

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

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

Name of the parties _____

R. B. Bajpai

Applicant.

Versus.

Union of India

Respondents.

Part A.B.C.

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

[Signature] 22-6-2011

Sd/-

RESERVED

(A7)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

O.A.36/1989

R.B. Bajpai

Applicant

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C.Srivastava, VC.
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

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2. One Shri Ram Swarup, Senior Auditor with the office G.E. Memora ^{had} ~~at~~ to be reverted to the office of G.E.(W) for administrative reasons. He was, however, required to proceed to the G.E. Memora on every Thursday to attend ^{to} 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 instructions 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.

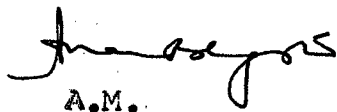
4. The respondents have stated that after the applicant was posted as Unit Accountant with G.E.(W) it transpired that he had previously worked in a sensitive appointment at Kanpur. It was, therefore, decided to shift him from the office of G.E. (W) and post him to the office of C.D.A. in the same station.

6

199

5. Apparently, the transfer order was issued because the applicant became ^ustumbling 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.


A.M.


V.C.

Lucknow Dt. 19-9-91.

Shakeel/-

25

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL CLERK,

23-A, Thornhill Road, Allahabad-211001

Registration No. 36 of 1989 (C)

APPLICANT (s)

R. B. Bhattarai

U-02

RESPONDENT(s)

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent?
2. (a) Is the application in the prescribed form?
(b) Is the application in paper book form?
(c) Have six complete sets of the application been filed?
3. (a) Is the appeal in time?
(b) If not, by how many days it is beyond time?
(c) Has sufficient case for not making the application in time, been filed?
4. Has the document of authorisation/Vakalat-nama been filed?
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-
6. Has the certified copy/copies of the order (s) against which the application is made been filed?
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed?
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly?

Yes

Yes

Yes

No

Yes

—

—

Yes

Yes

Yes

Yes

Yes

C.P.O. NO. DP 080932) R 50/-
dt- 24.1.89

(by counsel.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

C.A./T.A. No. 36 1989(4)

R. B. Bajpai

Applicant(s)

Versus

U. O. 5-408-

Respondent(s)

Sr. No.	Date	Orders
---------	------	--------

8.2.89

Hon. A. Jaiswal, AM

Issue notice to the respondents to show cause why the petition be not admitted. Notice returnable on 24.2.89. Notice be issued Dasti.

AM

10/2/89

8.2.89

SR

Dasti Notices issued to the counsel of applicant.

h
8/2

13.2.89

SR

Dasti Summons were issued through the counsel for applicant under the court's order dt. 8.2.89. fixing 24.2.89. Counsel for applicant has submit the acknowledgement as required under C.A.T Procedure Rule 1986.

10/2/89

24/2/89

SR

Hon. A. Jaiswal, AM

fixing 27.2.89 for admission.

No reply to the show cause notice has been filed. Since Mr. H. Das for the applicant is present. The respondents are given one more opportunity to file reply within four weeks. Put up on 27-2-89 for admission.

10/2/89

J. K.

AM

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

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.

J.M.

(SNS)

A.M.

Hon' Mr. D.S. Mishra, A.M.
Hon' 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.

J.M.

(sns)

A.M.

OR

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

Submitted for orders on admission.

2/4

Hon' Mr. D.S. Misra, A.M.
Hon' Mr. D.K. Agrawal, 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.

J.M.

(sns)

A.M.

36/04

(AS)

2/3/90

Hon. Justice K. Prasad, VC
Hon. K. J. Ramani, Jm.

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

VC
Jm.

VC

Re

Hon. Mr. K. J. Ramani A.M.
Hon. Mr. D. K. Agarwal J.M.

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 rejoinders if any can be filed by the applicant within 6 weeks.

OR
Supplement e.a. filed with application for condonation of delay.

No supplementary RA filed.

S.F.H.

10/5

By No. Supply RA filed 5 PM 11/5

Jm.

VC
A.M.

On 23/3/90 with S.C.A. filed today

11-5-90

Sd.

Ab

12.12.90

case not reached. adj to 17.1.91

DOC

17.1.91

No sitting Adj to 26.3.91

26.3.91

No sitting Adj to 17.5.91

17.5.91

No sitting - adj. to 22.7.91

22.7.91

No sitting Adj to 17.9.91

16.17.9.91

Honbl. Mr. Justice B.C. Srinivasa Rao vs
Honbl. Mr. A.B. Gowtham A.M.

No Supply
R. N. Aled

Arguments heard. Judgment -

S.F. 14

reserved.

2

A.M.

✓
Vc

13.9.91

R.L.G.

J. G. 4/7
Dr

Received copy of
judgment and
order at 8/11/92

1st Copy for Tribunal

(A10) (1)

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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Reallyis
Counsel for the Petitioner

(MID. ILKAS)
A D V.

*File date
25/11/89
Reallyis
25/11/89
25/11/89*

(1)

(All)

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

Claim Petition No. _____ of 1989
R.B. Bajpai ^{Assistant} ~~Assistant~~ Account Officer, A/C No. 8282684
UAG.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 Bala Ram Bajpai*
(iii) Designation and office *APP, UAG.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 will be sent *H No 551 JHA/51 Ram Nagar (Allahabad)*
PO Chandan 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 Bajpai

(21)
(AV)

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

Order No. AN/1/1238/80 (A)
dated 22-12-88. passed by
opposite Party no 3. at
Annexure (13) Page 23.

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 :-

(1) 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

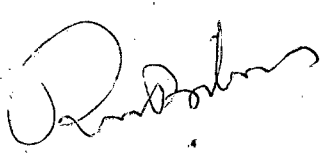
[Signature]

H-113

method and manoeuvring 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 ~~opposite~~ petitioner will be ~~at~~ stated 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 post. The petitioner was posted as United Accountant G.E. (West) on ~~4-4-~~ 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 ~~EXEX~~ AGE Mamora as Unit Accountant but the opposite party No. 2



felt that there was no necessity of an office of U.A. at Mamora and so the said office of U.A. under AGE Mamora was abolished and merged in the office working under ^{UP} 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~~ 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~~ ^{per} one Auditor once in a week to look after 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

Ram Swaroop

(5)
9/15

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 ^{may} they 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 and also the orders passed by opposite party No. 3 himself.

(xi) That the opposite parties No. 3 and 4 in collusion and malafidely for selfish and and motive wanted the petitioner to detail Sri Ram Swaroop as full fledged Unit Accountant at A.G.E. office Mamora 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 (7) and referred to above.

Ram Baidya

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 noticecum 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

Ram Swaroop

(7)
APR

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

Rm Dils

8-8-8

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 Swaroop 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 AGE Memora as full time U.A. that the 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 AGE 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. N/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. Memora once a week to

Ram Prasad

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lookafter the work of AGE Mamora and will also exercise the powers of Unit Accountant to deal 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 ~~allowance~~ 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 mala fide 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

Rm Billoo

(10)
A28

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.

Q. R. S. S. S.

(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 opposite 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 has shown how he is being tortured, harassed and financially penalised. The petitioner was asked to change his office hours against Unit Manual which can only be done by the opposite party No. 2. The petitioner was asked by order that his bills as regards travelling expenses should be submitted when he gets information about it and the same were returned to the petitioner but the amount of travelling expenses were deducted from the salary of the petitioner without intimation thereof. The opposite party No. 3 called for explanation of the the petitioner on 20-12-88 to initiate disciplinary action against the petition. The petitioner was not paid his productivity linked bonus for Rs. 1760/- for 33 days for the year 1975-86 though the same had been passed by 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

(xxx) :- 7th
subsequent to his
reversion and transfer
on 22-12-88 the applicant
fell sick from 23-12-88
to 2-1-89. On getting
sickness certificate the
applicant resumed his
duty on 3-1-89 and
signed in the attendance
register and handed over
the charge from 3-1-89
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 his
new office in the absence
of formal relieving order.
The applicant came back
to his old office on 10-3-89
and asked for the formal
relieving 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
treated on duty during the
intervening period with
penalty.

the order contained in
the order contained in
the order contained in

(12)
A22

the order contained in Annexure (13) be quashed.

(2) It is

8. Interim Relief if prayed :-

be declared

that the
applicant
is treated

on duty from

3-3-8 till he

is allowed to sign

the attendance

register with

arrears of salary

for the intervening

period.

- (a) that the petitioner prays 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:-

No.

DD 088932
5

(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- An (1)
- (2) Order of abolition of U.A Office - Annexure (2)

Dr. B. S. Sinha

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)~~
- (13) letter of opposite party No. 3 Annexure (13)
- (14) letter of removal/reversion/transfer A ⁽¹⁴⁾~~(13)~~
- (15) Representation dated 26-12-88 Annexure (15)
- (16) " " " 28-12-88 Annexure (16)
- (17) " " " 2-1-89 Annexure (17)

In Verification:

I, R.B. Bajpai son of Sri Bali Ram 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.

Place Lucknow -
Date 25.1.1989.

R.B. Bajpai

Applicant

6

ANNEXURE - (T)

14
A24

Confidential
Ref: AN/1/1238/VOL 21
OFFICE OF THE C.D.A.
LUCKNOW.

DATED 28 / 1 / 88

To:

The IAO (HES)
LUCKNOW.

Sup:

ADMIN OFFICE POSTING - (A)

The following inter office postings are ordered
w.e.f. the dates noted against each :

Sl. No.	Name, Grade A/C No.	Office from posted	Office to posted	Date of relieving
1	T.K. Verma SO(A) A/C No. 8298913	UAGE (W) LUCKNOW	C.D.A. LUCKNOW	4-4-88 (AM)
2	A.B. Bajpai SO(A) A/C No. 8212684	C.D.A. LUCKNOW	UAGE (W) LUCKNOW	4-4-88 (PM)

No TA/Joining time is admissible as the posting is at the same station. Joining/Relieving report may please be forwarded to this office.

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

sd/-
A.O. (AM)

Copy to:

1. UAGE (W) Lucknow
2. Shri A.B. Bajpai SO(A)
3. UAGE (W) Lucknow
4. A.O. Local
5. AD 1-3 Local
6. AN/1/1004/Len241/1
7. C.D.A. OC Meerut

for compliance.

Tested true copy

Really

Vocath

25/1/89

sd/-
A.O. (AM)
12/3

[Signature]

ANNEXURE-(2)

15

A25

2

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

To

The RAO (MS)
LUCKNOW

Sub:

Downgrading of UA AGE(I) Memora

Ref:

Correspondence resting with your No. RAO/L/T/Confid-11 dt. 19/11/87 addressed to CE LZ and copy to Chief Engineer 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 SGA A/C No. 8295846 who is acting as UAGX(I) Memora be directed to wind up the office and report to the office of UAGX(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. (AM)

Copy To:

1. Chief Engineer Lucknow Zone Lucknow
2. Chief Engineer H.Q. Central Command Lucknow
3. AGE(I) Memora
- ✓ 4. UAGX (West) Lucknow. Shri Ram Swaroop SGA 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. B/X/1705/NDE dt. 8/4/88
6. UAGX(I) Memora for compliance

Attested true copy

Read by
Am

SM
A.O. (AM)

Advocate
25/1/89 RATESARI

SM

A26

16

Drummond (3)

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

4

To

The RAO (MES)
LUCKNOW

SUB: HA AGC(1) MEMORA CLOSURE OF

It has been decided that one Auditor from UAGE(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 H.E.O. Authority.

action will be taken in receipt of decision of M B. M. may be filed

Please acknowledge receipt.

Sd/ —
ACCOUNTS OFFICER (AM)

COPY FOR INFORMATION TO:-

1. Chief Engineer Lucknow Zone Lucknow
2. CME Lucknow suitable day of week on which visit is to be made may please be intimated to the UAGE(WEST) Lucknow under intimation to this Office.
3. GE (WEST) Lucknow
4. AGC(1) Memora
5. UAGE(WEST) Lucknow
6. CDA Central Command Meerut.

Attached for copy
T. C. Uyas
Advocate
29/7/89

Sd/ —
ACCOUNTS OFFICER (AM)

R. B. B. B.

annexure (4)

17

A27

Mr. U.A.B. (W)

Amendment

18

Sir -

With reference to your
Section order No 83 dt 2-8-38 it is
requested that my T.D. as Auditor
to A&B (W) Memara is ~~un~~unproportional
for me. As such ~~being~~ I am unable to go on T.D.
as auditor to the A&B (W) Memara
dt 2-8-38.

Yours faithfully

Ramdas
Officer in charge U.A.B.

(W)

Amendment

Advocate

24/1/54

Ramdas

Sumam (5)

19

18

128

बि० सं० क्र० ज० ४०-२०११ (छोटी)
I. A. F. Z.-2011 (Small)

Confidential MEMORANDUM

सेवा में the RAO
From HA G.F (W) To Lucknow

सं० AP-1/XXXX/Hsc स्टेशन Lucknow तारीख 11/8/88
No. Station Date

Sub: - 4PAG E(1) Memana

Ref: your 16. RAO/L/11/Estt dt 6/8/88

Attached to this
copying

7/8/88

As per your orders I deputed

Shri Ram Swaroop S.A. Ac No. 8255846

to look after work of 4PAG E(1) Memana

on 11-8-88 (one day) but he refused

to obey the orders and expressed his

inability with his application dt

8/8/88 received by me on 11/8/88 (copy

attached for ready reference). Since you

ordered not to depute any other person
for this job, ~~no one~~ no one was deputed on
that day.
One One

P.T.O.

/s/ HA G.F (W)

Pran Dhar

Summary (6)

19

Monthly report
C. D. A. Luchano

10

✓
The L. A. G. E. (W)
L. U. C. K. N. O. W.

(8)

NO RAC (L. J. / J. E. S. H.)
Office of RAC (MRS)

Luchano of 13.7.00

Subj: - L. A. G. E. (1) (Memorandum closed 2)
Ref: - C. D. A. Luchano letter No. 44/11
1397 of 25.6.00 addressed to
this office and copy sent to
you amongst others and C. D. E. (P)
Luchano letter No. 2000/41/
Thurs/22 of 7.7.00

Please refer to the above quoted
Communication and deputate Sir
Raim S. W. S. R. Auditor, A. E.
No. 0255 046 to work as full
fledged L. A. or A. G. E. (1) (Memorandum
on every Thursday till further
orders.

Copy to: -

RAC (MRS)

1. The C. D. A. Luchano for
information.

2. The C. D. E. (P) Luchano for
information.

Attended this copy
replied

RAC (MRS)

Advocate
2nd/189

R. D. S. R.

Memorandum (8)

(31)

Content of

To

(17)

NO RAC/1/1/ ESTH
Office of RAC (AES)
Lucknow D 6.8.88

The LAGE (12)
LUCKNOW

Subject:- L.A. AGE (1) (Memorandum - closed)
Ref:- YES NO. A/P-1/XXXX of 3.8.88
addressed to this Office & copy
to CDA, Lucknow.

The supply of explanation
called for under this Office
even No. of 26.7.88, furnished
vide your above quoted letter
is not acceptably agreeable.
As per instructions issued
under this Office even No. of
13.7.88 may be complied
immediately and the cir-
cumstances under which Shri
Ravi Swaroop, Sr. Auditor-
A/c No. 0255 046 has not been
deputed for the same, may
be intimated within 3 days
of the receipt of this memo.
Please note, if in case any
other individual is deputed for
the job, you will be held responsible.

True copy
H. S. S.
T. S. S.
A. S. S.
24/11/88

R. S. S.

C. M. Chandra

(21)

No RA/1/1/ASH-1
Office of the RA (DIES)
Lucknow 6/10/88

To

Shri R. B. Bajpai
AHO,
RAGE (U) Lucknow

From: - RA, AGE (U) Meerut - clearing

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 even no. of 13.7.88 to deputise Shri Ram Swaroop, Sr. Auditor A/c No. 8295846 as a full fledged RA every Thursday to carry on the work relating to payment etc. at AGE (U), Meerut. 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 deputise Shri Ram Swaroop as full fledged RA on every Thursday was not possible without stating the specific administrative reasons for which he could not be

Attached two copies
Truly
Advocate
20/1/89

Q. B. B. B.

on every Thursday.

You were also required to reply to this Office even on 26.7.88 at 8.00 within 3 days but your reply was not received within the specified period for which reasons explaining full details may also be indicated. The reply of this Office letter of even at 6.0.00 has been received on 19.8.88 i.e. after 13 days. Please explain.

Your action is reapprehended and you are called upon to explain for the 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 Shri Ram Swaroop as earlier directed failing which you will be held responsible for consequential loss or the reversal.

Your reply should reach to this Office within 3 days of the receipt of this memo.

Attached the copy

2 copies

Advocate

27.7.1989

Signature
R. A. (1025)

R. A. (1025)

(24) (A34)

(25) *Office of the Attorney General (H)*
Luckman 8/8/18

Sub - (1A) PGE(1) Memorandum closure of
Vol - 19000 x 1000

Yours to KA 11/11/1901
At 20.8.88

In continuation to this office even No.
 of 25/1/88 The reply of your 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 CWF(P). Vide his letter No. 2000/11/Chas/E 2 dt 2/7/88 instead of deciding the day, requested to depute auditor as full fledged U/A. In your office while issuing orders to the undersigned vide your No RA 0/1/11 Est dt 13/7/88 something more was added to depute above Rana Swarnap Senior Auditor A/c No 8295846 only as full fledged U/A. It may please be clarified as to whether A UAGF may disobey the orders of CDA in comply with the orders of RA O.

In Continuation / 21

In continuation to the above correspondence
your attention is also invited towards C.E.L. Lucknow
No. 123206/12/154/F 10 (Adm) dt 9/8/88, AGE (1)
Memorandum No 1008/83/F 1, dt 12.8.88 and C.W.E. (P)
Lucknow No 20000/1002/F 2, dt 20.8.88 under which
B. B. Rayappa I.A.G.E. (W) Lucknow himself has
written on 12.8.88.

2 thoughts of time saving
Pd. C. G. S.
H. H. H. H. H.
2/1/09

R. B. Lewis

been allowed to be detailed in accordance with the 1st/2nd order but the orders in this regard are still pending.

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

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

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

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

4) The detailment of auditor as UA may create confusion amongst the auditors to become UA which in turn may create miscommunication and chaos, hence amongst the auditors.

Attached two copies
T. C. Jais

Advocate
24/1/89

R. B. Jais

In instance you are aware of the disobedience of Ram Swamp senior auditor who is although auditor has refused to work as auditor in Memara as already intimated to you.

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

It is again stated that creation of arch-disharmony may create indiscipline and disharmony amongst the staff which may badly affect efficient working of office. It may also create mental torture and harassment to undersigned.

It is, therefore, requested that formal orders for detachment of HAGE(W) be issued as decided by AG & E(1) Memara to look after work of that office on Wednesday of every week may please be issued.

Copy to The CDA

ad 5
d/c HAGE(W)

Enclosure - for information and necessary action please.

O/c. Pundit
HAGE(W)

Attended this copy

TC. C. U. G.

Advocate

20/1/89

R. P. D. S.

27
A22

Annex (1)

CONFIDENTIAL

NO. AN/1/1197
OFFICE OF THE C.B.A.
UGANDA
DATE: 2/11/98

35

To

THE BDC (I)
MEMBER

THAT

WAGE (I) MEMBERS CLOSING OF.

REF:

YOUR NO. 1287/83/C/DAT. 17/8/98
addressed to Headquarters CWA (P)
Lushw and copy to this office
amongst others.

In this connection it is stated that arrangement for detailing the auditor has already been made from UAG (WST) Lushw for visiting your division once a week, which is based on the load of work and as also discussed with his OB/CWA. As the load of work does not warrant detailing of a full fledged SO(A) the present arrangement does not deserve any change.

SAYEE
ACCOUNTS OFFICER (AN)

COPY TO:

- 1- Headquarters CWA (P), 220, MC Road, Lushw.
- 2- CWA Lushw.
- 3- CDA CC Hecru.
- 4- RAO (HIS) Lushw.
- 5- OB (WST) Lushw.
- 6- OAG (WST) Lushw.
- 7- SHRI R.D. SAJPAI, AAO

Attached two copy
Kallyas
Advocate
24/1/89

[Signature]
ACCOUNTS OFFICER (AN)

[Signature]

Drummu (12)

(2D) (A38)

CONFIDENTIAL

No. AN/I/1397

OFFICE OF THE C.D.A.,
LUCKNOW

DATED: 19/12/88

(45)

To

THE FAO, (M&S)
LUCKNOW

SUB: UAG AGE(I) MEMAURA CLOSURE OF.

REF: This office order No. dated 29/6/88
and 2/11/88

I have been directed to intimate that one auditor, who is detailed to visit once a week to look after the work of AGE(I) Memaura from UAGS (WEST) Lucknow will also exercise the powers of UA also to deal the cases there finally to avoid delay in payment of bills, preparation of rent bills etc. Suitable instruction 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. Headquarters, GHS, Lucknow - For information with reference to your SO No. 920510/67-82/3AM/ 8/101/2 2 W(A) dt. 6/12/88.
2. Headquarters, GMB, Lucknow + For information with reference to their No. 20000/41/1675/22 dt. 1/12/88.
3. CG (N&S), LUCKNOW - For information.
4. AGE(I) MEMAURA - This dispenses your No. 1003/82/2-1 dt. 6/11/88.
5. UAGS (WEST) LUCKNOW - For information immediate compliance.
6. THE CDA CC MIERUT - For information.

Attache thru copy
Rachalys
Advocate
24/1/89

ADLW

Rachalys

Annexure (13)

29

A29

Confidential

No. AN/1/1238/SOA,
Office of the C.D.A.
Lucknow, dt 22/2/89

To,

The VAGE (West)

Lucknow.

Sub: Transfer: DAD est.

It has been decided to transfer the following individual from 2 to the office noted against him with immediate effect.

Sl. No.	Name, grade & A/c No.	From	Transferred to
1.	Sri R. B. Bajpai, VAGE (West) AAO, MCHG. 8202684	Lucknow	CDA Lucknow

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

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

Electronically

AO (M)

Copy to:-

1. The CDACC, Meent. for information
2. The RAO (MIES) Lucknow
3. The AN/IT (Local)
4. AN/1/13 (Local) for necessary action
5. AN/1/1004/contd.

Copy
AO (M)

R. B. Bajpai

Atch
Tru copy
Recd
AV 4/11/89

440

Ram (14)

30

To,

The C.D.A.
Lucknow.

Subject: Transfer of R.B. Bajpai from UAGE (W)
Lucknow involving Ramswaroop Factor.

Sir,

With due respect and humble submission, I beg to state that I was posted as UAGE (W) Lucknow vide your No. AN/ 1/ 1238 / Vol II dt. 28.3.88 and now have been transferred from UAGE (W) Lucknow to earlier vide your no. AN/ 1/ 1238 / SO (A) dt. 25.12.88 and have been ordered to handover charge to Senior most Auditor. The Senior most auditor is Ramswaroop.

In this connection I request that reality has not been brought to your kind notice and facts have been added by lower authorities only to post Ramswaroop as UAGE (W) 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 AGE (I) Wemura vide your letter No. A N / 1/ 1397 dt. 29.8.88 (Photo copy attached) but RAO (WIS) Lucknow Sri G.N. Melrottra who due to his selfish moto was personally interested in detailment of Ram Swaroop S.A. A/c No. 8206840 not only as auditor but as full fledged U.A. and ordered for his detailment vide No. RAO/1/ 1/ Lett. dt. 13.7.88 (Photo copy attached). No. RAO / 1/1 / Lett. dated 28.7.88. (Photo copy attached)
2. As per your orders I deputed one auditor once a week to look after the work of AGE (I) Wemura but RAO (WIS) Lucknow Sri G.N. Melrottra vide his letter No. RAO/ 1/1 / Lett. dt. 8.8.88 (Photo copy attached) threatened to wear the consequential loss on this record if any individual other than Ramswaroop was detailed as full fledged U.A. to look after the work of AGE (I) Wemura. 27ndid
3. I detailed Sri Ram Swaroop as auditor but vide his application dt. 8.8.88 (Photo copy attached) Ram swaroop refused for his detailment as auditor although he is auditor.
4. H.A.O. (WIS) Lucknow again threatened me to initiate disciplinary action if Ramswaroop was not detailed as full fledged U.A. vide his No.

Contd. 2

Alister
I am with you
1/2/89
H.A.O.

Ramswaroop

Alu

31

2 11

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

5. 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.

6. 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 / 1/ 1 / Lett. dt. 5.12.88 (Photo copy attached .) Inwhich he twisted all the facts .

7. After prolonged correspondence you issued orders for detailment for one auditor as U.A. vide your No. A.N./1 / 1397 dt. 19.12.88 (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 motive putup twisted facts before you and any how succeeded to get me transferred from U.A.C.E. (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

Attest
True copy
Recd
A/c

R. D. D.

442

32

11 3 11

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 pending 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.(V) Lucknow.

R.B. Bajpai

Albto
In copy
26/11/89
A/c No.
27/11/89

Drumme (15)

33

APB

CONFIDENTIAL

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

To

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

SUB: TRANSFER DAD 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 ~~mixing~~ 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.

B. Ratwadi

ACCOUNTS OFFICER (AN)

*Alles
Tme CM
Teeleya
A'seash
24/1/89*

R. D. D. S.

Annexure (16)

APG

To

34

The C.D.O.A.
West Block V
R.F. Pura
New Delhi.

Through Proper Channel.

Sub Transfer of R.B. Bajpai from UAGE (V) Lucknow
involving Ramswaroop Factor.

Sir,

With due respect and humble submission, I beg to state that I was posted as UAGE(V) Lucknow vide C.D.A. Lucknow letter No AN/1/1238/ Vol IX dt. 28.8.88 and now have been transferred from UA GE(V) Lucknow letter No. earlier vide CDA Lucknow No. AN/1/1238/ SO(A) dt. 22.12.88 and have been ordered to hand over charge to Senior most auditor. Senior Most auditor is Ramswaroop. I feel that I have been transferred so earlier from UAGE (V) Lucknow because I could not detail Ram Swaroop auditor as full fledged UA in my own office which was against orders and practice followed in the past and for which I was not only being compelled but threatened to wear the consequential loss, as may be seen from RAO (W E S) Lucknow letter No. RAO / L / L/ Lett. dt. 8.8.88 (Photo copy attached).

In this connection I requested to C.D.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 over may please be postponed. I shall be thankful for your kind consideration and sympathetic action.

Thanking you,

Yours faithfully,

(R.B. Bajpai)

A.A.O.

A/c No. 8282884
UAGE (V) Lucknow.

Dated: 28.12.88

[Signature]

Alto Mr
By
K. S. S. S.
Amm
24/1/89

ANNEXURE (17)

ALOS

35

To

The C.D.A.,
West Block-V
R.K. Puram,
New Delhi.

Through Proper Channel.

Sub Harassment R.D. Bajpai A.A.O. A/c No. 22684.

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.D.A. Lucknow letter No. AN/1/1238/Vol. II dated 28.3.88 and now have been transferred from UAGE (V) Lucknow so earlier vide C.D.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.D.A. Lucknow vide my application dated 28.12.88 (photo copy attached).

2. Orders in Contradiction to manuals

R.A.O. (WES) 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 UA Manual. In this connection I requested vide No. A/P-1/Misc. dated 8.8.88 addressed to C.D.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 A.O.(A.N.) and A.C.D.A. and was submitted to me vide C.D.A. Lucknow No. AN/1/14/DA/LTC dated 21.8.87 (Photo copy attached) with the instructions

R.D. Bajpai

Attested True copy.

Radhika
Advocate
24/1/89

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2

to re-submit 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.D.A. Lucknow No. A.N / II / 1400 / Confidential / P-1 S I 24 dated 27.10.88 (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 - OEF - dated 29.10.1986 to C.D.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.D.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.D.A. Lucknow vide my application dated 3.5.88 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.D.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. 3

R. B. Bhatnagar

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24/11

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11 3 11

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

Thanking you,

Yours faithfully,

Dated : 2.1.1989.

(R.D. Bajpai)

A.A.O.

Encls : 4 copies
Photocopy.

A/c No. 8282684

U.A.C.L. (W) Lucknow.

Home Address :

H.N. 551 Jha / 51

Ram Nagar (Alambagh)

Lucknow.

R.D. Bajpai

Allest from CM
To all
Air
24/1/89

37 17
and

17 OCT 1991

TO
CAGE(W) Lucknow at 20700
RND. All UNGE / H, BSO,
LUCKNOW

Sub: - Office hours - observance of

The undersigned has been directed by the CDA, 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 e/f 25-700 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: - The RAO (M&S)

The CDA, Lucknow (AN-I)
for information.

Kindly

The RAO (M&S)

Allocated Time
20/11/91
Adm. 24/11/91

32 B

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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 930 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 Organisation 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 :-

2/8/88
UA GE (W) LUCKNOW

1. The RAO Lucknow

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

2/8/88
UA GE (W) Lucknow

Alister True copy
T. S. Chatterjee
A. S. Chatterjee
24/11/88

Dan Bilson
 Also
 The com
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 The
 24/11/85

1452

AN/II/1400/Confidential/P-1 52 24
Office of the CDA
LUCKNOW
Dated:- 7.10.1988

To
Shri
Ram Bihari Singh,
8299769
CAGE (W) Lko.

28

Subject:- LTC ADVANCE-DAD ESTT.

of Rs. 1625/-

You have drawn LTC advance for the block year 82-85
on ~~XXXXXX~~ 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.

Attn: Mr. Singh
25/1/89
Advocate

[Signature]
ACCOUNTS OFFICER (ADMIN)
16
28

[Signature]

•• क

सहोदय

वकालतनामा

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वादी (अपीलान्ट)

Chun of Lik बनाम

प्रतिवादी (रेस्पॉडेन्ट)

नं० मुक.द्वमा

सन

पेशी की ता०

22 450

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री.....

वकील

... महोदय
एडवोकेट

नाम अदालत
मुकद्दमा नं०
नाम फरीकैन वनाम

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता 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 दिवा प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर..... R.B. Bains

साक्षी (गवाह) साक्षी (गवाह)

दनांक २३/११/८४ महीना सन १९८०

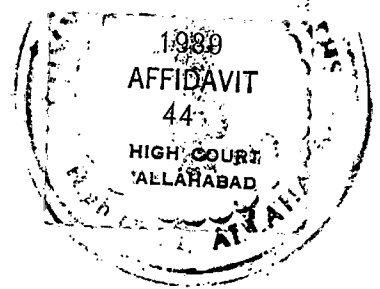
स्वीकृत

(ASU)

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

filed today
A-9
25/4/89

Case No. : 36/89 (L).



H.S. Bajpai

APPLICANT

Versus.

Union of India & Others

OPPOSITE PARTIES.

WRITTEN STATEMENT ON BEHALF OF OPPOSITE PARTIES

I, Satish Chandra, aged about 46 years son of Sri 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 deposed 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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ASS

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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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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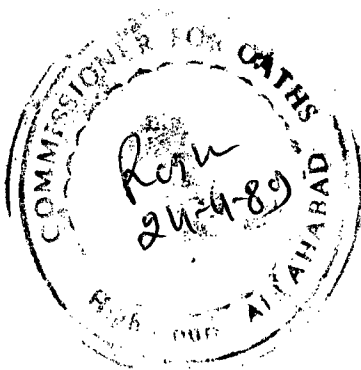


AGE(9)

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 look after the work of the ^{Payments of} 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 fullfledged 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 para wise reply to the application as under :-

1. That the contents of paras 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.O. Upadhyay who was working as



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Unit Accountant in the G.L. (East) office was relieved for Kanikhet vide C.D.A. office No. AN/I/1238 Vol-II date 11.4.88. 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 station seniority and not on roster point.
4. That the contents of paras 5 (iii) to 5 (v) of the application need no comments.
5. That in reply to the contents of paras 5 (vi) and 5 (vii) of the application it is stated that Shri Ram Swaroop was ordered to work as a full fledged Unit Accountant vide H.A.L. office C. No. HRL/L/1/20tt. dated 13.7.88 but the applicant ~~was~~ ^{Section order} ordered him vide his letter No. 83 dated 8.8.88 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 is already working as Unit Accountant in the office of the G.L. Memaura before its accounts Section was snifted and attached to the office of the G.L. (West), Lucknow. As such, it was considered just and proper

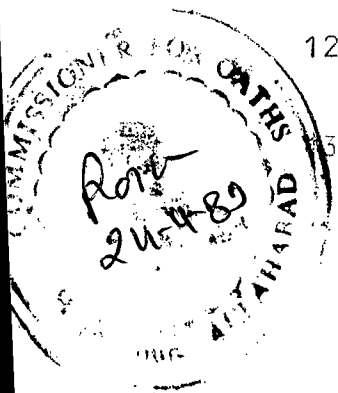


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to detail him as a fullfleged Unit Accountant for Memaura while operating from Lucknow. Moreover, Shri Ram Swarop had not completed his tenure of two years at Memaura before he was shifted to Lucknow. There was nothing mala fide in this arrangement.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

8. That in reply to the paras 12 ~~xxx~~ 6 (xii) and 6 (xiii) of the application it is stated that it has been admitted by the applicant that he disobeyed the orders of his superior in not deputing Shri Ram Swarop 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 Swarop 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.
13. That in reply to para 6 (xxiv) it is stated that Unit Accountants and Asstt. Accounts Officer are of the same cadre and enjoy the same status. When an

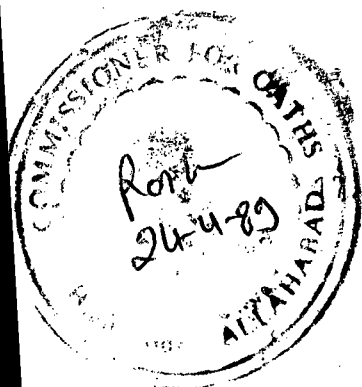


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Alto

Asstt. Accounts Officer is posted in the C.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 paras 6 (xxv) it is stated that the apprehensions of the applicant are imaginary and allegations are mischeivious 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. ~~XXXXXXXXXXXX~~ 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 accounts of the simple facts that his appointment as Unit Accountat 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/1/1238/SG (h) dated 4.1.89 and 28.2.89.
- That the contents of paras 6 (xxix) of the application are denied. The applicant was asked to observe the same working hours as was being observed by other Unit



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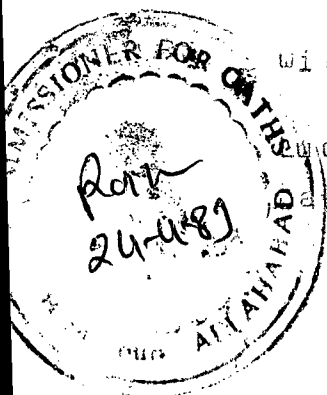
ponent.

Verification

contents of paras (ii), 153 & 18

Deponent.

I identify the deponent who has signed before me. *(personally known to me)*
(Associate)



A62

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



Per ~~me~~
441205
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)

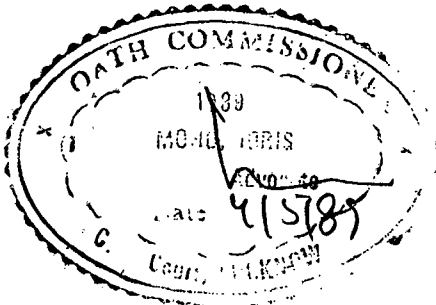
REJOINDER AFFIDAVIT

I, R.B. Bajpai aged about 53 years S/o Sri Ball Ram Bajpai R/o H.No. 55Lha/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.

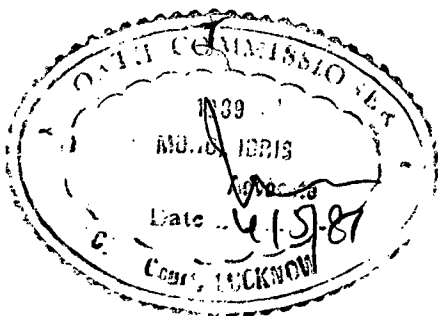


*On 5.1.89
to be kept a
piece
put up
before
Hon'ble
Court
no delay
in filing*

Rs. 100/- per month to Asstt. Account officer in
comprison 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

.....3.

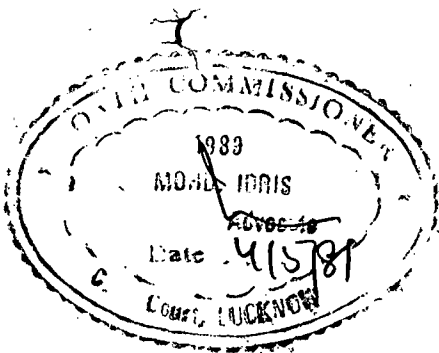


R.B. Verma

of para 2 of 3rd preliminary objection need no reply.
The contents of para 3 of ^{3rd} preliminary objection are
admitted. ~~As regards contents of para~~

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 this 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 J.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. Fourthly 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.

.....4.

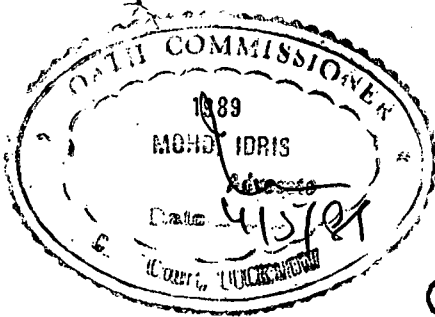


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AGE

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 individual 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 applieant.
- (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 infantory, Mhow and was getting special pay Rs.50/- per month.
- (C) Nirbhaya Singh AAO also served in accounts office ordinance factory Kanpur and ^{ulator} ~~latter~~ on served as UAGE (FW) Kanpur and was getting special pay.



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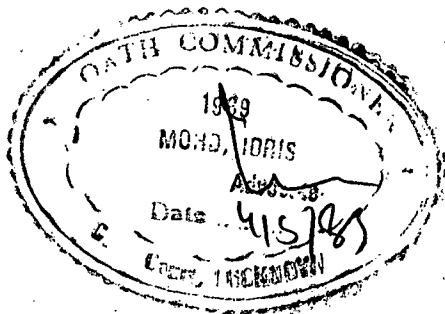
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(D) Shri K.N. Shukla AAO also served in accounts office ordinance factory Kanpur and later on served as UAGE (EM) Lucknow and was getting special pay of Rs. 100/- per month.

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 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 ~~was~~ 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

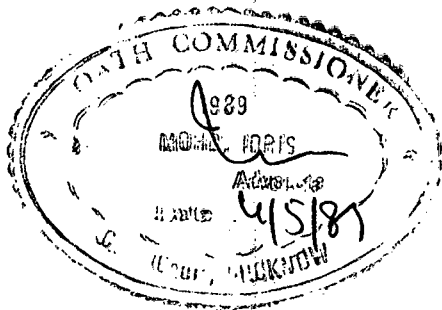


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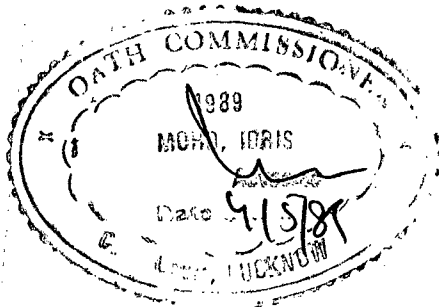
party no. 4 where informed on 2.11.88 that as there is not work load in AGE (I) Memaura therefore no question of fulleged unit accountant at AGE(I) Memaura was necessary and the order passed for abolitions of ~~AGE~~ ^{UAAGE} (I) Memaura will hold good and no change will be made. This order was binding 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 event of disobedience of 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 fulleged UA at AGE (I) Memaura. A part from this when the office of UAAGE (I) Memaura 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 ceased to exist how could there be the 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-fleged 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 ^{the} ~~appt~~ appointment of Ram Swaroop as ful fleged 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.

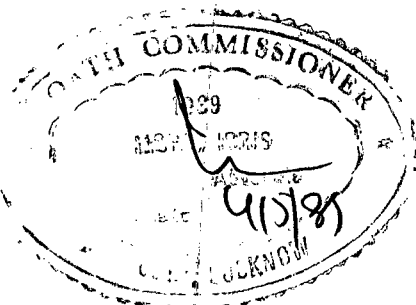
Contents of para one of page 4 of counter affidavit need no reply. Contents of para two of page 4 of counter affidavit so far as for first sentence is concerned are admitted but the second sentence thereof are denied as the claim of applicant fell due for UAGE (East) in Oct. 1987 and not for UAGE (West) 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 untill 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 ~~not~~ was post as UAGE (West) then Shri R.K.Singh relative of ad 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 of special pay of Rs. 100/- per month.



Contents of para 3 & 4 need no comments and 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 orders of superior officers i.e. CGDA New Delhi CDA (CC) Lucknow opposite party no. 2 and 3 to the order that the abolision ~~tax~~ of the post 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} ~~as~~ 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(1) 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 (FW) 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.



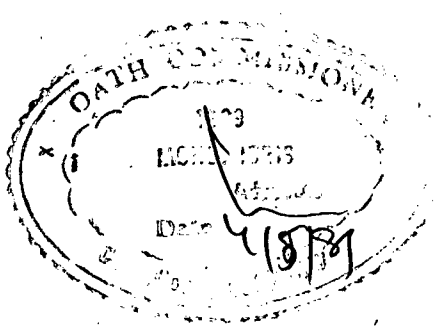
R.B.

(A71)

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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. ~~xxxxxx~~

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 ^{ne} 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 ^{disputed} distance 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 full 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		Period	Special pay
		Sensitive	Non-sensitive		
1.	Ram Swaroop	UAGE (FW) Kanpur		1.1.73 to 31.8.75	Rs. 40/- per month
		UAGE(Pithau- ragarh)		27.5.79 to 16.1.82	- do -
		UAGE(I)Memaura		27.10.86 to 21.6.88	Rs. 80/- P.M.

Contd....11.

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Serial No.	Name	Office		Period	Special pay
		Sensitive	Non-Sen- sitive		
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 ~~has~~ 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



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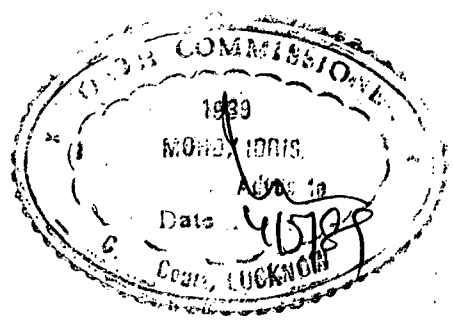
A74

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 oppositparty 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 some 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 factorées Calcutta vide his no. 473/AN-Pay-II/OEF dt. 29.1086 (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 wasmisplaced, lost or knowingly destroyed only to harass theapplicant 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



Deponent

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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} ~~torture~~ and to put in financial loss as he is neither being issued relieving order nor being allowed to join without relieving 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.

Dated: 4-5-89 ^h
Verification

Ram Bilas
Deponent

I, the above named deponent do hereby verify that the contents of ~~paraxix~~ 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.

^h Signed and verified on this ⁴ ~~fourth~~ day of May 1989 in the ^h ~~civil~~ court's compound at Lucknow.

Lucknow.

Dated: 4-5-89 ^h

Ram Bilas
Deponent

Solemnly affirmed before me on this
at 10.30 A.M. by *R.B. Bhatia*
who is identified by Shri *Aizob Mohan*
clerk to Shri
I have explained to the deponent the
contents of this affidavit and he has
explained to me the contents of the same dated 4-5-89

I identify the deponent/executor who has put
his/her signature/T-1. before me.

Aizob Mohan
Advocate
4.5.89

MOND. DORIS
Advocate
Oath Commissioner
C. Court Lucknow
45789

सेवा में,

Annex 1/8

ATG

श्रीमान सी.डी.डी.ए.

पश्चिमी ब्लॉक- 5

आर.के.पुरम, नई दिल्ली ।

महोदय,

सविनय निवेदन है कि मैं यु.ए.जी.ई. वेस्ट लखनऊ में यूनिट एकाउन्टेन्ट के पद पर कार्यरत हूँ । मुझे सी.डी.ए. लखनऊ और उनके अधीनस्थ अधिकारियों और उनके गिरौह के कर्मचारियों द्वारा योजना बनाकर पिछले कुछ वर्षों से प्रताणित किया जा रहा है । इस विषय में मैंने कई बार आपकी सेवा में सी.डी.ए. लखनऊ के माध्यम से भेजे हैं और सबसे बाद का पत्र दिनांक 2.1.89 को सी.डी.ए. लखनऊ के माध्यम से आपकी सेवा में भेजा है जिस पर क्या कार्रवाई की गयी है मुझे अभी तक ज्ञात नहीं हुआ ।

प्रतारणा का यह तिलिक्ता अभी भी बन्द नहीं किया गया है । और सी.डी.ए. लखनऊ तथा उनके अधीनस्थ अधिकारियों और कर्मचारियों द्वारा किस प्रकार योजना बनाकर मुझे प्रताणित किया जा रहा है इसके उदाहरणार्थ निम्नलिखित पीत्तियाँ आपकी सेवा में निवेदित कर रहा हूँ और प्रार्थना कर रहा हूँ कि गैरी मातों पर सहानुभूति पूर्वक गौर करें; मुझे न्याय प्रदान करें और बिना किसी कारण के प्रताड़ित करके मेरा मानसिक संतुलन धिक्काओ और आर्थिक परेशानी पैदा करने वालों के विरुद्ध कार्रवाई करके मुझे संरक्षण प्रदान करने की कृपा करें ।

निवेदन है कि मैं अपनी लम्बी बीमारी के बाद दिनांक 3.3.89 को यूपी यु.ए.जी.ई. वेस्ट लखनऊ में गया । जहाँ पर मैं यूनिट एकाउन्टेन्ट के पद पर कार्यरत था । मैंने हाजिरी रजिस्टर में अपनी हाजिरी लगाई और मेडिकल फिटनेस सर्टीफिकेट श्री आर.बी. वर्मा को दे दिया जिसको मेरे छुट्टी पर होने के कारण आफिस का कार्य देखाने के लिए लगाया गया था । क्योंकि मेरा स्थानान्तरण इस कार्यालय में सी.डी.ए. लखनऊ के लिए ही बुकाया और मैं बीमार हो जाने के कारण चार्ज नहीं दे पाया था अतः मैंने चार्ज देना चाहा और श्री आर.बी. वर्मा ने मुझे चार्ज लेना प्रारम्भ कर दिया । यह कार्य पूरे दिन भट चलता रहा ।

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

हैंडिंग टेकी और वार्ज सीट पर मैं तथा श्री आर.बी. वर्मा ने हस्ताक्षर कर दिया। बुकि 5-00 बजे सायंकाल जी.ई. वेस्ट लहानऊ का कार्यालय बन्द हो जाता है तथा जी.ई. साहब घर जा चुके थे अतः उनके प्रति हस्ताक्षर वार्ज सीट पर नहीं हो पाये जिनके बिना वार्ज सीट पूर्ण नहीं मानी जाती है और मुझे कार्यमुक्त नहीं किया जा सकता था। बुकि 5-3-89 को रविवार था अतः श्री आर.बी. वर्मा ने दिनांक 6-3-89 में वार्ज सीट पर जी.ई. से प्रति हस्ताक्षर करने और कार्यमुक्त प्रमाण पत्र देने का निश्चय किया। किन्तु मैंने वार्ज सीट की एक प्रति अपने पास रखना आवश्यक समझा और श्री वर्मा जी ने मुझे एक प्रति दे दी और मेरे हस्ताक्षर प्राप्त करने के कार्यालय कापी पर करा लिये।

दिनांक 6-3-89 को ठीक समय पर मैं फिर यू.ए.जी.ई. वेस्ट लहानऊ के कार्यालय पहुँचा वहाँ पर श्री जी.एन. मेहरोत्रा आर.ए.ओ. पम.ई.एल. लहानऊ श्री आर.बी. वर्मा को डाँट रहे थे कि "सी.डी.ए. से पूछे बिना तुमने वार्ज सीट कैसे शुरू कर दिया इनको। राम बिलाम बाजपेयी को। इस कार्यालय में हाजिरी को लगाने दिया इनका मैडिकल फिलिंग साटीफिकेट यहाँ आफे देस ले लिया फौरन सी.डी.ए. आफिस क्लरर बात करो।" श्री वर्मा को डाँटने के साथ-साथ श्री मेहरोत्रा जी ने मुझे भी डाँटा और मेरे पास जो वार्ज सीट की कापी थी उसे श्री आर.बी. वर्मा को वापस करा दिया। हाजिरी रजिस्टर को ताले में बन्द करवा दिया और मुझे दिनांक 6-3-89 को व हाजिरी नहीं लगाने दी और उठकर चले गये। उनके जाने के बाद श्री वर्मा जी भी चले गये। मैं दिन भर कार्यालय में बैठे वर्मा जी के लौटने का इंतजार करता रहा। श्री वर्मा जी सायंकाल 5-30 बजे लौटे तब कार्यालय बन्द हो चुका था और जी.ई. साहब चले गये थे अतः वार्ज सीट पर प्रति हस्ताक्षर इस दिन भी नहीं हो पाये।

दिनांक 7-3-89 को मैं फिर ठीक समय पर कार्यालय गया किन्तु वर्मा जी ने मुझे हाजिरी रजिस्टर में मेरी हाजिरी नहीं लगाने दी जी.ई. साहब साइट पर चले गये थे अतः प्रति हस्ताक्षर नहीं हो पाये। काफी देर बाद जी.ई. साहब लौटे तब वार्ज सीट पर

0-12

627-3-89

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1141

उपर्युक्त तथ्यों से स्पष्ट हो रहा है कि मुझे मानसिक प्रताड़ना देने तथा आर्थिक परेशानी के द्वारा भ्रष्टाचारी के कंधार तक पहुँचाने का सुनियोजित ढंग से प्रयास किया जा रहा है। और इसीलिए न तो मुझे कार्यमुक्ति प्रमाण पत्र दिया जा रहा है और न उनके बिना मुझे ज्वाइन करने दिया जा रहा है। साथ ही मुझे वेतन न देकर मुझे तथा मेरे बाल बच्चों को भ्रष्टों मारने की योजनाओं को प्रोत्साहित किया जा रही है। मुझे सबसे बड़ा दुःख और आश्चर्य इस बात का है कि आपके कार्यालय को दिनांक 2.1.89 को सी.डी.ए. लखनऊ के माध्यम से भेजे गये मेरे प्रार्थनापत्र की खोले वाली कार्यवाही की अभी तक मुझे कोई सूचना नहीं मिली है।

ऐसी परिस्थितियों में मेरा यह भी निवेदन है कि यदि भ्रष्ट से छटपटाकर मैं अपना मेरा परिवार का कोई सदस्य मरा अथवा मानसिक प्रताड़ना के कारण मैं विक्षिप्तता के कंधार की ओर अग्रसर हुआ तो इसकी जिम्मेदारी स्थानीय प्रशासन की होगी।

अतः आजी करबूद निवेदन है कि उपर्युक्त तथ्यों को ध्यान में रखते हुए तथा दिनांक 2.1.89 के प्रार्थना पत्र की फोटो कापी संलग्न है। को ध्यान में रखते हुए मेरे प्रार्थना पत्र पर सहानुभूति पूर्वक विचार लिया जाये और मुझे न्याय प्रदान किया जाये ताकि मेरे लिए बिना किसी कारण के उत्पन्न की गयी परिस्थितियों का निराकरण हो जाये। आपकी इस कृपा के लिए मैं आपका अत्यन्त आभारी रहूँगा।

आपकी अति कृपा होगी।

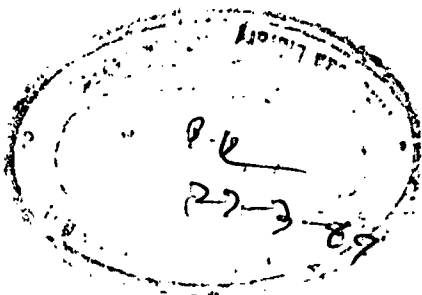
R. B. S.

दिनांक 15.3.89

प्रार्थी,

॥ आर.पी. बाजपेयी ॥
ए.ए.ओ.

551, नं. 51, रामनगर, आलमबाग
लखनऊ।



A80

ANNEXURE 19 OF REJOINDER AFFIDAVIT

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

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

-3-

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

Misc. Application No. 209 of 1990. (2)

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 supplementary counter affidavit is being filed without any further delay.
5. That the delay in filing the Supplementary counter affidavit is bonafide, not deleberate and is liable to be condoned.

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.

Filed today
2/4/90

(A22)

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 ^{reply} 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 conversant 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 ^{file} ~~swear~~ this ^{reply} ~~affidavit~~ 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 sSection Officer (A) as the case may be.

Contd...2/-

AB3

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 under letter No. RAO/L/conf/XII dt. 23.12.88 (Annexure - 3).

of his

On 4.3.89 the applicant came to the officer 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/Confid/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 pray r for relief contained in newly incorporated para 7(b) of the application is not tenable. The original application along with the incorporated amendm nt is liable to be
....3/-

dismissed with cost.

ASER

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.

day of November,

Dated : November , 1989

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.

J₂ Sn R.B. Bajpai, AAO
No 551/JHA/51 Ramnagar,
Alamgagh, Lucknow.

CONFIDENTIAL

RAO/L/Conf/xii

Office of the RAO (MES) LKO

06.3.89

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ANNEXURE R-1

Subject: Discipline - DAD Estt.

It is observed by the undersigned from the Attendance Register of UAGE(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 vide 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 PM in compliance of the order issued under CDA LKO No AN/1/1238/So(A) dt 22.12.88 which was received by you at 1 PM on that very day I directed you in the presence of Sn R.B. Verma AAO (then in RAO (MES) LKO) to hand over charge of UAGE(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 over.

These actions on your part of telling a lie to your superiors 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.N. MEHROTRA)
(RAO (MES) LKO)
93

Rajesh

Confidential

No. RAO/L/1/Contd.
Office of the RAO (MFS)
Lucknow 024-4-09

(ASL)

To

Shri R.B. Bajpai
RAO

No. 551/5HA/51, Ram Nagar,
Alam Bagh, Lucknow

ANNEXURE R-2

Subject: Discipline - DADASH.

It was observed by the undersigned that you unauthorisedly added your name in the Attendance Register and signed on 3.3.08 & 3.09 which was not correct on your part and attracted disciplinary action in accordance with the provisions of CCS (Conduct) Rules.

Therefore you were asked vide this Office letter no. even dt 6.3.08 (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 a Govt. servant and failed to maintain devotion to duty. Since this Office original letter dt 6.3.08 was received back undelivered, the same is forwarded herewith again with direction to furnish your reply within 3 days of the receipt of this communication.

For MFS
RAO (MFS)
RTH

No CDA, LKO
AND

RAO/1/Caj/11
Office of the RAO (MES)
Lucknow
23.12.88

135
A/25026-3

Subject: Relieving of Sri R.B. Bapnai, AAO, No 8282684

Reference :- CDA LKO No. AN/1/1238/50(A) dt 22.12.88

After receiving the transfer order on 22.12.88 Sri R.B. Bapnai, AAO, No 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.

RNC

2 RAO (MES) LKO

Copy to :- Sri R.B. Bapnai } Snr Pde of CDA's direction Vdr No AN/1
551/JHA/51 Ram Nagar } 1238/50(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.

2 RAO (MES) LKO

281
Shroff

10

1st copy for the record

FF 24/8

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In the Central Administrative Tribunal

Lucknow Camp Lucknow.

Misc. Application No. 142 of 89

In
Original Application No. 36/89 (L)

R.B. Bajpai

.....

.....Applicant

Vs.

Union of India & Others

.....Respondents

Take notice that the court will be moved by the undersigned on ~~19.5.89~~ ²⁴⁻⁵⁻⁸⁹ 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. Bajpai
Applicant

R. B. Bajpai
Advocate

*Read by
D. Chandra
Advocate 11/7/89*

*Dr. D. Chandra
Kumar
deepa v. Union
& take notice
as per rules
11/7/89*

489

In the Central Administrative Tribunal

Lucknow Camp Lucknow.

Misc. application No. _____ of 89.

In original application No. 36/89(L)

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 relieving order. So he reported in this regard in the old office on 10.3.89. Since then he is waiting for the formal relieving 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.

R. B. Bajpai

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.

"(XXX) ~~He is~~ ^{sub-}sequent 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 relieving order. The applicant came back to his old office on 10.3.89 and asked ^{for} the formal relieving 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/~~xxx~~ ^{relief} 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

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

Lucknow.

Dated: 10-5-89

Ram Bajpai
Applicant
Totally on
Almash

Ram Bajpai
Applicant