माह यम से भैंजे गये थे प्रार्थनापत्र की छोने वाली लार्याहारी की उभी
तरफ मुझे कोई सूचना नहीं मिली है ।

ऐसी परिस्थितियों में मेरा यह भी निवेदन है कि यदि
भुला से छटपटाकर ऐसा करा भैंजे परिवार का लोई नदस्य मरा गया
मानिक प्रताञ्जला के कारण ऐसे विकृनास्ता के कारण की ओर उत्तर
दृष्टा तो इसकी जिम्मेदारी स्थानीय प्रशासन की होगी ।

अतः ग्रामी बंद्ध निवेदन है कि उपर्युक्त तथ्यों की ध्यान
में रखते हुए तथा दिनांक 20.1.89 के प्रार्थना पत्र । फोटो कापी
लेख है । को ध्यान में रखते हुए मेरे प्रार्थना पत्र पर सहानुभूति
पूर्वक छिपार लिया जाये और मुझे व्याय प्रदान लिया जाये ताकि
मेरे लिए किसी कारण के उत्पन्न दी गयी परिस्थितियों ता
निराकरण हो जाये । आपकी इस हृषा के लिए मैं आपका अत्यन्त
आभारी रहूँगा ।

आपकी जति कृपा होगी ।



दिनांक 15.3.89

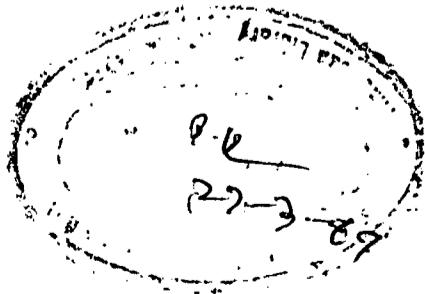
प्रार्थी,

मार.पी. बाजेप्पी

ए.ए.ओ.

531, स/ 51, रामनगर, ग्रालमध्याग

लखनऊ ।



AO

ANNEXURE 19 OF REJOINDER AFFIDAVIT

TRUE COPY OF SECOND SENTENCE OF PARA ONE
OF U.A. MANUAL.

"Unit Accountant will conform to the
organisation of the formation to which he is
attached in regard to hours of attendance and
holidays"

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

Misc. Application No. 209 of 1990. (L)

Union of India & Others Applicant.
In

Registration No. 36/89 (L)

R.B. Bajpai Applicant.
Versus.

Union of India & Others Respondents.

Application for condonation of Delay in filing Supplementary Counter
Affidavit on behalf of the Respondents.

The applicant above named respectfully begs to submit as under :-

1. That the Supplementary Counter ~~affidavit~~ could not be filed within prescribed time allotted by this Hon'ble Tribunal.
2. That on receipt of the para-wise comments, from the respondent the draft counter ~~affidavit~~ was prepared by the counsel for the respondents and the same was sent to the department for vetting.
3. That on receipt of the vetted supplementary counter ~~affidavit~~ the same was typed and sworn by the respondent. That a copy of the supplementary counter ~~affidavit~~ has been served on the counsel of the applicant.
4. That the duly ~~sworn~~ typed supplementary counter ~~affidavit~~ is being filed without any further delay.
5. That the delay in filing the Supplementary counter ~~affidavit~~ is bonafide, not deliberate and is liable to be condoned.

filed today
21/4/90
Wherefore, it is, respectfully prayed that this Hon'ble Tribunal may be pleased to condone the delay in filing the supplementary counter ~~affidavit~~ and the same may be brought on record.

Lucknow ;

Dated :

(Dr. Dinesh Chandra)
Advocate,
Counsel for the Applicant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH : LUCKNOW

Registration No. 36/89(L)

R.B. Bajpai

....Applicant

Versus

Union of India & Others

.... Opp. Parties.

Supplementary counter affidavit to the amended part of
the applicant.

I, Satish Chandra, aged about 46 yrs son of Shri Ram Lal, Dy. Controller of Defence Accounts, Lucknow resident of D-2, Vivek Vihar Lucknow, do hereby solemnly affirm and state as under :

1. That the deponent is Dy. Controller of Defence Accounts in the office of the Controller of Defence Accounts, Lucknow and is well conversent with the facts deposed herein after.
2. That the deponent has read the affidavit for amendment and understands the contents thereof.
3. That the deponent is competent to ~~swear~~ file this ~~affidavit~~ ^{reply} on behalf of the opposite parties.
4. That in reply to newly incorporated para 6 (XXX) of the application it is stated that it is deemed that the applicant was relieved from the post of Unit Accountant when he was transferred as Asstt. Accounts officer in the office of the Controller of Defence Accounts, Lucknow. Unit Accountant, Assistant Accounts Officer are of the same cadre and grade, and enjoy the same status and scale of pay. When an Asstt. Accounts officer is attached with a garrison engineer he is designated as unit Accountant and when a Unit Accountant is posted to the office of the Controller of Defence Accounts, he is designated as Asstt. Accounts officer or Section Officer (A) as the case may be.

Contd...2/-

(P.B3)

Regarding other averments made by the applicant in the para, it is submitted that the applicant after receiving the order of his transfer from the post of Unit Accountant to the post of Asstt. Accounts officer on 22.12.88 left the office without handing over charge and submitted leave application supported by a Medical Certificate issued by a local Homeopathic doctor. Under the above circumstances the applicant was considered relieved of a charge wef 23.12.88 (fore noon). He was accordingly informed and was directed to report for duty to C.D.A. Lucknow undm letter No.RAO/L/conf/XII dt. 23.12.88 (Annexure - 3).

of his

On 4.3.89 the applicant came to the office previous posting from where he was transferred and after adding his name in the Attendance Register at Sl. No. 6, put his initial against the date of 3 & 4th March 89. without reporting for duty and submission of fitness certificate. This was done when his successor Shri R.S. Verma, Unit Accountant was not on his seat. The Matter was reported to the Regional Accounts officer (MES) who after verifying the facts called for the applicant explanation vide his letter No. of even no. dt. 6.3.89, a copy of which is enclosed as Annexure 1. the said letter was received back undelivered, the same was again forwarded to the applicant vide letter No. RAO/2/T/Cofd. dt. 24/26.4.89 (Copy enclose as Annexure 2).

It is also denied that the applicant was not allowed to join his new posting in the absence of a formal relieving order. The relieving order contain in the Regional Audit Officer Letter No. RAO/L/Conf/XII dt. 23.12.88 was snent to the applicant at his home address, but the same was received back undelivered.

The applicant was paid his salary and other allowances upto 2.3.89.

That in the view of the above facts the prayr for relief contained in newly incorporated para 7(b) of the application is not tenable. The original application along with the incorporated amendment is liable to be3/-

dismissed with cost.

ASR

Date November 89

Deponent

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1,2,3 are true to my personal knowledge and those of paras 4 to onward to be true on legal advise and paras to be true on belief. No part of it is false and nothing material has been concealed. So help me God.

Signed and verified
1989 at Lucknow.

Dated : November , 1989

day of November,

Deponent

I, identify the deponent who has signed
before me.

Advocate

Solemnly affirmed before me by the deponent at am/pm
on dated who is identified by shri
Advocate, High Court Lucknow Bench Lucknow.

I, have fully satisfied by examining the
deponent that understands the contents of this affidavit
which has been explained by me to him.

J. No. 551/ JHA/51 Ramnagar
Alamgirgh, Lucknow.

CONFIDENTIAL

RAO/L/Conf/xii

Office of the RAO (MES) LKO

06.3.89.

(A85)

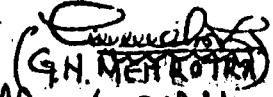
Subject:- Disciplining - D.A.D. Colt.

ANNEXURE - R-1

It is observed by the undersigned from the Attendance Register of U.A.G.E.(W) LKO that on 6.3.89 you have unauthorisedly added your name in the register and signed in token of having attended the office, whereas you were required to report for duty to CDA LKO as already directed wide this office No. Even dt 23.12.88. (addressed to CDA Lucknow and copy endorsed to you at your local address.)

Similarly earlier on 22.12.88 at about 4 P.M. in compliance of the order issued under CDA LKO No AN/1/1238/50(A) dt 22.12.88 which was received by you at 1 P.M. on that very day I directed you in the presence of Sri. R.B. Verma AAO (then in RAO (MES) LKO to hand over charge of U.A.G.E.(W) Lucknow to Senior most SGA/Auditor of your office as directed by CDA LKO but you lied with me and declined to have received the transfer order. You also told me to go to CDA Lucknow to collect the transfer order personally but you did not reach there and gone somewhere else. Thereafter you absented yourself to avoid handing /Taking over.

These actions on your part of telling a lie to your superior and signing unauthorisedly in attendance register on 3.3.89 & 4.3.89 have not been appreciated by the undersigned as by doing so you not only failed to maintain devotion to duty but also acted in a manner unbecoming of a Govt Servant. The matter is being reported to Main office for further necessary action.


(G.H. MEHTA)
(RAO (MES) LKO)

93

Revised

Confidential

MR. RAO/L/1/Conf
Officer-in-Charge RAO (MES)
Dated 20/2/4-09

(P.S.E)

16.

Sir: R.B. Bagchi
RAO

No. 551/51A/51, Ram Hager,
Alam Bagh, Lucknow

Annexure - P.2

Subject: Discipline - DADESH.

It has been observed by the
Administrator that you unauthori-
tizedly added your name in the
Attendance Register and signed
on 3.3.09 & 4.3.09 which was not
in accordance with the provisions
of rules (conduct) rules.

Therefore you were asked
to file this office letter no. even
dt. 6.3.09 (copy original enclosed)
a fresh) to explain as to why
disciplinary action should not be
initiated against you as you
acted in a manner becoming
of a Govt. servant and failed to
maintain devotion to duty. Since
this office original letter dt. 6.3.09
was received back undelivered
the same is forwarded herewith
against your direction to furnish
your reply within 3 days of the
receipt of this communication.

Mr. RAO (MES)
P.T.O.

The CDA, LKO
ANT

Rao/I. (Cap) / vii
Office of the RAO (I&S)
Lucknow
23.12.88

1345
Annexure-3.

Subject: Receiving of Smt R.B. Baypai, AAO, A/c 8282684

Reference :- CDA LKO No. AN/1/1238/SO(A) dt 22.12.88

After receiving the transfer order on 22.12.88 Smt R.B.

Baypai, AAO, A/c 8282684 has absented himself from to-day and
has not handed over charge to Senior Most Auditor / Senior Auditor

He stands relieved wef 23.12.88 (F.N) with direction to report
for duty to CDA LKO and handed over official documents to
his successor immediately.

Rao
~~copy~~

Copy
RAO (MES) LKO

Copy to :- Smt R.B. Baypai } In spite of CDA's direction Vide No AN/1
551/JTA/51 Ram Nagar } 1238/SO(A) dt 22.12.88 received by you
lucknow. } on 22.12.88 to hand over official docu

ments to Senior most Auditor / Senior Auditor. But you absented
yourself without taking leave. Your action is not at all appreciable
and liable for disciplinary action against you. You stand relieved
wef 23.12.88 (F.N) and you are directed to report for duty to
CDA LKO and hand over official documents to your successor
immediately.

Sd/-
RAO (MES) LKO.

2/12/88
2/12/88
2/12/88

16
Rao

1st copy for the learned

PA 24/6

AB

In the Central Administrative Tribunal

Lucknow Camp Lucknow.

Misc. Application No. 142 of 89

In
Original Application No. 36/89 (L)

R.B. Bajpal

.....

.....Applicant

vs.

Union of India & Others

.....Respondents

*Hand delivery
D. Chandra
Almora
10.5.89*
Take notice that the court will be moved by the
undersigned on 19.5.89 at 10.30 O'clock in the forenoon
or soon thereafter, as the parties or their counsel shall
be heard.

The object of the motion is enclosed :-

Take further notice that while this court has been
pleased to pass the following order (here quote the interim
order of the court)

" No order"

Lucknow.

Dated: 10th May, 1989

To,

Dr. D. Chandra, Advocate
C.A.T. Lucknow
Counsel for the respondent

R.B. Bajpal
Applicant

Zaheer Ali
Advocate

In the Central Administrative Tribunal

Lucknow Camp Lucknow.

Misc. application No. of 89.

In original application No. 36/89(L)

ASG

R.B. Bajpai Applicant

vs.

Union of India & Others Respondents

APPLICATION FOR AMENDMENT OF APPLICATION

The applicant most humbly submit as under :-

1. That subsequent to his reversion and transfer on 22.12.88 the applicant fell sick from 23.12.88 to 2.3.89. On getting fitness certificate he resumed his duty on 3.3.89 and he signed in the attendance register and handed over charge from 3.3.89 to 7.3.89. After handing over charge the applicant was verbally directed to go to his new office and to joined the new office. He attend the new office on 9.3.89 but he was not allowed to join his duties without producing formal leaving order. So he reported in this regard in the old office on 10.3.89. Since then he is waiting for the formal leaving order upto date and the applicant is not being allowed to sign in the attendance register and the salary has not been paid for intervening period.

2. That it is just and expedient to make amendments for incorporating these facts in the application.

3. Wherefor it is prayed that the Hon'ble Tribunal be pleased to allow the following amendments to be incorporated



.....2.

in the application for the ends of justice.

PROPOSED AMENDMENT

(i) That below para 6 (XXIX) of the application the new para (XXX) be incorporated.

^{Shd-}
"(XXX) ~~It is~~ subsequent to his reversion and transfer on 22.12.88 the applicant fell sick from 23.12.88 to 2.3.89. On getting fitness certificate the applicant resumed his duty on 3.3.89 and signed in the attendance register and handed over the charge from 3.3.89 to 7.3.89 and after handing over charge the applicant was verbally directed to join his new office. But the applicant was not allowed to join in the new office in the absence of formal releasing order. The applicant came back to his old office on 10.3.89 and asked ^{for} the formal releasing order. which has not been given to the applicant as yet. In the mean time he is not allowed to sign the attendance register and he is not being paid salary for intervening period. The applicant is entitled to be treated on duty during the intervening period with arrears of salary."

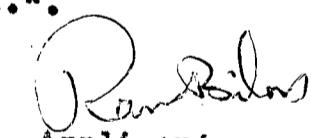
(ii) That in ~~xx~~ para 7 a new relief 7 (b) be incorporated.

" It be declared that the applicant is treated on duty from 3.3.89 till he is allowed to sign the attendance register with arrears of salary for the intervening period."

Lucknow.

Dated: 10-5-89

Verification

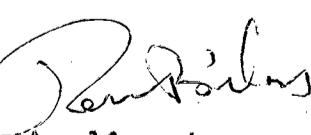

R.B. Bajpai
Applicant
Totally
Alone

I, R.B. Bajpai the applicant do hereby verify that the contents of paras 1 to 3 of this application are true to my personal knowledge.

Verified and ~~xx~~ signed on the 10th day of May, 1989 in the court's compound at Lucknow.

Lucknow.

Dated: 10-5-89


R.B. Bajpai
Applicant