

ANNEXURE - A

CAT

CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow
Opp. Residency, Gandhi Bhawan, Lucknow

INDEX SHEET

CAUSE TITLE 37/89 (L) of 1989 (L)

NAME OF THE PARTIES _____

Shri K. B. Lal Applicant

Versus

Union of Indig Respondent

Part A, B & C

Sl. No.	Description of documents	PAGE
A1	Order sheet	2
A2	Judgement 12-4-90	3
A3	Petition copy	13
A-4	Annexure	17
A5	power	
A6	counter	22
A7	Reply	8
B-1	Petition copy	13
B-2	Annexure	17
B-3	counter	22
B-4	Reply	8
C-1	Memorandum of Appearance	
C-2	Judgement copy	

Court found that no further action is required to be taken and that the case is fit for final judgment to the second ground (D)

Sd/-

22-6-2011

W/Dismissal

25-7-91

(A2/1)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD,
CIRCUIT BENCH, LUCKNOW.

O.A. 37/89(L)

Kunj Bihari Lal

...Applicant

versus

Union of India & ors.

...Respondents.

Hon. P.S. Habib Mohammad, A.M.

Hon. J.P. Sharma, J.M.

(Hon. J.P. Sharma, J.M.)

The applicant was an L.D.C. in the office of the Chief Engineer, Northern Zone, Lucknow and on being declared surplus, was posted to 46, Prisoner of War Camp Faizabad w.e.f. 14.1.1972. When the unit was disbanded the applicant was posted to COD Kanpur under the control and administration of AOC records, Secunderabad who has been impleaded as respondent No. 3. The applicant was confirmed as LDC with effect from 9.2.76. From 1978 the applicant was posted to A.M.C. Records, Lucknow under the control of respondent No. 2 where he served up to October 1984. The applicant was asked in December, 1984 by Commandant A.M.C. Records, Lucknow to intimate the position of the applicant regarding his absorption at Lucknow in order to authorize the promotion of the applicant. The applicant was asked to submit unwillingness to go back to the office of COD Kanpur, respondent No. 3. The applicant submitted unwillingness to go back to COD Kanpur and as such his lien was terminated by respondent No. 3.

2. The applicant was again informed by respondent No. 3 in January, 1985 to give his willingness for the promotional post of U.D.C. but the fact was concealed by respondent No. 2

12/2

A.M.C. Records, Lucknow. Ultimately the respondent No. 3 vide letter No. 6959223/LDC/FS/ADM dated 14.2.85 (Ann. -4) informed that since the applicant was not willing to revert back to his parent department, nor accepted higher promotion offered to him, his lien in AOC was terminated with effect from 1.5.80. It is the case of the applicant that this letter for the he/first time learnt that his lien from the post of AOC was terminated w.e.f. 1.5.80. The applicant made a representation on 16.2.85 on which AOC records informed on 6th March, 85 to AMC Records, Lucknow that on the representation of the applicant and his wife Smt. Shobha a fresh willingness or unwillingness certificate as per specimen attached to the individual be sent for further action for giving final option. Copy of this was sent to the wife of the applicant also. Again on 22.7.85 AMC records wrote to AOC Secunderabad regarding the considering the option of the applicant since 1985 onwards. The applicant did not take any step, nor came to the court. Only he came submitted a representation again on 29.6.88 (Annexure -8) and the reply to which is Annexure A-9 which is only a recommendation for consideration.

3. The applicant claims the relief noted below:

"(i) that the Hon'ble Tribunal be graciously pleased to set aside the unwillingness and quash it which has been obtained from applicant by practising fraud upon him by respondent No. 2 and direct it to be ineffective and unenforceable against the applicant.

(ii) That the Hon'ble Tribunal again be pleased to direct the respondent No. 3 to authorise the promotion of the applicant after restoring his lien on the basis of earlier unwillingness submitted by the applicant or to obtain willingness afresh from the applicant.

(iii) That the hon'ble Tribunal be further pleased to award all the benefits of the post arising out of the said post had the applicant been promoted at due time together with cost of the application."

↓

12/3

4. The respondents opposed the application of the applicants and a primary objection was taken about the maintainability of this application as it is patently barred by time. In the counter affidavit at ~~xx~~ page 3 and 4 the events, as happened have been given in chronological order and it was denied that there was any fraud practised on the applicant in any manner whatsoever. It is specifically pointed out that the contents detailed in para 9 of the application are incorrect and are denied. The applicant himself gave his unwillingness on 29.10.84 for his permanent absorption as LDC in AMC records, Lucknow and submitted his resignation for termination of his lien in permanent post of L.D.C. in AOC w.e.f. 1.5.80. The order of termination of lien were passed on 14.2.85. The time limit for filing appeal is only one year which expired on 13.2.1986. The present application has been filed on 8.2.1989, is abnormally barred by time.

5. We have heard the learned counsel for the parties at length and have gone through the records of the case. Section 21 of the A.T. Act prescribes limitation from the date of order ~~xxx~~, the limitation starts running. If any statutory representation has been made than the decision of that representation is further point for starting of limitation. In the present case, the applicant very well knew in February 85 that his lien on the post of L.D.C. in AOC had been terminated. Again taking a magnanimous view up to July 85, there was a correspondence with the applicant; after that the applicant did not pursue the matter. The learned counsel for the applicant referred to the fact that he was asked to wait and referred to Para K

le

at page 5 of the application. In this para, there is no mention of any oral order or advice given to the applicant by any of the respondents or subordinates. In para L the applicant admits that he went on waiting from July 85 to July 88 but he has not given any explanation for keeping in wait for such a longer period of three years. We do not find any substantial reason^{or} cause that the applicant was prevented by any assurance from the side of the respondents or their subordinates that he may be awarded the relief now he aspires for.

6. Though on the principle of natural justice as well, as equity, a case should not be allowed to be defeated if the applicant shows sufficient cause for not coming for redressal of his grievance before the Tribunal or Court. Further ~~the~~ applicant is bound to establish that he was prevented by reasons beyond his control or that he was not aware of any relevant action to be taken by him. The applicant is a illiterate person and he has made certain wild accusations against two of the Military personnel and it cannot be said that he was a person totally ignorant of the worldly affairs. We do not find any justifiable ground to ~~take~~ entertain the matter which is already dead in ~~February, 1985,~~ in February 89 i.e. after 4 years of the original order of Feb., 1985 and the applicant has not filed any sworn testimony of his own by way of affidavit to explain the circumstances leading to coming to the Tribunal after such a long period. We find therefore, no force in this application and the application is therefore dismissed.

J. M. M.

JUDICIAL MEMBER.

12.4.90

P. J. H.
12/4/90
ADM. MEMBER.

37/09 (L)

1-5-89

Hon Justice K. Nath, V.C.
Hon D. S. Mishra, AM

Shri V.K. Choudhry, counsel for respondents requests for adj is allowed 14 days time for filing counter. The applicant's counsel may file rejoinder within one week thereafter. List this case for final hearing on 4.7.89.

In case counter ~~has~~ ^{is} not ~~been~~ filed in time, the case will be listed for Ex-parte hearing.

JV

OR

AM

V.C.

Amf
1/5

OR

In compliance of Court's order dt 1.5.89, no counter affidavit has been filed. Submitted for ex-parte hearing

Hon Mr. Justice K. Nath, V.C.
Hon Mr. K. J. Roman, AM.

4-7-89

Shri V.K. Choudhary learned counsel for the respondents files counter affidavit and undertakes to furnish a copy thereof, to the learned counsel for the applicant, to which, the applicant may file rejoinder, if any, within two weeks. The case be listed for final hearing on 1-8-89.

OR

OR

OR

As directed by the Court's order dt 9.7.89, no rejoinder has been filed. Submitted for hearing

1.0.09

Hon. J.K. Nath, V.C.

The learned counsel for the applicant has filed rejoinder affidavit. The case is adjourned to 26.9.09 for ^{final} hearing.

OR

OR

V.C.

Case is submitted for hearing

to 3/1/89



AI

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCULAR BENCH AT LUCKNOW.

C.A./T.A. No. 87 1989 (L)

K. B. Lal

Applicant(s)

Versus

O. O. & Gov

Respondent(s)

Sr. No.	Date	Orders
8.2.89	Hon. A. Jais, A. J.	<p>Admit. Issue notice. file reply by 13.3.89. R.A. may be filed within another week. list the case for hearing on 30.3.89</p> <p style="text-align: center;"><u>A. J.</u></p>
8.2.89	<u>OR</u>	<p>In V. K. Choudhary takes notices on behalf of apts. A. Power/Memo filed filed today on behalf of apts. The case is fixed for final hearing on 30.3.89.</p>
<u>30.3.89</u>	<u>DR</u>	<p>No one is present on behalf of applicant. File for 30.3 1.5.89 before DR.</p> <p style="text-align: right;">Mahaangi for DR</p> <p style="text-align: center;"><u>OR</u></p> <p>In V. K. Choudhary, Ad. has accepted notices on behalf of respondents. He has filed any reply so far. Submitted for orders</p>

DR
30/4

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH - ALLAHABAD

(CIRCUIT BENCH- LUCKNOW)

ORIGINAL APPLICATION NO. _____ of 1989

Kunj Bihari Lal

..... Applicant

Versus


Union of India & Others

..... Respondents

INDEX

Sl. No.	Particulars of Papers	Pages		Remarks
		From	To	
1.	Application	1	12	
2.	Annexure - A-1	13	14	
3.	Annexure A-2	15	-	
4.	Annexure A-3	16	17	
5.	Annexure A-4	18	-	
6.	Annexure A-5	19	21	
7.	Annexure A-6	22	23	
8.	Annexure A-7	24	-	
9.	Annexure A-8	25	28	
10.	Annexure A-9	29	-	
11.	Wakalatnana	30	-	


Filed today
8/2/89
Wakalat for
8/2/89


R.B. SHARMA
(R.B. SHARMA)
Advocate

Dated: 08/2/1989

Counsel for the Applicant

Received Copies of Application
for Respondent No 1 to 3


(V.K. Chaudhary)
Adv 8/2/89

Before the Hon'ble Central Administrative Tribunal,

Additional Bench Allahabad

Circuit Bench Lucknow

O. A. No.

of 1989

Kunaj Behari Lal son of Shri Chhotey Lal, aged about 40 years presently posted as L D C in Army Medical Corps Record Lucknow-2.

..... Applicant

Versus

1. Union of India Ministry of Defence through its Secretary, New Delhi.
2. The Commandant, Army Medical Corps (Records) Lucknow Cantt.
3. The Commandant, Army Ordnance Corps Records, Trimulgherry, Secunderabad-15.

..... Respondents.

3. That the present application is made against the order of termination of Lia dated 14 February 1985 contained in Annexure A-4 to this application.

4. JURISDICTION.

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

WMA

2
F 3/3

5. LIMITATION

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

6. FACTS OF THE CASE :

(a) That the applicant was appointed as LDC in the office of the Chief Engineer Northern Zone Lucknow on 18-5-1971 and there being surplus was posted to 46 prisoner of War Camp Faizabad wef 14-1-1972. In the year 1974 on disbanding the unit the applicant was further posted to COD Kanpur under the control and administration of AOC Records Secunderabad the respondent no.3 and accordingly reported to Kanpur on 09-2-1974 where the applicant was confirmed as LDC wef 9-2-1976.

(b) That the applicant on extreme compassionate grounds was posted to AMC Records Lucknow under the control of respondent no.2 wef 1-5-1978 reserving his right of lien for promotion.

(c) That the applicant after serving up to October 1984 to his devotion and waiting for promotion for quite a long time had submitted an

[Handwritten signature]

(F-3)

application to know ~~his~~ about his promotion position on 6/11-10-1984 which was forwarded to Officer-in-charge Records i.e. the respondent no. 3 by the respondent no. 2 vide its letter no. 70222/KB Lal/civ/LA/91 dated 30-11-1984. A true copy of the application dated 6/11-10-1984 is annexed herewith as ANNEXURE A-1 to this application.

(d) That the respondent no. 3 vide its letter no. 695/LDC/KS/Adm (civ) dated 19-12-1984 asked the respondent no. 2 to intimate the position of the applicant regarding the absorption at Lucknow in order to authorise the promotion of the applicant and also asked for certain papers/documents. A true copy of the said letter is annexed herewith as ANNEXURE A-2 to this application.

(e) That the then Administrative Officer namely Capt Dobhal was biased and having despotic attitude and malice against the applicant because of the prompting and being misguided by Sri Thomas who was working as a confidential clerk in service record of the personnel. In fact, Sri Thomas was against the applicant because the applicant did not meet out his financial requirements and as a result of which he was annoyed.

[Handwritten signature]

4
A-3
1/3

(f) That the fact was concealed and required documents/certificates were not sent by the respondent no. 2 and in turn the applicant was asked to submit the ^{un-}willingness to go back to the office of respondent no. 3 at Kanpur with an assurance that if the applicants submits his unwillingness she shall be promoted as UDC within six months or so. Consequently the applicant submitted his unwillingness to go back to the office of respondent no. 3 and accordingly his lien was terminated by respondent no. 3.

(g) That the respondent no. 3 vide its letter no. 6959223/LDC/FS/Adm(civ) dated 18-1-1985 intimated the promotion position and again asked the willingness of the applicant. This fact was again concealed by the respondent no. 2. A true copy of letter dated 18-1-1985 is annexed herewith as ANNEXURE A-3 to this application.

(h) That the documents/certificates as stated in para (f) above, were required only to authorise the applicant's promotion at COD Kanpur as lien was continued but this fact was also concealed by the then Administrative Officer Capt Dobhal which the applicant could come to know vide letter no. 6959223/LDC/FS/Adm dated 14-2-1985 sent by the respondent no. 3 informing the applicant about its contents. A copy of the said letter is annexed

[Handwritten signature]

5
8/2
/6

as ANNEXURE A-4 to this application.

(i) That the applicant on having intimation of the position then and there represented the matter vide his application dated 16-2-1985. A true copy of the representation is annexed herewith as ANNEXURE A-5 to this application. It may be submitted that besides the representation of the applicant contained in annexure A-5 which has been left consideration, the wife of applicant also submitted a representation in this regard to different concerned authorities vide her application dated 22-2-1985.

(j) That as a result of the due consideration of the application submitted by the wife of the applicant the respondent no.3 asked the respondent no.2 to obtain a fresh willingness certificate of the applicant vide letter no. 6959223/LDC/FS/Adm (civ) dated 06-3-1985. But this time also the respondent no.2 deliberately concealed the fact. A true copy of the said letter dated 06-3-1985 is annexed herewith as ANNEXURE A-6 to this application.

(k) That the applicant has been put to suffer irreparable loss by the respondents. Being very much perturbed the applicant has requested



8-3
/

the authorities in various ways and finally the respondent no.2 vide letter 702211/KB L/LA/civ/170 dated 22-7-1985 again taken up the matter and the applicant was advised to wait for some time. A true copy of the said letter dated 22-7-1985 is annexed herewith as ANNEXURE A-7 to this application.

(1) That the applicant went on waiting from July 1985 to June 1988 but nothing was heard from any corner and being disappointed he has further submitted a detailed application dated 29-6-1988 which was forwarded to the concerned authorities but it also resulted in vain. A true copy of the said application is annexed herewith as ANNEXURE A-8 to this application.

(m) That it is very much pertinent to mention here that Major General K.R.Nath has personally written a D.O. letter No. 7109/KRN/1 dated 28-9-1980 to Brigadier Gautam Mitra Officer-in-charge HQ i.e. the respondent no.3, which also could not get favourable consideration. A true copy of the D.O. letter dated 28-9-1988 is annexed herewith as ANNEXURE A-9 to this application.

(n) That the applicant again contacted

[Handwritten signature]

7
A/B
9

dealing concerned in the office of respondent no.2 to know about the progress and was informed that his application has been rejected by the respondent no.3, hence this application .

7. DETAILS OF THE REMEDIES EXHAUSTED :

That the applicant declares that he has availed all the remedies available to him vide annexures A-5 and A-8 respectively.

8. MATTER NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been filed, before any court of law or any other Authority or any other Bench of this Tribunal and nor any such application, writ petition or suit is pending before any of them .

9. RELIEF (S) SOUGHT :

[Handwritten signature]

8
P. 3/9

In view of the facts mentioned in the preceding paragraphs the applicant prays for the following reliefs :

(i) That the Hon'ble Tribunal be graciously pleased to set aside the ^{Un-}willingness and quash it which has been obtained ^{from} applicant by practising fraud upon him by respondent no.2 and direct it to be ineffective and unenforceable against the applicant.

(ii) That the Hon'ble Tribunal again be pleased to direct the respondent no.3 to authorise the promotion of the applicant after restoring his ^{Un-}lien on the basis of earlier willingness submitted by the applicant or to obtain willingness afresh from the applicant .

(iii) That the hon'ble Tribunal be further pleased to award all the benefits of the post arising out of the said post had the applicant been promoted at due time together with cost of the application.

(iv) That any other relief deemed just and proper under the circumstances of the case by the Hon'ble Tribunal be also awarded to the applicant as against the respondents.

The aforesaid reliefs are sought amongst ~~the other~~ other on the following :-

Handwritten signature

9
D-2
10

G R O U N D S

(1) Because the order of termination of
lien of the applicant is illegal, invalid, discriminatory,
arbitrary, malicious, unjust and having been made
under fraud practiced upon is unlawful and resulted
the miscarriage of justice.

(2) Because the provisions of Articles
14, 16, 41 and 311 of Constitution of India
have been violated and the order of termination of
lien passed as such which is out come of the malice
and grudge is not at all sustainable and is
liable to be quashed.

(3) Because the order of termination of
lien of the applicant is bad in law .

(4) Because the applicant being a permanent
and confirmed personnel had a right to the post in
the higher scale and the unwillingness of the applicant
obtained by respondent no.2 from applicant by
misrepresenting the fact and used for termination of
his lien in service is not at all a lawful act and
can not be permitted to be used as such against the
applicant.

[Handwritten signature]



(5) Because the lien of the applicant on his post has been termination without following the prescribed and proper procedure and the same being arbitrary action of the respondents is liable to be quashed.

(6) Because the applicant has not been afforded any opportunity of being heard before termination of his lien and as such the order of termination is against the principles of natural justice and is liable to be set aside.

(7) Because the order of termination of lien of the applicant is bias, unfair and having been obtained elusively by respondent no.2 from respondent no.3 is not sustainable and merits outright cancellation.

(8) Because the act of the respondents to terminate the lien of the applicant is without any reason, without any hearing of the applicant and having been passed by bilking the applicant is invalid, illegal, perverse and is liable to be set aside.

Handwritten signature



(9) Because in any case, the unwillingness obtained from the applicant elusively can not be permitted to be used against the applicant other than the purpose it was obtained and any order passed in the garb of said unwillingness of the applicant for termination of lien, if left to stand, will cause serious injury detrimental to the future prospects of service without any fault of the applicant and as such the same being unlawful, illegal, perverse, against the law of equity and principles of natural justice and is liable to be quashed and set aside.

10. INTERIM ORDER, IF ANY, PRAYED FOR :

That the applicant most respectfully prays for the interim order that the respondents be directed not to fill the post of the applicant by transferring the lien of any one else from which the lien of the applicant had been terminated until decision of the application.

11. Nil

12. That the application fee Rs. 50/- (Rupees fifty only)

(12/1/89)

is paid herewith through postal order no. DD/3-222993
dated 17-1-1989 issued from Head Post
Office Barabanki.

13. LIST OF ENCLOSURES :

As shown in the Index.

[Signature]
Applicant

Verification

I, Kunj Behari Lal son of Sri
aged a bout 40 years residing at c/o Sri T.N.Tiwari
Advocate, B-1/742, Vinaya Khand-1, Gomati Nagar,
Lucknow, do hereby verify that the contents of
paras 1 to 8 and 10 to 13 are true to my own
knowledge and the contents of para 9 are believed
by me to be true on legal advice and that I have
not suppressed any material fact.

Lucknow, dated;
January ,1989.
Feb 08

[Signature]
Applicant.

To
The Registrar,
Central Administrative Tribunal,
Additional Bench Allahabad,
Circuit Bench, Lucknow.

Identified by
Kunj Behari Lal
who has signed
before me.

[Signature]
9/1/89

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

O.A. No. of 1989

K.B. Lal Vs Union of India & Others

ANNEXURE - 'A-1'

From : Pj No. 6959223(6959223) LDC (Pt) Kunj Bahari Lal
Army Medical Corps Records
Lucknow - 2

To : Officer-in-Charge
AOC (Records)
Secunderabad

Through Proper Channel

SENIORITY/PROMOTION CLEK IN SCHEDULED CASTE RESERVE
QUOTA/VACANCY

Respected Sir,

1. I have the honour to request you through the following few lines for your favour of consideration/kind equidity and sympathetic order please.

2. Respectfully I beg to state that I was employed as LDC in Chief Engineer Northern Zone Lucknow wef 18 May 1971. I was declared surplus to that establishment and posted to 46 Prisoners of war Camp, Faisalabad. Again I was declared surplus from the same unit, because the unit was disbanded and I was posted on permanent to COD Kanpur vide Army HQ AG's Branch letter No. 68181/Dec/2/73 Org (Civ) (b) dated 15 Dec 73. Thereafter I applied for compassionate posting to my home town i.e. Lucknow and posted to RO AMC Lucknow vide Army HQ AG's Br letter No. 70538/Apr 78/Org-4 (Civ)(b) dated 06 Apr 78. Where I am still serving.

3. In the above context I want to state that I was confirmed in your establishment vide COD Kanpur DO Part II Order No. 47/4/78 but I have not yet been confirmed in RO AMC Lucknow. My lien is still with your establishment. I observed the following discrepancies in my particulars vide Seniority Roll AOC Record letter No. 29868/LDC/Amc (Civ) dated 17 Oct 1981.

- (a) My correct date of birth is 1st Jan 1948 which has been wrongly mentioned as 01 Apr 1948 this may please be amended.
- (b) My correct date of appointment is 18 May 1971, which has been wrongly mentioned as 09 Feb 1974 this may please be amended.
- (c) The fact of my being scheduled caste has not been mentioned therein, which requires to be added against my name.

(d) My placing in the seniority roster appears at ser No. 2011 while my junior sri K L Kuroel appears at ser No. 1983 this clearly shows that the placing in the seniority roster is not correct this may please be rectified, under intimation to me.

Contd on p/- 2

14
A-2/2

5

4. Sir the new combined seniority Roll/common roster has been made for all records, but AOC Records Secunderabad is not included with AMC Records Lucknow, sir I was born on the strength of AOC Record Secunderabad, but at present I am serving in AMC Record Lucknow since 1978. The new combined/Common roster means those personnel applied for compassionate posting for home town their seniority must not be loosed, their seniority must be counted from the date of appointment, but my seniority has been disturbed. My seniority has not been counted in both establishment i.e. AOC Records Secunderabad and AMC Records Lucknow. I am very junior in this establishment, as such the promotion chance is very block for me in both establishment. It is therefore requested that I may please be promoted as UDC in scheduled caste reserve quota/vacancy being S/C employee. I belong to S/C (Dhamak community). I have been completed 13 years services (in RO AMC Lucknow 6 Years only) I may please be intimated the present position of the case regarding Scheduled Caste reserve vacancy/quota.

5. LDC Sri Roop Narain of RO AMC has been promoted by the parent unit i.e. IMSRDE Kanpur in S/C quota, it means his lien still stands now. I hope that my lien will be continue in your establishment according to this example, I am senior to then him. I am drawing basic pay Rs. 350/- PM when the basic pay of UDC 330/- in case I will not get my promotion my annual increment can be stop in future. I am facing financial hardship in these hard days of when the necessity of caste is ^{cost} ~~growing~~ ^{increasing} day by day.

6. In view of the above I request your honour to kind make necessary amendment in the above quoted seniority roll and intimate my promotion position before making any promotion if I am also in that promotion zone. It is also learnt that my juniors have already been promoted as UDC. It is therefore requested that under existing orders for S/C employee I may please be promoted as UDC in reserve quota/vacancy. For this act of kindness I will not forget your sympathy till the last breath of my life. I shall be remain grateful to you. Action taken on above subject matter may please be intimated to me.

7. Thanking your honour for the kind perusal and hope an early favourable response.

Your's faithfully

K B Lal
(K B Lal)
LDC (Pt) P.No. 6959223
RO AMC Lucknow

06/11 Oct 84

Copy to :-

The Commandant
Central Ordnance Depot
Kanpur

- For similar action please.

T/C Attested
[Signature]

15

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

O.A. No. of 1989

K.B. Lal Vs Union of India & Others

ANNEXURE - A-2

(14/13)

COPY

Tele ; 79251/395

Registered
Sena Ordnance Corps Abhilekh Karyalay
AOC Records
Post Box No-3
Trimulgherry Post
Secunderabad - 500015

6959223/LDC/FS/Adm(Civ)

19 Dec 84

Officer-in-Charge
AOC Records Office
Lucknow (UP)

RE-CALL OF DEPUTATIONIST : 6959223 LDC No 6959223
LDC SRI KUNJ BEHARI LAL DHANUK (EX-COD KANPUR)

1. No 6959223 LDC Sri K B Lal Dhanuk had completed the maximum deputation on 01 May 81 having been posted out of AOC on 01 May 78. As per the latest instructions received from Army Headquarters (MS/OS-8 G, such of the personnel who are holding a lien in AOC and are away for more than 2 to 3 years are required to be re-called to their parent department. In this connection a copy of Army Headquarters letter No 89958/177/LOK Sabha/OS-8C(I) NR dated 29 Nov 82 is enclosed herewith for information and necessary action.

2. Please confirm whether the above named individual has been absorbed permanently in your establishment. If so, please forward an order of conveying permanent absorption of the individual in your establishment. Otherwise, please obtain and forward a formal resignation letter (as per specimen attached) from the individual for our further necessary action.

3. In case no reply is received to this office letter it will be assumed that the individual is not willing to revert back to the parent department and he will be deemed to have resigned his permanent post in AOC and the lien on the permanent post in the Corps will be terminated.

4. Please ack and accord priority.

Sd/ x x x
(Som Raj)
OOC(Adm)
for Officer-in-Charge

TTC Attended

Encls : two

Copy to :-

The Commandant
Central Ordnance Depot
Kanpur

BR | ER
19, 26, 36, 30

[Handwritten signature]
[Handwritten signature]

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

(Circular stamp with initials)

O.A. No. of 1989.

Kunj Behari Lal Applicant .

Versus

Union of India & others Respondents.

ANNEXURE A-3.

79251/395

Registered A/D

Ordanance Corpse
AOC Rewards , Post Box No. 3
Trimulgherry Post , Secunderabad-500015

6959223/LDC/FS/Adm (civ) dated 18 Jan 85

Seniority/promotion in s/caste Reserve Quota/vacancy
No. 6959223 LDC Kunj Behari Lal (Ex KDD)

1. Refer to P.6 your letter no. 70222/KBlal/civ/LA/91 dated 30 Nov 84 and 70222/ KB Lal/LA/civ/93 dated 17Dec 84.
2. The date of birth in respect of No. 6959223 LDC Sri K.B.Lal appearing against sev No. 2011 in LDC seniority Roll has since been amended to record as 01 Jan 48 instead of 01 Apr 48. The caste as s/caste has also been indicated against his name.
3. The individual having been reported to COD Kanpur wef 09 Feb 74 he has been correctly assigned seniority amongst ODC wef 09 Feb 74 as per CPRO 73/73.
4. The individual is now coming up for promotion to UDC during 1985. It is intimated that no s/caste candidate junior to him has been promoted.
5. In view of the above the individual may please be informed of the position and ascertain whether he is willing to revert back to AOC, ~~in case he is not willing~~

TTC Dated
Ankur Singh
[Signature]

to take up the promotion in his parent department. His
 due promotion can only be given on arrival in AOC. In
 case he is not willing and not yet confirmed in your
 organisation then forward his resignation letter so as to
 enable this office to terminate his leave in AOC. Necessary
 forms are attached to this letter.

6. Service Book (Vol I) received vide your letter under
 reference is returned herewith.

7. Please acknowledge receipt.

Sd/

(Som Raj)
 OAC (Adm)
 for Officer -in-Charge

Enc is

Service Book Vol I
 Forms

Copy to

The Comdt - For information with reference to AMC COD
 Kanpur records letter cited in para 1 above.

True copy

Attested

Director
Secy

RAAS

18
5-5/6

Before the Hon'ble Central Administrative Tribunal

Additional Bench Allahabad,

Circuit Bench, Lucknow.

O. A. No. of 1989.

Kunj Behari Lal vs. Union of India & others.

ANNEXURE A-4.

COPY

Mil Tele : 79251/395

Sena Ordnance corps Abhilekh
Karyalaya AOC Records, Post Box
3, Trimulgherry Post,
Secunderabad - 500015.

6959223/LDC/FS/Adm (civ)

14 Feb 85

Officer-in-charge
AMC Records Office
Lucknow - 2

TERMINATION OF LIEN : 6959223LDC SRI KUNJ

BEHARI LAL DEHANUK

1. Refer to :-

- (a) Your letter no. 702211/K B Lal/LA/civ/105
dated 14 Jan 85.
- (b) Your letter No. 702211/KB Lal/LA/civ/107
dated 29 Jan 85

2. Since the individual is neither willing to revert back to his parent department nor accepting the higher promotion offered to him, his lien in Army Ordnance Corp is being terminated w.e.f. 01 May 80 consequent upon tender his formal resignation vide his application dated 29 Dec 84 received under your letter cited at para 1(a) above. The individual may please be informed accordingly.

3. Please acknowledge receipt.

Sd/- x x x

(Som Raj)

Sahayak Abhilekh Afsar
for Officer-in-charge

Copy to :-

The Commandant
Central Ordnance Depot
Kanpur.

True Copy

Attested

Signature

Before the Central Administrative Tribunal,
Additional Bench Allahabad,
Circuit Bench, Lucknow.

O.A.No. of 1989.

K.B. Lal vs. Union of India & others

ANNEXURE A-5.

From : P.No. 6959223 LDC Kunj Behari Lal
Army Medical Corps Records,
Lucknow-2.

To : Officer In Charge
AOC RECORDS,
Post Box No. 3,
Trimulgherry Post,
Secunderabad- 500015

Through : Proper channel.

Recall of Deputationist No. 6959223 LDC Kunj Behari Lal.

Respected Sir,

1. With due respect and humble submission I beg to state the following lines for your sympathetic consideration and favourable order please.
2. In this connection a reference is invited to your office letter No. 6959223/LDC/FA/Adm(civ) dated 18 Jan 85 and my previous application dated 6/11-10-84.
3. I was confirmed in your establishment vide COD Kampur DO Pt 11 No. 47/4/78. A certificate of termination of lien of my confirmation was despatched to your office incorrectly vide this office letter no. 702211/KBL/LA/CV/105 dated 17 Jan 85, this may please be treated as cancelled and the same be returned to our office for cancellation, because I want to come back to my previous unit (ie. COD Kampur) for the purpose of my promotion as UDC. Here in this office I am still temp LDC. I may please be promoted as UDC on seniority basis.

HC Attested
Likhanu

[Signature]

20
8/1/85

4. In this connection, I request your honour with my folded hands please ask for a willingness certificate from my office and recall me immediately. It is also requested that a copy of your office letter no.6959223/IDC/FS/Adm(cgv) dated 13 Jan 85 may please be forwarded Organisation Directorate (1 of R) for necessary action under intimation to me . I hope that you will take necessary action on the above subject matter . It is under your kind jurisdiction/sympathetic consideration. I will not forget your sympathetically consideration till last breath of my life . For this act of kindness I shall be ever remain grateful to you. An early action is requested.

Thanking you in anticipation.

Yours faithfully

sd/-

(K.B. Lal)

IDC P.No. 6959223

RO AMC, Lko-2

Station : LUCKNOW

Dated 16 Feb 85

Copy to : COD Kanpur - A certificate regarding termination of lien of my confirmation was despatched to your office incorrectly , the same may please be treated as cancelled and returned to this office for cancellation. I want to come back for my previous office with a view to get my promotion as UDC and hence necessary action in this matter may please be taken at your earliest.

The Organisation Directorate - I want to go back my previous office (ie. COD Kanpur to my promotion UDC. It is, therefore, requested that a willingness certificate may please be forwarded to AOC (R) for necessary action please.

(Org. 8(1 of R)

A.G.'s Branch

ARQRs

West Block-3 R.K. Puram

New Delhi-11

TTC Attested
Lalwan
Jain



The commission for Sc/ST
West Block I - Floor
Wing No. 7 R.K. Puram
New Delhi - 110066

For information and
necessary action
Please.

The Secretary
All India Defence Clerks Association
RO/AMC, Lucknow. 2

Handwritten signature

TRUE COPY

Attested
Subman Singh

Before the Central Administrative Tribunal,
Additional Bench Allahabad
Circuit Bench Lucknow.

22/10

O.A. No. _____ of 1989
K.B. Lal Vs. Union of India & others

ANNEXURE A-6

REGISTERED /SDS
Tel 79251/395 Sena Ordnance Corps Abhilekh Karyalay
AOC Records
Post Box No. 3
Trimulgherry Post
Secunderabad - 500015

6959223/LDC/FS/Adm (civ) 06 March 85

Officer-in-charge
Army Medical Corps Records
Lucknow - 2.

SENIORITY/PROMOTION IN S/CASTE RESERVE QUOTA/
VACANCY NO6959223 LDC SHRI KUNJ BEHARI LAL (RAJ)

1. Refer to :-

(a) Your letter No. 702211/KB Lal/LA/civ/107 dated 29
Jan 85 in reply to this office letter no. 6959223/
LDC/FS/Adm(civ) dated 18 Jan 85;

(b) This office letter no. 6959223/LDC/FS/Adm(civ)
dated 14 Feb 85

2. In application dated 22 Feb 85 received direct in this
office from Smt. Shobha w/o No. 6959223 LDC Shri Kunj Behar
Lal is forwarded herewith in original for further necessary
action in the matter.

3. In view of what has been stated in the application
please obtain a fresh willingness/unwillingness certificate
as per specimen attached from the individual and forward
to this office for further action .

4. The individual may please be advised that this
will be a final option and no appeal thereafter will
be entertained by this office .

Handwritten signature
T.C. Shrivastava
Secretary

Handwritten signature



sd/-

(Som Raj)
 ODC (Adm)
 Sahayak Abhilekh Afsar / ABO
 Kri tay Karyabhari Afsar
 for Officer-in-charge

Encls (3)

Copy to :-

Smt. Shobha
 W/o Shri Kunj Behari Lal
 Nagar Mahapalika Quarter No. 19
 Rajendra Nagar Lucknow (UP)

Central Ordnance Depot

KanpurNext/-

- For information . You
 are requested that
 further correspondence
 on the subject may
 please be made direc
 to the above address.

TRUE COPY

Attested
 Subinvar
 Jolu

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

24

O.A. No. of 1989

K.B. Lal Vs Union of India & Others

(A-1)
P2

ANNEXURE - A-7

Mail Tele 458

Registered Post
Sena Chikitsa Corps Abhilekh
Army Medical Corps Records
Lucknow-2

702211/KBL/LA/Civ/176

22 Jul 85

The Officer-in-Charge
Army Ordnance Corps Records
Post Box No 3
Trimulghary - PO
Secunderabad - 500015

SENIORITY/PROMOTION IN S/C RESERVE QUOTA: RECALL OF
NO 6959223 LDC KUNJ BEHARI LAL (EX CDO, KANPUR)

1. Refer to this office letter No 702211/KBL/LA/Civ/137 dated 1 Mar 85 and DO letter No 6959223/LDC/PS/Adm (Civ) dated 24 Apr 85 from Major Bhagwan Singh, Offg CMO of your office.

2. Shri Kunj Behari Lal, LDC of this office has again submitted an application, requesting for reconsideration of his case regarding reversion to AOC, in case his confirmation in AMC records is cancelled. In this connection his application dated 16 Jul 85 is sent herewith.

3. In this context it is submitted that his fresh option expressing his willingness to accept promotion in AOC was forwarded to your office under this office letter cited above. But it could be seen that from your DO Part II No 16/ADM(Civ)/3/85 NR dated 28 Mar 85 that his fresh option was not taken into account while terminating his lien.

4. Since the individual is very much depressed and keen to revert back to AOC for the purpose of promotion, a sympathetic consideration may kindly be taken on his application as the same is a proxy request.

5. In case his confirmation in AMC is a bar for accepting back to AOC, this office will take up the case with the concerned authorities for cancellation of his confirmation. It is, therefore, requested to confirm whether he will be accepted by you in case his confirmation is cancelled.

6. An early reply is requested.

BR FR
29, 30 42, 44

Encl. 2 sheets

Copy to:-

CDO Kanpur

- for information.

(RP Chatterjee)
Col
Colonel Records
For Officer-in-Charge

Shri Kunj Behari Lal, LDC
Records AMC
Lucknow-2

- with reference to his application cited above.

27/1/85

Before the Central Administrative Tribunal,
Additional Bench Allahabad,
Circuit Bench Lucknow.

O.A. No. of 1989

K.B. Lal vs. Union of India & others

ANNEXURE A-3

From : P. No.6959223 LDC (Pt) Kunj Behari Lal Dhanuk
A.M.C. Records Lucknow - 2

To : Organisation Directorate (Org 8 (I of R))
Adjutant General's Branch
Army Headquarters
West Block-III, R K. Puram
New Delhi - 11

Through : Proper Channel

Subject :- SENIORITY/PROMOTION UNDER SCHEDULED CASTE
RESERVE QUOTA /VACANCY, RECALL OF DEPUTATIONIST
NO.6959223 LDC(Pt) Kunj Behari Lal Dhanuk
COD KANPUR.

Respected Sir,

- Reference :- (a) My application dated 06/11 Oct 84, 16 Feb 85, 12 Jul 85, 16 Jul 86 and 10 Apr 86.
- (b) AOC Records Secunderabad letter no.695922 IDC/FS/Adm (civ) dated 19 Dec 84, 18 Jan 85 and 06 Mar 85 (copy attached)
- (c) AMC Records Lucknow letter No. 702211/KBL LA/civ/770 dated 22 Jul 85 (copy attached)

1. Most humbly and respectfully I beg to lay down the following few lines for your kind and favourable consideration and urgent action please.

2. I was appointed as LDC in Chief Engineer Northern Zone Lucknow on 18 May 71. I was declared surplus to that establishment and posted to 46 PW Camp Faizabad subsequently. I was again declared surplus and was posted to COD Kanpur under AOC Records Secunderabad and reported on 02 Feb 74 on disbandment of 46 prisoners of War camp, Faizabad. I was confirmed in LDC grade by COD Kanpur wef 6 Feb 76 vide their DO Pt II Order No. 47/4/78.

3. I was transferred to AMC Records Lucknow on 01 May 78 on compassionate grounds. I held my permanent lien in COD Kanpur. On completion of two years services, I should have either been returned back to my previous unit or should have been called for unwillingness certificate to go back

*He Attached
Dhanuk*

[Signature]

14/11

which has not been done either by COD Kanpur or AOC Records AMC Records Lucknow.

4. On going through the seniority roster under AOC Records Secunderabad letter no. 29866/LDC/Adm (civ) dated 17 Oct 81. I submitted an application dated 06/11 Oct 84 to intimate present position of my promotion to UDC but I did not receive any information/reply so far.

5. I was not aware of this fact that correspondence regarding my referring back to my previous unit and subsequent promotion to UDC were being made between AOC Records and AMC Records Lucknow. All of a sudden I was called by the Local Adm, AMC Records Lucknow on 29 Dec 84 and asked to sign un-willingness certificate without disclosing the fact that AOC Records Secunderabad had asked my willingness certificate for promotion to UDC and subsequently returning back to AOC Records. AMC Records Lucknow told me that if I wanted to be confirmed in AMC Records, I should sign the un-willingness certificate. As such, I signed the certificate in good faith and not knowing the actual position/implication that my future had been blocked by not disclosing the case of my promotion AMC Records Lucknow. It is a great injustice for me, being a scheduled caste employee. I was not shown the above quoted letters of AOC Records Secunderabad.

6. When I came to know from some reliable sources that I was being called for by AOC Records Secunderabad for the promotion to the post of UDC, I requested for personal interview of Col Records and told him the actual position of negligence and misguidance by the Local Adm AMC Records Lucknow. Col Records after going through my pitiable position asked me to sign an option/willingness certificate to go back to AOC Records Secunderabad. I signed the same on 22 Feb 85, which had been forwarded to AOC Records under AMC Records Lucknow letter No. 7622/ KB Lal/LA/Civ/ 137 dated 01 Mar 85 (copy attached) to accept me on the strength of AOC Records Secunderabad. I was getting my promotion from AOC and not in AMC, because AOC is a separate records.

7. In view of the above pitiable circumstances, I pray your honour to have mercy on my miserable plight and cancel my un-willingness certificate forwarded to AOC Records under AMC Records letter No. 76211/KB Lal/LA/Civ/ 105 dated 14 Jan 85 and accept my willingness certificate forwarded under AMC Records letter no. 76211/ K B Lal/Civ/ 137 dated 01 Mar 85, so that I may be reverted back to my previous unit i.e. COD Kanpur where I held my permanent lien under AOC Records Secunderabad and save my future career of my promotion to the post of UDC. I am still confirmed on

[Handwritten signature]

(Handwritten initials)

-4-

letter quoted above and mainly letter no. 6959223/LDC/PS/Adm(civ) dated 06 March 85 in which your goodself had asked for my willingness certificate and which I accordingly tendered in my interest vide this office letter no. 782211/KB Lal/LA/Civ/137 dated 01 Mar

But to my utter surprise and profound regards, I found that your goodself had declined to take me back on your strength vide your letter no. 6959223/IB Lal/Civ dated 07 Aug 85, which is not understood. As such it is again stressed with utmost remonstrations and humble request that my case may again be reviewed. I may kindly be taken on your strength and be promoted to the rank of UDC as repeatedly request to your goodself. I hope that you will take necessary action on subject. It is under your kind jurisdiction/sympathetic consideration please. I will not forget your kind consideration till the last breath of my life. For this act of kindness I shall be ever remain grateful to you.

TRUE COPY

(Handwritten signature)

(Handwritten signature)

(Handwritten signature)

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

O.A. No. of 1989

K.B. Lal Vs Union of India & Others

ANNEXURE - 'A-9'

A-9/17

7109/KRN/1

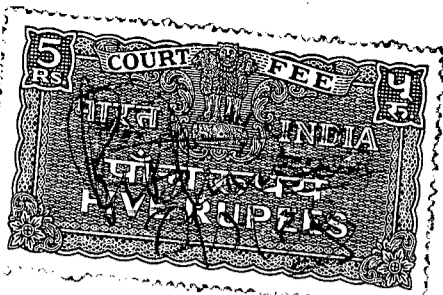
28 Sep 88

1. I am writing this DO letter with regard to promotion of P No 6959223 LDC Shri K B Lal of AMC Records, Lucknow. In this connection please refer to individual's application dated 29 Jun 88 addressed to the Organisation Dte, New Delhi with copy to AOC Records amongst others. I am enclosing the copy of his application alongwith other documents for your ready reference. Please try to help the individual to the extent possible as his promotion is held up.

Sd/ x x x
(K R Nath)
Maj Gen

Brig Gautam Mitra, VSM
Officer-in-Charge
HQ AOC Records
SECUNDERABAD.

Attested
Gautam Mitra



30

AS/T

बिनादालत श्रीमान

महोदय

वादी (मुद्दई)

का

वकालतनामा

मुद्दई (मुद्दालेह)

In the Honble Central Administrative Tribunal
Allahabad
(Circuit Bench, Jaunpur)

O.A. 270 _____ of 1989 (L)

Kunj Bikanilal

वादी (मुद्दई)

वनाम

Union of India & others

प्रतिवादी (मुद्दालेह)

R. Bilas Sharma

एडवोकेट

महोदय

वकील

नाम बदालस
नं० मुद्दमा
नाम फरीकन

को अपना वकील नियुक्त करके (इकरार) करता हूँ और लिख देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करे या अन्य कोई कागज दाखिल करे या लौटावे या हमारी ओर से डिगरी जारी करावे और सपया वसूल करे या सुलहनामा या इकबाल दाबा तथा अपील व निगरानी हमारी ओर से हमारे वा अपने हस्ताक्षर से दाखिल करे और तस्दीक करे या मुकद्दमा उठावे या कोई सपया जमा करे या हमारी या विपक्ष (फरीकसानी) का दाखिल किया सपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसौद से लेवे या पंच नियुक्त करे। वकील महोदय द्वारा की गई यह कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूँगा। अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर.....

R. Bilal
Shri Chhotey Lal
Accepted

साक्षी (मवाह).....

साक्षी (गवाह).....

दिनांक..... 18...

महीना..... 2/89

R. Bilal
Shri Chhotey Lal
2/89

A-6
T

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

C.A. No. 37 of 89

Shri Kunj Bihari Lal Applicant

Versus

Union of India and others Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENTS

*Filed to day
4/17*

1, *NTR-16560W* Capt G P Arya
aged about *44* years, son of *deti sri BR Arya*
posted as *Adm officer*
in Army Medical Corps Records, Lucknow

*C.A.
26/6/89*

do hereby solemnly affirm and state

as under :-



1. That the deponent is well conversant with the facts of the case and he is filing this counter affidavit on behalf of the Respondents.

2. That the deponent has read and understood the contents of application as well as the facts given herein under in reply thereof.

[Handwritten signature]

3. That before giving parawise comments it is necessary to give brief history of the case as detailed below :

107

A6
1/2

(a) That the applicant was posted to the office of the deponent from COD, Kanpur on compassionate grounds with effect from 01 May 78. ~~Being~~ a permanent LDC, he was holding his lien in AOC.

(b) That AOC Records vide their letter No.6959223/LDC/FS/Adm(Civ) dated 19 Dec 84 intimated that the personnel who were holding lien in AOC and away for more than two or three years were required to be re-called to their parent department, ~~if~~ so willing. In case not willing to revert back to parent Department, a formal resignation letter (as per specimen) was called for from the individual.

(c) That the applicant was informed and he submitted his resignation letter for termination of lien from AOC with effect from 01 May 80 and gave his consent for permanent absorption in AMC Records vide his consent certificate dated 29 Dec 84. The same was forwarded to AOC Records vide RO AMC letter No.702211/KBL/LA/Civ/105 dated 14 Jan 85.

(d) That the lien of the applicant had been terminated with effect from 01 May 1980 vide AOC Records letter No.6959223/LDC/FS/Adm(Civ) dated 14 Feb 85. He was confirmed as LDC



[Handwritten signature]

106
AG
5/2

in AMC Records with effect from 01 Aug 80 by Army HQ (Medical Dte.) vide their letter No.07064/IV/DGMS-3B dated 20 Feb 85. The applicant was informed accordingly vide letter No.702211/KBL/LA/Civ/134 dated 26 Feb 85.

(e) That the applicant submitted an application dated 16 Feb 85 to AOC Records requesting to cancel his unwillingness certificate dated 29 Dec. 84 which he had submitted to terminate his lien with AOC Records and requested for submitting a fresh willingness certificate as he then wanted to go back to, COD, Kanpur for the purpose of promotion to UDC. The applicant was interviewed by the then Adm Officer (Capt now Major GP Dobhal) and the then Col Records (Col RP Chatterjee). Fresh certificate dated 22 Feb 85 submitted by the individual on 01 Mar 85 was immediately forwarded to AOC Records vide letter No.702211/KB La1/LA/Civ/137 dated 01 Mar 85. In reply AOC Records intimated vide letter No.6959223/LDC/FS/Adm(Civ) dated 13 Mar 85 that since he had been confirmed in AMC with effect from 01 Aug 80, the question of reverting back to AOC does



Handwritten signature

105

26/5

not arise. The decision was communicated to

AMC Records

the applicant vide ~~office~~ letter No.702211/KB La1/LA/Civ/

144 dated 25 Mar 85 by giving him a copy of AOC Records

letter dated 13 Mar 85.

(f) That the applicant submitted another application dated 16 Jul 85 which was also forwarded to AOC, Records

for reconsideration vide RO AMC letter No.702211/KBL/LA/

Civ/170 dated 22 Jul 85. Again his request was turned

down on the same grounds vide AOC Records letter No. ~~695923/~~

~~MEL-2~~ (Civ) dated 07 Aug 85. The applicant was accord-

ingly informed by giving a copy of AOC Records letter

dated 07 Aug 85. He did not submit any representation

since then.

(g) That after about three years the applicant again

submitted an application dated 03 Aug 88 addressed to

Organisation Directorate, Org 8(I of R) Army HQrs.

with copies in advance to other higher authorities

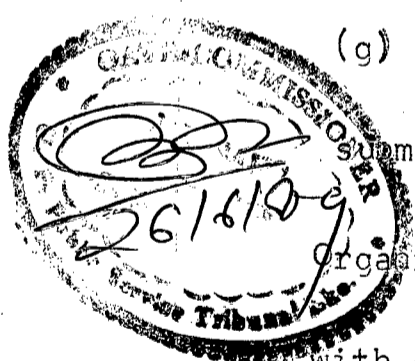
including the Secretary to Govt of ~~Indian~~ ~~Min~~ of Defence

and the Commissioner of Schedule Caste and Schedule Tribes

~~repeating~~ repeating his request to go back to AOC. The

same was forwarded to its addressee for consideration

vide letter No.702211/KBL/LA/Civ/231 dated 07 Oct 88.



Handwritten signature

The application was returned by Army Hqs. stating that

civilian clerks working in AOC Records are not under

their administrative control. The decision of Army

Hq. was conveyed to the applicant on 08 Nov 88 and noted

by him before Adm Officer (Capt GP Arya).

That the contents of para 1 to 4/are formal
& 5

and needs no comment.

That the contents of para 6(a) of the application

are admitted except that from the office of Chief

Engineer, Northern Zone Lucknow the applicant was

posted to Station Hqs. Fatehgarh on 12 Jan 72(AN) and

from there despatched to 46 Prisoners War Camp, Faizabad

for duty with effect from 14 Jan 72.

6. (b) That the contents of para 6 (b) of the application

are not disputed.

That in reply to the contents of para 6(c) of the

application it is stated the applicant submitted an

application dated 6 Oct/13 Nov 84 making certain

observations on seniority roster maintained by

AOC Records, Secunderabad and requesting to make

necessary amendments and also to intimate his promotion

position. The application was forwarded to AOC Records,

Secunderabad under letter No. 70222/KB Lat/Civ/LA/91

dated 30 Nov 84 as the matter pertained to that office.

That the contents of para 6(d) of the application

are incorrect as stated, hence denied and in reply



Handwritten signature or initials at the top right of the page.

Handwritten initials 'S' and 'H' near the top of the page.

Handwritten note 'PO Amc' with an arrow pointing to the text.

Handwritten initials 'H' and 'S' near the middle of the page.

Handwritten signature 'Prady' near the bottom of the page.

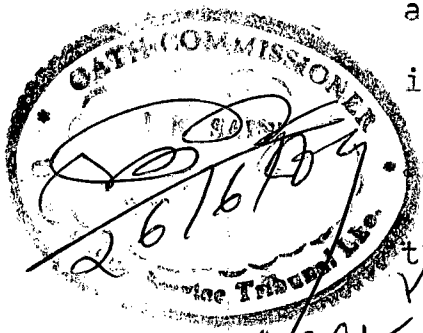
Handwritten signature 'Prady' near the bottom of the page.

Handwritten circled number '109' at the bottom left corner.

103
A/G
6

it is stated that as per Art.67 (decision no.9(14) of CSR Vol I (Chaudris compilation 1979 edition) the ~~xxx~~ lien period on permanent post of the individual is 2 years (3 years in exceptional cases). Since the applicant, had been away from COD Kanpur for more than 3 years, he ~~xxx~~ was required either to be reverted back to COD Kanpur or to submit a formal resignation for termination of his lien in accordance with the above provisions of CSR from AOC, AOC Records, Secunderabad letter No.6959223/LDC/PS/Adm/Civ dated 19 Dec 84 was issued to ~~the~~ office of the deponent only for his reversion back to parent unit or to submit a formal resignation for termination of lien as the maximum lien period had already expired and not in order to authorise his promotion as mentioned.

6/19/84. That the contents of para 6(e) of the application are incorrect as alleged and in reply it is stated that the allegations made are baseless and malicious with intention to malign and tarnish the reputation of a service personnel.



6/19/84. 10. That the contents of para 6(f) of the application are incorrect as stated and in reply it is stated that on receipt of AOC Records Secunderabad letter No. 6959223/LDC/PS/Adm/Civ dated 19 Dec.84 the applicant was called before Adm Officer (then Capt now Major GP Dhobal) on 29 Dec 84 and contents of letter were

[Handwritten signature]

102
AG
17

explained to him by Adm Officer. The applicant expressed his desire for permanent absorption in AMC Records and immediately submitted his resignation for termination of his lien in the permanent post of LDC in AOC with effect from 1 May 80 ie. on completion of two years from the date of posting vide certificate dated 29 Dec 84 (A copy of the above certificate is being filed herewith as Annexure C-1 to this affidavit. The certificate was forwarded to AOC Records, Secunderabad vide ~~xxxxxx~~ ^{Ro AMC} letter dated 14 Jan 85 with copy to COD Kanpur and the applicant. No motivation or allurements of any kind was given to him.

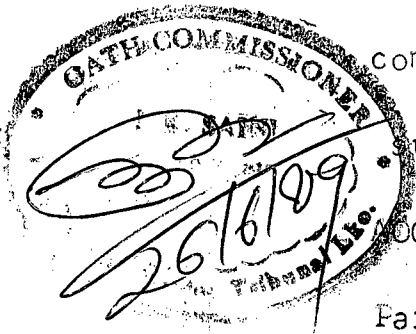
Para 4(g) ¹¹ That the contents of para 6(g) of the application are incorrect as stated and in reply it is stated that the applicant was aware about his lien and confirmation procedure and was very much inclined to be confirmed in AMC Records as such immediately after knowing the

contents of AOC Records letter dated 19 Dec 84 he submitted the resignation for termination of lien from AOC and to be permanently absorbed in AMC Records.

Para 4 ²⁵ of his application dated 26 Nov 84 refers.

A copy of the above application dated 26 Nov 84 is being filed as Annexure C-2 to this affidavit.

The applicant was accordingly confirmed in the post of LDC in AMC Records Lucknow with retrospective effect from



[Handwritten signature]

101

A/S
1/6

1 Aug 80 and his lien was terminated from AOC with effect from 1 May 80. AOC Records Secundrabad letter dated 18 Jan 85 is in reply to observations made by the individual vide his application dated 6 Oct/13 Nov 84 forwarded to AOC Records vide letter dated 30 Nov 84. The contents of the AOC Records letter dated 18 Jan 85 were also explained to the applicant by Adm Officer and the same were noted by him. This is evidently proved by his application dated 16 Feb 85 in para 2 of which he has quoted the reference of AOC Records letter dated 18 Jan 85. A copy of this letter is being enclosed as Annexure C-3 to this affidavit.

The applicant was satisfied with the reply and did not make any representation. Since he had already submitted his resignation for termination of his lien from AOC on 29 Dec 84 which was forwarded to AOC Records vide letter dated 14 Jan. 85

and the applicant did not submit any fresh willingness/unwillingness certificate, AOC Records was informed accordingly.



(CA) 12-12

That the contents of para 6(h) of the application are incorrect as stated, and in reply it is stated that the certificate was required by AOC Records only for his reversion

[Handwritten signature]

100

A-6
9

back to parent unit or to terminate his lien after expiry of 3 years period and not to authorise his promotion as alleged. Army HQ letter dated 29 Nov 82 and AOC Records letter dated 19 Dec 84 are quite clear on the subject. AOC Records, Secunderabad vide letter No.6959223/LDC/FS/Adm(Civ) dated 14 Feb 85 intimated that his lien from AOC was being terminated with effect from 1 May 80 consequent upon tendering his resignation dated 29 Dec 84. The applicant was by that time confirmed in AMC Records with effect from 01 Aug. 80. The fact was intimated to the applicant vide letter dated 26 Feb 85 with copy to AOC Records and COD Kanpur. The allegations made against the Adm Officer (then Capt now Maj. GP Dhobal) for hiding any facts are baseless and incorrect.

6/2/13

That in reply to the contents of para 6(i) of the application it is stated that the applicant subsequently changed his mind and submitted his representation dated 16 N Feb.85. He was also interviewed by the then Adm Officer and Col Records (Col RP Chaterjee) and was asked to submit a fresh willingness certificate as requested. Fresh certificate dated 22 Feb 85 regarding his willingness to accept promotion of UDC in AOC submitted by the individual on 01 Mar.85 forwarded to AOC Records Secunderabad vide letter dated 01 Mar. 85 for consideration with copy to COD Kanpur and the applicant. The representation dated 22 Jan 85 submitted by Smt Shobha wife of the



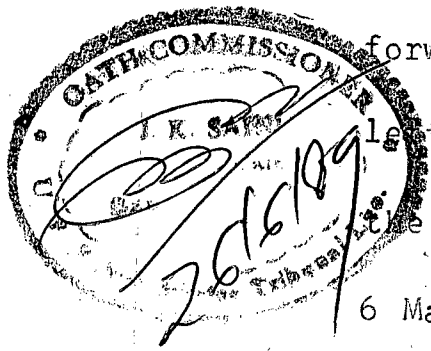
Handwritten signature or initials.

019
06
10

applicant direct to AOC Records Secunderabad was received in AMC Records under AOC Records letter dated 06 Mar 85. AOC Records in another letter dated 13 Mar 85 intimated that since the applicant had been confirmed in AMC Records with effect from 01 M Aug. 80 the question of reverting him back to AOC does not arise. As such his lien in AOC is being terminated with effect from 01 May 80. A copy of AOC Records letter dated 13 Mar 85 was forwarded to the applicant for his information vide letter dated 25 Mar. 85.

N
6/2/85

That in reply to the contents of para 6(j) of the application it is submitted that before receipt of the representation dated 22 Feb 85 from the wife of the applicant vide AOC Records letter dated 06 Mar 85 & received on 21 Mar. 85, fresh certificate regarding willingness to accept the promotion in AOC had already been obtained and



forwarded to AOC Records Secunderabad vide RO AMC letter dated 01 Mar. 85. The question of cancelling the facts mentioned in AOC Records letter dated 6 March 85 does not arise as the copy of the letter was endorsed to the wife of the applicant also.

Handwritten signature

The question of obtaining again a fresh willingness/unwillingness certificate from the individual at this stage also does not arise as willingness certificate to accept the promotion in AOC had already been obtained and forwarded to AOC Records on 01 Mar. 85.

98

AB
11

642) 15. That in reply to the contents of para 6(k) of the application it is submitted that the applicant again submitted an application dated 16 Jul 85 with advance copy sent to AOC Records, requesting for re-consideration of his case regarding reversion to AOC, in case his confirmation in AMC Records is cancelled. The application was forwarded to AOC Records for sympathetic consideration ^{Ro AMC} vide letter dated 22 Jul 85 stating that in case his confirmation in AMC is a bar for accepting him back to AOC, ~~xxxxxx~~ the office of the deponent will take up the case with the concerned authority for cancellation of his confirmation. The officer in charge, AOC Records was requested to confirm whether he would be accepted by them in case his confirmation in AMC was cancelled. Copy of the letter dated 22 Jul 85 was also endorsed to COD Kanpur and the applicant for information with ~~xxxx~~ reference to his application dated 16 Jul 85.



642) 16. That ~~xxx~~ in reply to the contents of para 6(l) of the application it is submitted that the applicant went on waiting from Jul 85 to Jun 88 but nothing was heard from any corner, as alleged by the applicant is incorrect, it is a fact that the decision of the AOC Records received vide their letter dated 7 Aug 85 was communicated to the applicant by giving a copy of the letter vide letter dated 28 Aug. 85. After

42

(97)

(A-10)
12

about 3 years an application dated 03 Aug 88 addressed to Organisation Directorate, Army Headquarters New Delhi with copies in advance to other higher authorities including the Secretary to Government of India, Ministry of Defence and the Commissioner of Schedule Caste and Schedule Tribes, New Delhi was again submitted by the applicant which was forwarded to its addressee for consideration vide letter dated 07 Oct 88. The application was returned by Org Dte (I of R) Army Headquarters stating that civilian clerks working in AOC Records are not under their administrative control. The decision of Army HQ. was conveyed to him on 08 Nov.88 which was noted by him before Adm officer (Capt GP Arya).

6(m) 17/27

That the contents of para 6(m) of the application need no comments from the answering deponent.

6(n) 18

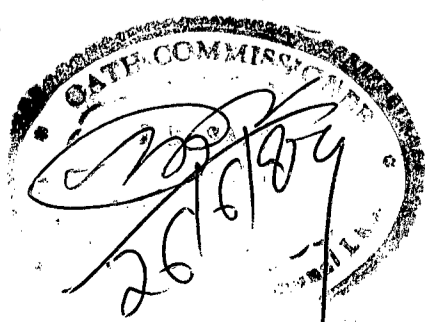
That the contents of para 6(n) of the application are incorrect as stated and in reply it is stated that on receipt of reply from Army HQrs. he was called in the office of the Adm Officer for conveying the decision which he noted on 08 Nov 88 before the Adm Officer (Capt GP Arya).

[Handwritten signature]

para 7 and 8 19

That the contents of para ~~7 and 8~~ 9 of the Application need no comments.

7 and 8 *[Handwritten signature]*



26
13

Parag 20.

That the contents of para 9 of the application including the grounds mentioned therein are incorrect and denied. The applicant is a literate person working as LDC in the Defence Department. He is well aware of all rules on the subject matter. He willingly gave his consent and signed certificate dated 29 Dec. 84 for his permanent absorption as LDC in AMC Records, Lucknow and submitted his resignation for termination of his lien in permanent post of LDC in AOC with effect from 01 May 1980. Accordingly, based on his signed certificate his lien was terminated in AOC and he was confirmed as permanent LDC in AMC Records. The willingness once rendered cannot be cancelled. The termination of lien in AOC and absorption in AMC Records are legal valid, just and correct as per rules. The whole action has been taken after following correct procedure as per rules. The applicant's claims, contentions are baseless and not supported by rules. He is neither entitled to restoration of the

[Handwritten signature]

26/6/89
BATH COMMISSIONER

AG
19

terminated lien nor for any relief or benefit or any other claim. The post vacated on termination of his lien in AOC has already been filled. He has made false and flimsy allegation against the administration and in this connection it is submitted as under:-

(a) As per Article 89 CSR, any individual shall held lien in the parent department upto 2-3 years or till the date of confir ation in his new establishments.

The applicant has been confirmed in AMC Records with effect from 01 Aug 80 and his lien has been terminated in AOC R cords, as per certificate rendered/signed by him on 29 Dec 84. The termination of lien has been published vide AOC Records DO Part II order No.16/Adm (civ) dated 28 Mar 85. As such, the applicant has no claim to revert back to his parent department. His claim is vexatious/illegal and baseless.

Handwritten signature/initials



A-6
15

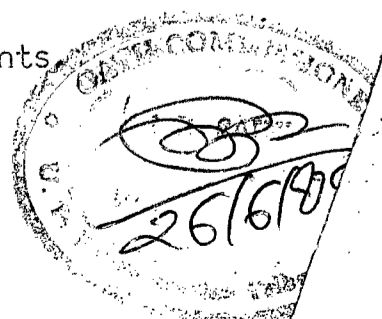
(b) The order for termination of lien were passed on 14 Feb 85. The time limit for filing appeal in the Hon'ble Tribunal is only one year, which expired on 13 Feb 86. The application dated 08 Feb 89 filed by the applicant is time barred vexatious and against the Rules.

In view of the facts and submissions made above, the present application deserves dismissal with costs, being devoid of any legal force and merits.

~~Paras 21~~ ²¹ That in reply to the contents of para 10 of the application it is submitted that in the light of reply furnished to para 9 of the application, the applicant is not entitled to get any interim relief as the post vacated on termination of his lien in AOC has already been filled up.

~~Paras 11 to 13~~ ²² That the contents of paras 11 to 13 of the application need no comments.

[Handwritten signature]



A.6
16

27 That in view of the facts and submission made above the present application deserves dismissal with costs, the same being devoid of any legal force and merits.

Deponent
on behalf of the Respondents.

Lucknow,

Dated: 26/6/89 Verification.

I, the above named deponent do hereby verify that the contents of paragraphs 12 to 2 are true to my personal knowledge, those of

pararaphs 32 to 22 are believed by me to be true on the basis of

records and information gathered and those of paragraphs 223 to are

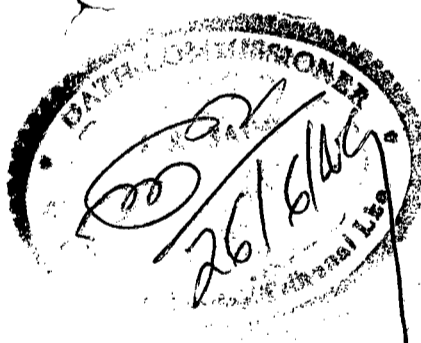
are also believed by me to be true on the basis of legal advice. No part of this affidavit is

false and nothing material has been concealed.

Deponent
on behalf of the Respondents.

Lucknow,

Dated: 26.89



17/9/09

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

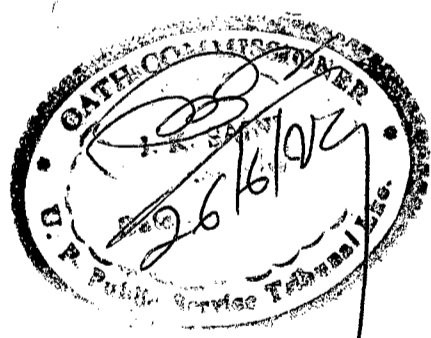
(VK Chaudhari)

Addl Standing Counsel for Central Govt
Counsel for the Respondents.

Solemnly affirmed before me on 26/6/09
at 7.10 am/pm by the deponent who is identified by Shri VK Chaudhari, Advocate, Lucknow.

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

Oath Commissioner .



(94)
(A.G./10)

ANNEXURE C-1

CERTIFICATE.

I, No.6959223 LDC Kunj Behari Lal who is holding a permanent post of LDC in the Army Ordnance Corps hereby give my consent for my permanent absorption in the services of Lower Division Clerk in Records AMC, Lucknow-2 and submit my resignation for the termination of my lien in the permanent post of Lower Division Clerk in AOC with effect from 01 May 80, lien completion of 2 years from the date of posting.

Sd/- Kunj Behari Lal

29 Dec. 84.

Attested.

Sd/- GP Dobhal
Capt
RO
for Officer-in-charge
14.1.85.



93
AG/CM

ANNEXURE C-2

From: P.No.695223 LDC Kunj Behari Lal
Army Medical Corps Records
Lucknow-2

To: Organisation Directorate Org 8(I of R)
Adjutant General's Branch
Army Headquarters
West Block-III, RK Puram
NEW DELHI-11.

(Through proper channel)

PERMANENT/CONFIRMATION OF SERVICE FROM THE DATE
OF APPOINTMENT AGAINST SCHEDULED CASTE (RESERVE
QUOTA VACANCY)

...

Respected Sir,

1. I have the honour to request you through the following few lines for your favour of consideration/kind equidity and sympathetic order please.

2. Respectfully I beg to state that I was employed as LDC in Chief Engineer Northern Zone Lucknow wef 18 May 1971. I was declared surplus to that establishment and posted to 45 Prisoners of War camp Faizabad. Again I was declared surplus from the same unit because the unit was disbanded and posted on permanent posting to COD Kannur vide Army HQrs. AG's Branch letter No.68181/Dec/2/78 Org (Civ)(b) dated 15 Dec 73. Thereafter for compassionate posting to my home town ie. Lucknow and posted to RO AMC Lucknow vide Army HQrs. AG's Branch letter No.70538/Apr /78/Org-4(C7c)(b) dated 06 Apr 75. Where I am still serving.

3. The new combined seniority roll/common roster has been made for all records, but AOC Records Secunderabad is not included with AMC Records, Lucknow. Sir I was born on the strength of AOC Records, Secunderabad, but at present I am serving in AMC Records Lucknow since 1978. The new combined common roster means these personnel applied for compassionate posting for home town, their seniority must not be lost their seniority must be counted from the date of



92
A B
20

appointment, but my seniority has been disturbed my seniority has not been counted in both establishment i.e. AOC Records Secunderabad and AMC Records, Lucknow. I am very junior in this establishment, no such the promotion chance is very bleak for me in both establishment.

4. I was confirmed/permanent in previous unit i.e. COD Kanpur wef 09 Feb 76 vide their DO Pt II order No.47/4/78, but I am not confirm/permanent in this office. My lien will be continued in previous unit, when I will permanently/confirmation the strength of AMC Records, Lucknow, then my lien will be discontinued from the AOC Records Secunderabad, as my permanency is very compulsory in this establishment. It is also learnt that under existing orders for SC employees beigg confirm from their date of appointment.

5. It is therefore requested that I may please be confirmed/permanent in this office from the date of appointment according to the existing orders/rule for S/C employees in reserve vacancy/quota. Action taken on the above subject matter may please be intimated to this office. I will not forget your kindness/sympathetic consideration till last breath of my life, for this act of kindness I will be remain grateful to you. An early action on the above subject matter will be much appreciated.

6. Thanking your honour for the perusal and hope for an early favourable response.

Yours faithfully,
Sd/- KB Lal
LDC, P.No.6959223
RO AMC Lucknow-26 Nov.84

Copy to:-

1. The Commissioner for SC/ST
West Block 1st Floor Wing No.V
R.K. Puram, New Delhi-110066.
2. The Secretary, All India Defence Clerk Association
RO, AMC Lucknow.

for
similar
action
please

/COPY/

26/11/84

91

AS/2

From: P.No.6959223 LDC Kunj Behari Lal
Army Medical Corps Records
Lucknow-2

To : Officer-in-Charge
AOC Records
Post Box No.3
Trimulgherry Post
Secunderabad-500015

Through Proper Channel.

Recall on Deputationist No.6959223 LDC
Juni Behari Lal.

...

Respected Sir,

With due respect and humble submission I beg to state the following lines for your sympathetic consideration and favourable order please.

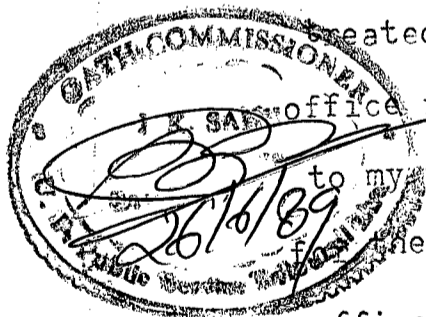
2. In this connection a reference is invited to your office letter No.6959223/LDC/FS/Adm(Civ) dated 18 Jan 85 and my previous application dated 13.11.84.

3. I was confirmed in your establishment vide COD Kanpur DO Pt II No.47/4/78. A certificate of termination of lien of my confirmation was despatched to your office incorrectly vide this office letter no.702211/KBL/LA/Civ/105 dated 14 Jan 85, this may please be

created as cancelled and the same be returned to our office for cancellation, because I want to come back to my previous ~~office~~ unit (ie. COD Kanpur) for the purpose of my promotion as UDC. Here in this office I am still temp LDC. I may please be promoted

as UDC on seniority basis.

4. In this connection, I request your honour with my folded hand please ask for a willingness certificate from my office and recall me immediately. It is also requested that a copy of your office letter



No.6959223/LDC/FS/Adm(Civ) dated 18 Jan 85

may please be forwarded to organisation Directorate
(I of R) for necessary action under intimation to me.
I hope that you will take necessary action on the
subject matter, it is under your kind jurisdiction/
sympathetic consideration. I will not forget your
sympathetically consideration till last breath of my
life. To this act of kindness I shall be ever remain
grateful to you. An early reply is requested.

Thanking you in anticipation.

Yours faithfully,

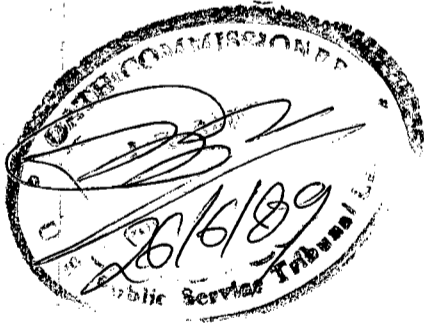
Sd/- KB Lal
LDC, P No.6959223
No.RO AMC, LKO-2

Station: Lucknow

Dated: 16 Feb 85

Copy to: COD Kanpur - A certificate regarding
termination of lien of my confirmation was
despatched to your office immediately.

/copy/



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



O.A. No. 37 of 1989.

Filed today
L
17/4

Kunj Bahari Lal Applicant.
Versus
Union of India & others Respondents .

REJOINDER AFFIDAVIT

I, Kunj Bahari Lal aged about 40 years, son of Shri Chhotey Lal presently serving as L.D.C. in Army Medical Corps Records, Lucknow, do hereby solemnly affirm and state on oath as follows :-

1. That the deponent is the petitioner in the above noted application and as such he is fully conversant with the facts of the case and with those deposed here under.

2. That para 1 and 2 of the counter affidavit are formal and Call for no reply.

Issued

1917
1/2

3. That para 3 of the counter affidavit as stated is denied and it is submitted that the position explained in paras 6 (a) to 6 (h) of application ~~is only~~ supported with annexures is only correct and not as metely stated in counter affidavit without supported with any annexures.

4. That para 4 of the counter affidavit is not disputed.

5. That in reply to para 5 of the counter affidavit the contents of para 6 (a) of the application are hereby reiterated.

6. That para 6 of the counter affidavit is not disputed.

7. That para 7 of the counter affidavit is denied and it is submitted that the respondents have concealed the facts and have not stated any thing about the application dated 6/11-10-1984.

Ward

AF
2

8. That para 8 of the counter affidavit is denied and the contents of para 6(d) of the application are hereby reiterated.

9. That para 9 of the counter affidavit is denied and it is submitted that the applicant has correctly stated the position in para 6(e) of the application.

10. That para 10 of the counter affidavit is denied and the contents of para 6 (f) of the application are hereby reiterated and it is further submitted that as per the Rules in force after explaining the contents of the letter the signature of the individual must be obtained on the letter itself the contents of which are explained. Infact, the respondents are trying to put wrong facts before this Hon'ble Tribunal to pour water on the actual facts.

11. That para 11 of the counter affidavit is denied and it is submitted that the

Amr

4/4

respondents have not stated the correct position. Infact, it is already stated in para 6 (g) and 6(f) of the application that it was conspiracy of Shri Thomas which created lot of problems and when it was learnt , immediately the matter was represented before the authorities concerned by the applicant.

12. That para 12 of the counter affidavit is denied and the contents of para 6 (h) of the application are hereby reiterated.

13. That para 13 of the counter affidavit is denied and it is submitted that the applicant while submitting the application dated 16-2-1985 also explained the facts to Col. R.F. Chatterjee who was kind enough to give proper hearing and subsequently taken up the matter (Annexure A-7 of the application) but nothing has been yielded so far.

14. That para 14 of the counter affidavit

has

8/3

is denied and the contents of para 6 (j) of the application are hereby reiterated and it is further submitted that when the willingness certificate was not asked that was sent and when it was actually asked (vide annexure A-6 of the application) the same was concealed which has diluted such results.

15. That in reply to para 15 of the counter affidavit the contents of para 6 (k) of the application are hereby reiterated.

16. That para 16 of the counter affidavit is denied and it is submitted that the applicant had never been intimated the progress of his representation during the referred period.

17. That in reply to para 17 of the counter affidavit it is submitted that the answering

Answered

(A7/6)

respondents are well aware of the referred correspondence but have not stated any thing about that hence the contents of para 6 (m) are to be treated as correct.

18. That in reply to para 18 of the counter affidavit it is submitted that the applicant was intimated rejection order by dealing concerned only.

19. That para 19 of the counter affidavit is not disputed.

20. That para 20 of the counter affidavit is denied and it is submitted that the consent was obtained by way of fraud which was as soon as learnt was represented every such correspondence is on record. As per the law the consent obtained by way of fraud is illegal and has to be cancelled.

Army order/ office order can be modified, changed or cancelled and there is no complication in such action being an usual and regular course of action.

Assured



On the point of being time barred application, it is submitted the applicant had been representing ~~the~~ at times to hear and when ordered to wait has only waited. On getting negative reply the applicant has approached this Hon'ble Tribunal. It is also submitted that on the promotion matter cause of action is day today until promotion authorised. Hence the application is not barred by time and it is well in limitation. The application being full of merit and based on cogent grounds is liable to be allowed and the same may be allowed.

21. That para 21 of the counter affidavit is denied and it is submitted that in the aforesaid circumstance the applicant is entitled for the reliefs including interim relief prayed before this Hon'ble Tribunal.

22. That para 22 of the counter affidavit is not disputed.


23. That in view of the facts, reasons and

As per

A7/9

circumstances stated above the applicant's application being full of merits and based on cogent grounds is liable to be allowed with cost and the same may be allowed in the interest of justice, otherwise the applicant shall suffer irreparable loss and injury.

Lucknow, dated;
July 30, 1939.


Deponent


Verification

I, Kunj Behari Lal aged about 40 years, son of Shri Chhotey Lal, resident of E-1/742, Minaya Khand-I, Gomati Nagar, Lucknow, do hereby verify that the contents of paragraphs 1 to 19 are true to my own knowledge and the contents of paragraphs 20 to 23 are believed by me on the basis of legal advice and that I have not suppressed any material fact.

Lucknow, dated;
July 30, 1939.


Deponent

Identified Shri Kunj Behari Lal who has signed before me and is personally known to me.


(T.N. Tiwari)
Advocate

Counsel for the applicant.