

Annexure - A
CAT - 82
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD//
CIRCUIT BENCH, LUCKNOW

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INDEX SHEET

CAUSE TITLE

Reg. O.A. 53 OF 1989 (L)

Name of the parties Guru Parasad Verma and Hira Lal

VERSUS

Chief Superintendent Central
Telegraph Office Lucknow and ors.

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B1
22-6-2011

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Last, find that no further action is required to be taken and that the case is fit for assignment to the record room (OJ)

SO (5)

17.3.89

Hon. D.S. Misra, A.M.

Hon. S.K. Agrawal, J.M.

A rejoinder has been
filed on behalf of the

applicant. Sri I. B. Singh

Learned counsel for the applicant

and Sri V.K. Chaudhry for

the respondents are present.

Arguments heard, Judgment
reserved.

b/-

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J.M.

A.M.

b/-

Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, GANDHI BHAWAN
LUCKNOW

No. CAT/CB/LKO/

Dated :

3.4.89

OFFICE - MEMO

Registration No. O.A. _____ of 193 _____
T.A. 53 9 (L)

Applicant's

G.P. Verma

Versus

Union of India

Respondent's

A copy of the Tribunal's Order/Judgement
dated 31.3.89 in the abovenoted case is forwarded
for necessary action.

For DEPUTY REGISTRAR (H)

Encl : Copy of Order/Judgement dated 31.3.89

To.

(1) Shri I.S. Singh, Adv. C/A

(2) Shri V.K. Chaudhary, Adv. C/A

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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Circuit Bench at LUCKNOW

Registration O.A. No. 53/89 (L)

Guru Prasad Verma and

Hira Lal Applicants

Versus

Chief Superintendent, Central
Telegraph Office, Lucknow and ^{the} ors ... Respondents

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

Hon' Mr. D.K. Agarwal, J.M.

(By Hon' Mr. D.K. Agarwal, J.M.)

This application under section 19 of Central Administrative Tribunals Act 1985 has been filed by two employees of Central Telegraph Office, Lucknow, namely, Guru Prasad Verma and Hira Lal against their transfer orders dated 31.1.89 and 8.2.89 respectively, to Barabanki. Their contention is that they are senior employees of the Central Telegraph Office, while the instructions are to effect transfer of junior employees from surplus staff to newly established Departmental Telegraph Office. They have placed reliance on the instructions contained in the letter from the Government of India, Ministry of Communication, Department of Tele-communication, Sanchar Bhawan, New Delhi, dated 21.11.1988 contained in Annexure-I.

DK: Agarwal

2. In the counter affidavit, the respondents have pleaded that there were no surplus staff at Lucknow. The respondents have alleged in para 12 of the counter affidavit that only 87 Telegraphists are available in the Central Telegraph Office, Lucknow as against ~~the~~ sanctioned strength of 100 Telegraphists. They have further pleaded in paras 10 and 11 of their counter affidavit that the transfer orders have been passed in accordance with the directions of Director General, Posts & Telegraph, New Delhi, contained in letter No. 257/97/75-STB-I, dated 11-10-73 (Annexure-No. 'B' to the counter affidavit). They have also pleaded in paras 3(d) and 11 of the counter affidavit, that the decision was taken in the 40th and 43rd RC JCM meeting held on 4-11-87, under Item No. 19, that employees with longest standing should be transferred to Departmental Telegraph Office, outside Lucknow vice those who have completed two years stay in Departmental Telegraph Office, outside Lucknow, like, Barabanki, Hardoi, Kheeri etc. etc. The contention of the respondents is that the applicants were employees of the longest standing at Lucknow and that they have been directed to be transferred vice those who have already put in 2 years service in Departmental Telegraph Office, Barabanki.

3. We have considered the matter. We do not find any material on record to hold that there was any surplus staff at Central Telegraph Office,

DK

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Lucknow. If so, the transfer order of the applicants must be taken ^{to} have been passed in routine manner. Further, there is no material on record to rebut the contentions of the respondents that the applicants were having longest stay at Lucknow. The order of transfer also makes a mention in respect thereof. Thus, in our opinion, there is no force in this application.

4. Before we part, we ^{may} have also observed that the two employees have joined together in an application against their individual transfer order without the permission of the Tribunal warranted by the rules of procedures. However, since we have heard the application on merits, we proceed to pass the final order.

5. The application is dismissed with no order as to costs.

DK (S)

(sns)

J.M.

Bhima

A.M.

Lucknow

MARCH 31st, 1989

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH, ALLAHABAD, LUCKNOW BENCH, LUCKNOW.

G.P. Verma & Another Applicants.

VERSUS

Chief Superintendent, Telegraph, Lucknow and another Respondents.

I N D E X

| Sl.No. | Particulars | Page No. |
|--------|-------------|----------|
|--------|-------------|----------|

1. Application U/s 19 of the Administrative Tribunals Act to to 9

2. ANNEXURES

a) True copies of letter issued by Govt. of India dated 21.11.1988 10

b) True copy of application submitted by Petitioner No. 2 dated 13.1.1989 11

c) True copy of application submitted by Petitioner No. 1 dated 13.1.1989 12

d) Photocopy of order of transfer dt. 31.1.89 13

e) Photocopy of order of transfer dt. 8.2.89 14

Lucknow :
Dated : 23.2.1989

IB Singh
(I.B. SINGH) ADV.
COUNSEL FOR THE APPLICANTS.

DATE OF FILING : 23RD FEBRUARY 1989.

BETWEEN

1. Guru Prasad Verma
2. Hira Lal

***** APPLICANTS

AND

1. Chief Superintendent, Central Telegraph Office, Lucknow.
2. Chief General Manager, U.P. Telecom., Lucknow.

***** Respondents.

DETAILS OF APPLICATION

1. Particulars of the Applicants:

No. 1

i) Name of the Applicant
No. 1

: Guru Prasad Verma

ii) Name of the father : Shri Raghunandan Prasad

iii) Designation and
office in which
employed : Telegraph Master
(Operative), Central
Telegraph Office,
Lucknow.

iv) Office Address : As above

v) Address for service
of all notices : New Colony,
Jiyamau, Hazratganj,
Lucknow.

i) Name of the Applicant
No. 2

: Hiralal

ii) Name of the father : Late Shri Chhotey Lal
Gupta

iii) Designation and
office in which
employed : Telegraph Master
(Operative), Central
Telegraph Office,
Lucknow.

iv) Office Address : As above

v) Address for service
of all notices :

*Guru
Prasad
Verma*
Hiralal

Hira Lal

***** 2/-

(P4)
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2. PARTICULARS OF THE RESPONDENTS

i) Designation of the Respondent No. 1 : Chief Supterintendent, C.T.O.

ii) Office Address of the Respondent No. 1 : Central Telegraph Office, Lucknow.

iii) Address for service of all notices : As above.

i) Designation of the Respondent No. 2 : Chief General Manager, U.P. Telecommunication, Lucknow.

ii) Office address of the Respondent No. 2 : Office of the G.M. (Tel.), Hazratganj, Lucknow.

3. PARTICULARS OF THE ORDER AGAINST WHICH APPLICATION IS MADE :

i) Order Numbers : T-99/BBK/74 and T-99/BBK/78

ii) Date : 31.1.1989 and 8.2.1989

iii) Passed by : Chief Supterintendent, C.T.O., Lucknow.

iv) Subject in brief : The applicants who do not belong from the surplus, staff of Central Telegraph Office, Lucknow have been transferred to Departmental Telegraph Office, Barabanki although the juniors as well as surplus staff are still available at C.T.O. Lucknow to be transferred to Departmental Telegraph Offices.

4. JURISDICTION OF THE TRIBUNAL :

The applicants declare that the subject matter of the order against which they wants redressal is within the jurisdiction of the Tribunal.

5. LIMITATION :

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

6. FACTS OF THE CASE :

A) That the applicant No. 1 - Guru Prasad Verma joined the department as Telegraphist on 1.5.1965 and was given substantive appointment w.e.f. 1.3.69 in Central Telegraph Office, Lucknow.

B) That the applicant No. 2 - Hira Lal, joined the department as Telegraphist in C.T.O., Lucknow on 22.7.1965 and was confirmed w.e.f. 1.3.1972 and is still posted in C.T.O., Lucknow.

C) That both the applicants were promoted to the post of Telegraph Master (Operative) under one time-bound promotion scheme and the said posts the applicants are still holding.

D). That the total strength of the Telegraph Master (Operative) and the Telegraphist in C.T.O., Lucknow having the same cadre, is 100 and at present

By
S

the total strength of the Telegraphist/

Telegraphist Master (Operative) assigned to C.T.O., Lucknow is 124. As such the 24 persons who are junior most are supposed to be surplus staff in the C.T.O., Lucknow.

(E) That the Departmental Telegraph Offices were started in several places i.e. Barabanki, Kheri, Hardoi and Alambagh (Lucknow) but no posts of Telegraphist/Telegraph Master (Operative) were created for the aforesaid places, as such on each places a total strength of 24 Telegraphist/Telegraph Master (Operative) were sent from the total strength of C.T.O., Lucknow.

(F) That as no sanction has been granted for the post of Telegraphist/Telegraph Master (Operative) at places Kheri, Hardoi, Barabanki and Alambagh (Lucknow), as such 24 persons of the total sanctioned strength of C.T.O. office have been sent to those places. It is relevant to mention here that the 24 persons who have been sent to those places are senior staff members and they do not belong from surplus staff, as such are sanctioned staff of C.T.O., Lucknow.

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G) That previously there was an understanding to the effect that the senior staff members would be sent to the Departmental Telegraph Offices ~~where~~ where the posts have ~~been~~ not been sanctioned and after completion of two years, they would be called back to the C.T.O., Lucknow. Out of those 24 persons mostly have completed two years service in D.T.O.s, but they have not been called back to C.T.O., as such out of sanctioned strength of C.T.O. 24 persons are working in Departmental Telegraph Offices and the surplus staff have been retained at C.T.O., Lucknow.

H) That the matter was raised several times before the respective authorities and, therefore, a letter was issued by Govt. of India, Ministry of Communications, Department of Telecommunication No. 256-25/86-STN dated 21.11.1988, by which the directives was issued to the Respondents to transfer only surplus staff to other places and about the surplus staff, it was observed that the seniority would be the only criteria. To make it more clear it was decided that the senior staff members would be deemed to be sanctioned staff of C.T.O. and juniors would automatically become surplus staff. A true copy of the said letter is being annexed herewith as ANNEXURE NO. 1 to this petition.

*Bom
Herald*

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I) That after issue of the aforesaid directive the petitioner No. 1 & 2 separately moved applications to the respondent No. 1 through which they informed that till date no post have been created for the places Barabanki, Hardoi, Kheri and Alambagh (Lko.) Departmental Telegraph Officers, as such the persons working there, who have earlier been transferred from C.T.O., Lucknow and are senior staff members are of the total strength of C.T.O., Lucknow and the juniors at Lucknow are deemed to be the surplus staff and only they can be transferred to other places. True copies of the applications submitted on 13.1.89 are being filed as ANNEXURE NOS. 2 & 3 to this petition.

J) That the petitioners, who were appointed in the year 1965, are the senior staff members at C.T.O. Lucknow and there are approx. 48 juniors to the petitioners in the total strength at C.T.O., Lucknow.

The names of some of junior members are S/Shri H.H. Kangari appointed on 10.1.76, Gopal Prasad, appointed on 18.6.73, Anwarul Haque, appointed on 12.5.73, R.S. Pandey, appointed on 13.8.1973, Munna Lal Sharma, appointed on 18.6.73. The gradation list prepared on 1.1.1984 will be produced at the time of argument.

B.M.
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K) That in view of the facts stated above,

RBG J.Ade

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the applicants being senior staff members, cannot be transferred to Departmental Telegraph Offices, but surprisingly two transfer order were passed, one on 31.1.1989 transferring the petitioner No. 2 from C.T.O., Lucknow to D.T.O., Barabanki and the other on 8.2.1989 transferring the petitioner No. 1 from C.T.O., Lucknow to D.T.O., Barabanki. Photocopies of the aforesaid orders are being filed here-with as ANNEXURE NOS. 4 & 5 to this petition.

L) That immediately after coming to know about the illegal transfer orders, the applicants submitted representation to the Chief Superintendent, C.T.O., Lucknow and Chief General Manager (Telecom.) on 9.2.89 and 10.2.1989 respectively. Although the said representations are not required under any Rule or statute but the applicants protested their transfer by moving the said representations but no action so far has been taken on the said representations.

M) That the order of transfer is bad and is illegal in view of the facts already stated above.

7.

RELIEF(S) SOUGHT

In view of the facts mentioned in para 6 above, the applicants pray for the following relief(s) :-

a) The aforesaid orders dated 31.1.89 and 8.2.89 contained in Annexure Nos. 4 & 5 to this petition may be quashed and be declared illegal.

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*Bom
Muralid*

*Bom
Muralid*

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8. INTERIM ORDER :

The applicants pray that pending final decision on the applications, the operation of the order of transfer may remain stayed and the applicants be not compelled to join at Departmental Telegraph Office, Barabanki and may be allowed to perform their duties at C.T.O., Lucknow as the transfer order has been passed in violation of the directives issued by the Govt. of India dated 21.11.1988.

9. DETAILS OF THE REMEDIES EXHAUSTED :

The applicants declare that against the order of transfer, no remedy is available under any service rules but anyhow the applicants have send a representation to the respondents upon which no action has been taken so far.

10. MATTER NOT PENDING WITH ANY OTHER COURT, ETC. :

The applicants further declare that the matter regarding which this application has been made is not pending before any Court of law or any other authority or any other Bench of the Tribunal.

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

a) Name of the Bank on which drawn :

Or
b) Demand Draft No. :

(c) Indian Postal Order No. DD 088990

..... 20/-

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Manali

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12. DETAILS OF INDEX :

An Index in duplicate containing the details of the documents to be relief upon is enclosed.

13. LIST OF ENCLOSURES : 1 to 5

In verification :

We, Guru Prasad Verma and Hira Lal, sons of Shri Raghunandan Prasad and Late Shri Chhotal Lal Gupta, aged about years and years respectively, working as Telegraph Master (Operative), Central Telegraph Office, Lucknow, resident of New Ziyamau, Hazratganj, Lucknow, do hereby verify that the contents of paragraphs 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Place : Lucknow

Date : 23.2.1989

Signatures


(Applicant No. 1)


Hira Lal

(Applicant No. 2)

To,

The Registrar,

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL
BENCH, ALLAHABAD, CIRCUETBENCH, LUCKNOW.

G. P. Verma & another Applicants

Versus

Chief Supdt., Telegraph
Lucknow and another Respondents

ANNEXURE NO. 1

GOVT. OF INDIA
MINISTRY OF COMMUNICATIONS
DEPARTMENT OF TELECOMMUNICATIONS

SANCHAR BHAVAN
NEW DELHI

DATED : 21.11.1988

NO. 256-25/86-STN

TO :

ALL HEADS OF TELECOM CIRCLES DISTRICTS
ALL HEADS OF OTHER ADMINISTRATIVE UNITS
MANAGING DIRECTOR, M.T.N.L. DELHI.

SUBJECT : TRANSFER OF SURPLUS STAFF DUE TO REORGANISATION OF BOUNDARIES ON INTRODUCTION OF NEW TECHNOLOGY.

IN SUPERSESSION OF THIS OFFICE CIRCULAR LETTERS
OF EVEN NO. DATED 1.4.88 AND 27.5.88 ON THE ABOVE
SUBJECT, IT HAS BEEN DECIDED THAT THE FOLLOWING
CRITERION WILL BE FOLLOWED FOR TRANSFER OF SURPLUS
STAFF :-

FOR TRANSFER OF SURPLUS, WHETHER FROM ONE
RECRUITMENT UNIT TO ANOTHER OR WITHIN THE SAME
RECRUITMENT UNIT, SENIORITY WOULD BE THE ONLY CRITERION
I.E., TRANSFER WILL BE EFFECTED STARTING FROM THE
JUNIOR MOST OFFICIAL IN THE GRADATION LIST.

Sanjay Kumar
SIGNATURED
(SANJAY KUMAR)
DIRECTOR (ST)

Sanjay Kumar
COPY TO :

1. DIRECTOR (VT)/ADG (MPT)/NCG/CSE SECTIONS TELECOM.
DIRECTORATE.
2. ALL RECOGNISED UNIONS/FEDERATIONS/ASSOCIATIONS.

TRUE COPY

Y. M. Singh
H.O.V.C.

(P.M.)
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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL
BENCH, ALLAHABAD, CIRCUIT BENCH, LUCKNOW.

G. P. Verma and
another

Applicants

Vs.

Chief Supdt., Telegraph
Lucknow and another *****

Respondents.

ANNEXURE NO. 2

THE CHIEF SUPDT

C T O LUCKNOW.

KINDLY ARRANGE TO REFER DGTS LETTER DATED 22.11.1988 UNDER WHICH TRANSFER OF JUNIORS WITHIN THE DIVISION SHULD BE MADE ACCORDING TO POSITION IN GRADATION LIST INSTEAD LONGEST STAY IN CASE OF SURPLUS IN ANY OFFICE.

AS NO POST OF TLS STILL STANDS CREATED IN BARABANKI HARDOI LAKHIMPURKHERI AND LUCKNOW ALAMBAGH DTOS. IT IS PRESUMED THAT ALL THE TELEGRAPHISTS WORKING IN THESE DTOS ARE IN THE STRENGTH OF CTO LUCKNOW.

AS MY NAME STANDS IN THE LIST OF LONGEST STAY AT LUCKNOW CTO YOU ARE REQUESTED TO LOOK INTO THE MATTER PERSONALLY AND CONFIRM THAT NO LONGEST STAY SHOULD BE TRANSFERRED TILL ENTIRE SURPLUS STAFF IN CTO LUCKNOW DUE TO IMPLEMENTATION OF NEW TECHNOLOGY IS ABSORBED.

HOPING FOR AN EARLY ACTION IN THE MATTER.

Hira Lal

YOURS FAITHFULLY,

Sd/-

(HIRA LAL)

PM(O)
C.T.O. LUCKNOW

13.1.89

J. P. Singh
Advocate
1881

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL
BENCH, ALLAHABAD? CIRCUIT BENCH, LUCKNOW.

G.P. Verma &

another

APPLICANTS

Vs.

Chief Supdt., Telegraph

Lucknow and another

Respondents.

ANNEXURE NO. 3

To,

The Chief Supdt.
C.T.O. Lucknow.

Sir,

Kindly arrange to refer DGT's letter dated 21.11.88 under which transfer of juniors within the division should be made according to position in graduation list instead longest stay in the case of surplus in any office, as no post of it still stands created in BBK, Hy. Ker. and 1wz dto's. It is ~~xxxxxx~~ presumed that all the telegraphists working in these dto's are in the strength of C.T.O. Lucknow.

As my name in the list of longest stay at C.T.O. Lucknow, you are requested to look into the matter personally and confirm that no longest stay should be transferred till entire surplus staff in CTO Lucknow on implementation of new technology is absorbed.

Hoping for an early action in the matter.

Verma
Murali
Yours faithfully,

Sd/-

(G.P. Verma)

C.T.O. Lucknow.

Dated : 13.1.1989.

TRUE COPY

Copy to L/Secy AITTEN, III
" D/Secy " " "
" C/Secy " " "

J. B. Singh

Advocate

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

G.P. Verma & C.S.T. And others

Annexure No. 4

Department of Telecommunication

Office of the Chief Superintendent,
Central Telegraph Office, Lucknow.

No. T-99/BBK/74

Dated at Lucknow the: 31-1-1989.

The following transfers and postings are hereby
ordered w.e.f. afternoon of dated :-

1. Shri N.K. Srivastava and Sri Hira Lal Tls C.T.O., Lucknow are hereby transferred and posted to D.T.O. Barabanki.
2. S/Shri R.K. Shukla, Kamla Kant and K.N. Shukla Tls D.T.O. Barabanki are hereby repatriated to C.T.O., Lucknow on their own request and cost. They may please be relieved on joining of their ~~existing~~ substitutes, in order of their ~~existing~~ seniority. In case both the officials join at Barabanki, all three Tls may be relieved.

The officials at serial one may apply for admissible advances, if required.

A. M. T.
Chief Superintendent,
Central Telegraph Office,
Lucknow.

Copy to:-

- 1-2. S/Shri N.K. Srivastava and Hiralal, Tls C.T.O., Lucknow for compliance please.
3. The Incharge D.T.O. Barabanki for information and n/a please.
4. The A.C.S.(G), C.T.O., Lucknow.
5. The ~~Chief~~ Chief Account Officer (Telecom. Accounts) Bhopal House, Lucknow.
- 6-14. Vig.-II/Paybill-I/GPF-I & II/Advance I & II/Leave I/ Incentive III/Medical
- 15-16. Service book of the officials at serial 1.
- 17-18. P/file of the officials at serial one.

B.M.
B.M.
Minal

TRUE COPY
G. B. S.
B. S. A.
P. S. J. A.

P. S. J. A.

Before the Central Administrative Tribunal Additional Bench Allahabad
Lokayukta Bench Lucknow
G. P. Verma & C.S.T. Lucknow
Annexure NO'S

Department of Telecommunication

8/2

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Office of the Chief Superintendent,
Central Telegraph Officer Lucknow.

No. T-99/BBK/78

Dated at Lucknow the 8-2-1989.

The following transfers and postings are hereby
ordered with immediate effect:-

- 1- Sri Kumer LSG T.M.(O), C.T.O., Lucknow is transferred and posted as incharge D.T.O. Barabanki.
- 2- Sri S.R. Tripathi incharge D.T.O. Barabanki is repatriated to his parent office D.T.O. Faizabad on his own cast and request. He will make over the charge to his substitute on his joining and then get himself relieved.
- 3- Sri G.P. Srivastava, SG/TL D.T.O. Faizabad, is transferred and posted to C.T.O., Lucknow being his longest stay at D.T.O. Faizabad.
- ✓ 4- Sri G.P. Verma, SG/TL C.T.O., Lucknow is transferred and posted to D.T.O. Barabanki being his longest stay at Lucknow.

Accordingly the officials at serial 1 and 4, S/Shri Kumer LSG T.M.(O) and G.P. Verma SG/TL, C.T.O., Lucknow are hereby relieved and struck off the strength of this office from the afternoon of date with instructions to assume their new assignments.

G.P. Verma
8/2/89

Chief Superintendent,
Central Telegraph Office,
Lucknow.

Copy to:-

- 1-4. S/Shri Kumer LSG T.M.(O) and G.P. Verma SG/TL C.T.O., Lucknow for complaince please.
3. The A.C.S. (G), C.T.O., Lucknow.
4. The A.S.T.T. I/C, D.T.O. Faizabad for information and necessary action please.
5. The Incharge D.T.O. Barabanki.
6. The Chief Accounts Officer (TA) Bhopal House, Lucknow.
- 7-16. Pay bill I/Leave I/GPF I & II/Advance I & II/ Medical/Incentive class III/Vig. III/Store.
- 17-20. P/File and service book of S/Sri Kumer LSG T.M.(O) and G.P. Verma SG/TL.

TRUE - JY

B.S. Verma

DGM
Verma

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

O.A No.53/89(L)

AB

G. P. Verma and another .. Applicants

Versus

Chief Supdt, CTO Lucknow
and another .. Opp. parties.

COUNTER AFFIDAVIT ON BEHALF OF OPP. PARTY NO.1 & 2

I, G.R. Jaiswal, Chief Supdt, Central
Telegraph Office, Lucknow, aged about 43 years,
son of Shri Hari Mangal Jaiswal resident of
Lucknow do hereby solemnly affirm and state as
follows:

1. That the deponent is the Opposite party

No.1 in the above noted application and is
fully conversant with the case.

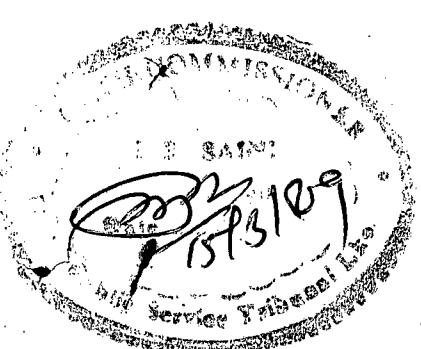
2. That the deponent has read and

understood the contents of the application

filed by the applicant as well as the facts

deposed to herein under in reply thereof.

G. Jaiswal



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3. That before giving the parawise comments, it is pertinent to give the brief facts of the case as detailed below:

(a) That in Lucknow Telegraph Traffic

Division, the following CTO/DTOs are working

whose justified/sanctioned posts and staff

strength positions are as under:

| Name of CTO/DTOs | No. of justi- fied/sanction- ed posts in Telegraphist Cadre. | Staff on Roll | Remarks |
|------------------|--|---------------|---------|
| CTO LW | 108 | 87 | 21 |
| DTO Chowk | 8 | 8 | - |
| DTO Mahanagar | 8 | 8 | - |
| DTO Dilkusha | 5 | 5 | - |
| DTO Sitapur | 8 | 7 | 1 |
| DTO Raebareli | 8 | 6 | 2 |
| DTO Faizabad | 8 | 8 | - |
| DTO Kheri | 6 | 5 | -1 |
| DTO Alambagh | 5 | 5 | - |
| DTO Aminabad | 7 | 7 | - |
| DTO Barabanki | 6 (5+1) | 6 (5+1) | - |
| DTO Hardoi | 6 (5+1) | 6 (5+1) | - |
| Total: | 183 | 158 | 25 |

(b) That under one time Bound Promotion scheme, 8 posts of Telegraphists were brought under reduction in CTO, Lucknow. Even after, this reduction, 100 Telegraphists are to be posted in CTO Lucknow whereas only 87 telegraphists are available and working in CTO, Lucknow.

(c) That in accordance with the DG I&T, New Delhi letter No. 208/43/69/STB -I dated Aug. 1970 which was recirculated vide their letter No. 257/97/ 75-STB-I dated 11.10.73, regarding transfer of the staff of Telecommunication arm of the department at the time of readjustment of the establishment or opening of new offices etc., the transfer and postings of the staff are being made. The transfer and posting of the applicants ~~affix the maximum~~ were also issued in accordance with the above instructions. On opening of DTOs at Barabanki, Kheri and Hardoi staff were transferred and posted in these offices in accordance with the above instructions.

R. Daisel

~~Ab~~
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(d) That in the 40th RC JCM meeting held on 4.11.87 under item no.19, the administration side and staff side arrived on a decision/policy that after completion of 2 years service in newly opened DTOs, if any official is willing to come back at his parent unit on his own request and cost, he will be given priority for transfer. According to this decision, the requests of the officials, who have completed two years stay in newly opened DTOs ie. Barabanki, Kheri were acceded to and were repatriated to their parent units. In accordance with the instructions of the Directorate, as mentioned above and also in view of decision taken in RC JCM Meeting officials are transferred and posted as their substitutes. The 40th RC JCM decision was further discussed in the 43rd RC JCM Meeting held on 2.12.88 and it was decided that the decision taken in 40th RC JCM will continue. According to this policy, the applicants



Raisel

were transferred and posted in DTO Barabanki as a relievers of two willing Telegraphists, who have completed two years of service at DTO Barabanki.

(e) That the Department of Telecommunication vide letter No. 256-25/86/STN dated 21.11.88 has laid down instructions regarding transfer of surplus staff due to reorganisation of boundaries on introduction of new technology.

Since, there is no surplus staff in CTO Lucknow in Telegraphist cadre, the said instructions are not applicable in transfer case of the applicants ~~are quite~~ ^{being} in order.

(f) That in view of the facts, mentioned above the transfer and posting of the applicants are quite in order as per the existing instructions/policy decision on the subject. As such the application filed by the applicant is liable to be rejected.

4. That the contents of para 1 & 2 of the application are formal and need no reply.

Raisel

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5. That the contents of para 3(i) to (iii) are not disputed.

6. That the contents of para 3(iv) of the application are wrong, hence denied and in reply it is stated that the applicants were transferred and posted at DTO, Barabanki on the basis of their longest stay in CTO, Lucknow, as per the policy of the departments and decision taken in the RC JCM being no surplus staff in CTO, Lucknow.

7. That the contents of para 4& 5 of the application are the matter of records, as such need no comments.

8. That the contents of para 6(A) & (B) are not disputed.

7. That the contents of para 6(C) of the application are incorrect as stated and in reply it is submitted that The Telegraph Master (Operative) promoted under one Time Bound Promotion Scheme, is at par with the Telegraphists and both fall into one cadre ie. Telegraphist cadre.

Raisel

8. That the contents of para 6-D of the application are incorrect as stated and in reply it is stated that ~~the~~ in the CTO, Lucknow 108 posts of Telegraphists including Telegraph Master (Operative) promoted under One Time Bound Promotion Scheme are sanctioned, which is being filed herewith as Annexure-A to this counter affidavit. Out of which 8 posts are reduced under one Time Bound Promotion Scheme. After reduction of these 8 posts, 100 Telegraphists are required to be posted in CTO Lucknow to meet the operative need whereas only 87 Telegraphists are available in CTO Lucknow, as such there is no surplus Telegraphists in CTO Lucknow.

9. That the contents of para 6(E) of the application are incorrect as stated and in reply it is stated that the posts in various cadre including Telegraphists in DTOs Barabanki, Kheri, Hardoi and Alambagh, Lucknow have been sanctioned as per norms and standard prescribed by the Departments and the pay and allowances of staff posted in these DTOs are being drawn and paid to them from the concerned DTOs.

Raisur

10. That in reply to the contents of para 6-F of the application it is submitted that on opening of DTOs including Kheri, Hardoi and Barabanki , DTOs and staff including Telegraphists were posted in accordance with the DG F&T New Delhi letter No.257/97/ 75 STB-I dated 11.10.73 which is being filed as Annexure No.6-'B' to this counter affidavit, against the posts justified as per norms and standards prescribed by the Department.

11. That the contents of para 6-G of the application are incorrect and in reply it is submitted that as per the decision taken in the 40th and 43rd PC JCM, the staff who have completed two years of service in DTOs ie. Barabanki, Kheri and Hardoi and applied for their repatriation to their parent units on their own cost, were/are being repatriated and in their places staff having longest stay were/are being posted which is evident from the contents of the transfer orders filed by the ~~application~~ applicant as Annexure 4& 5 and Chief Supdt. letter dated 4.7.88. A copy of the same is being filed as Annexure No.1C to this counter affidavit.

Raisel

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12. That the contents of para 6(H) of the application are incorrect hence denied and in reply it is stated that the orders dated 21.11.88 filed as annexure I by the applicants provides that junior most officials will be transferred from where the staff becomes surplus due to reorganisation of boundaries on introduction of new technology. As it has already been stated in para 6(D) that out of 100 posts, only 87 Telegraphists are available in CTO Lucknow as a result there is no surplus Telegraphists in CTO Lucknow as such the referred letter dated 21.11.88 does not applicable in respect of transfer of junior Telegraphists.

13. That the contents of para 6(I) of the application are wrong, as stated and in reply it is stated that the position has already been stated in para 6-E to 6-H.

14. That the contents of para 6(J) of the application are not disputed.

15. That the contents of para 6(K) of the

Rajeev

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application are incorrect as stated, hence denied and in reply it is stated that the transfers and posting of the applicants vide CS CTO Lucknow letter dated 21.1.89 and 8.2.89 as placed with the application as Annexure 4& 5 were made in accordance with the policy/instructions of the department and decision taken in RC, JCM Meeting as stated in preceding paras. It is also evident from the contents of the transfer order that earlier officials posted to DTO Barabanki have been repatriated after completion of 2 years stay on their request to their parent unit as a substitute, applicant having next longest stay in CTO Lucknow have been posted to the said DTO in light of the standing policy of the department. Not only this, earlier also transfer order issued for DTO Kheri and Hardoi on the basis of longest stay in CTO Lucknow.

16. That the contents of para 6-L of the application need no comments in view of the facts that in accordance with the policy of the department, the applicants having longest stay in CTO Lucknow, have been transferred to DTO Barabanki.

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17. That the contents of para 6-M of the application are not admitted in view of the facts given in preceding paragraphs. That in reply to the para 7 of the application under the heading relief sought for, it is submitted that the orders dated 31.1.89 and 8.2.89 does not suffer from any illegality and therefore, it is not liable to be quashed. Further, in view of the facts and circumstances stated in preceding paragraphs., it is submitted that no cause of action has been made out by the applicant for grant of any relief by this Hon'ble Tribunal. As such, the present application filed by the applicants is liable to be rejected with cost.

18. That the contents of para 8 of the application are incorrect as stated and that the petitioners are not entitled for any relief as relief sought for in para 8 of the application. Lacks bonafide in view of the fact that transfer of the applicants having longest stay in CTO Lucknow, have been made in accordance with the policy of the department in the interest of service.

19. That the contents of paras 9 to 13 of the application need no comments in view of the facts mentioned in the preceding paragraphs. Transfer orders have been made in accordance with the standing orders of the department in the interest of service.

20. That in view of the reasons, facts and circumstances as stated in above paragraphs, the application filed by the applicant is liable to be dismissed with costs to the Opp. parties.

Raisel

Deponent.

Lucknow,

Dated: 15 Mar. 89.

Verification.

I, the above named deponent do hereby verify that the contents of paragraphs 1 to 2 are true to my personal knowledge, and those of

paragraphs 3 to 19 are believed to be

true on the basis of perusal of office records as well as information gathered and those of paras

to 20

are believed to be true on the

-12-

basis of the legal advice. Nothing material fact
has been concealed and no part of it is false.

Ortwin Daisen
Deponent.

Lucknow,

Dated:

13831691

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



(V. K. Sharma)

(V.K. Chaudhari)

Addl Standing Counsel for Central Govt
Counsel for the Opp parties.

Lucknow

Dated:

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solemnly affirm and declare as follows:
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निवारण - A
दूरसंचार विभाग

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लखनऊ तार परियात मण्डल के अधीनस्थ सीटीओ/डीटीओ के अराजपत्रिज पदों का
वर्ष 1988-89 का स्थानीय पुनर्सीक्षण

| संघर्ग का नाम | सीटीओ, लखनऊ | डीटीओ, चौक | डीटीओ, महानगर | डीटीओ, दिल्ली | वर्तोपद पुनर्पद |
|-----------------|-------------|------------|---------------|---------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| एसटीटी, ट्रैफिक | 4 | 4 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| एचएसजीटीएम | 2 | 2 | | | | | | | |
| एलएसजीटीएम | 10 | 9 | | | | | | | |
| टेलीग्राफ्स्टेट | 106+12 | 97+11 | 7+1 | 7+1 | 7+1 | 9+1 | 5 | 5 | |
| एचएसजीकल्क | 2 | 2 | | | | | | | |
| एलएसजीकल्क | 13 | 13 | | | | | | | |
| एलएसजीएकाउटेंट | 1 | 1 | | | | | | | |
| टेलीग्राफ सहायक | 15+17 | 147+16 | 1 | 1 | 3 | 2 | | | |
| पंत्र कक्ष | 98 | 92 | | | | | | | |
| प्रशासनिक शाखा | 63 | 65 | | | | | | | |
| फोनोग्राम कल्क | 4 | 3 | | | | | | | |
| डीटीओ, एकाउटेंट | 3 | 3 | | | | | | | |
| टैटो००४आउटडोर | 5 | 4 | 1 | 1 | 1 | 1 | | | |
| टैटो००४इन्डोर | 6 | 6 | | | | | | | |
| टाउन इंस्पेक्टर | 2 | 2 | | | | | | | |
| टैटो००४आउटडोर | 85+7 | 76+7 | 12+1 | 12+1 | 20+1 | 17+1 | 7 | 6 | |
| टैटो००४इन्डोर | 41+4 | 31+3 | 3 | 3 | 4 | 3 | 2 | 2 | |
| फर्मि | 3 | 3 | | | | | | | |
| सफाईवाला | 3 | 3 | | | | | | | |
| जमादार | 2 | 2 | | | | | | | |
| दमतरी | 2 | 2 | | | | | | | |
| अर्दसी | 1 | 1 | | | | | | | |
| वाटरमैन | 5 | 5 | | | | | | | |
| गेटमैन | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | |
| चौकीदारा | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | |

नोट:- १। उपरोक्त विवरण में जो पद दर्शाये गये उसमें मंडलीय स्तर पर 5% तथा 15% का तैयारी सम्मिलित नहीं की गई है तो कि पहले ही अधिसूचित की गई है ।
२। अस्थायी पदों को 28.2.89 तक प्रतिधारित करने की स्वीकृति स्तर: द्वारा जारी की जाती है । यह आन्तरिक वित्त सलाहकार परिमण्डल का यात्रिय लखनऊ की सहमति से जारी किया जाता है ।

संख्या: स्थापना/सम-12-1/सीटीओ, लखनऊ/4 दिनांक, 31-5-1988

प्रतिलिपि निम्नलिखित को सूचनार्थ सर्व आवश्यक कार्यवाही हेतु प्रेषित की जाती है ।

- मुख्य अधीक्षक केन्द्रीय तारधर, लखनऊ
- निदेशक दूरसंचार मोक्षोलखनऊ
- अमला अनुभाग परिमण्डल कार्यालय, लखनऊ
- सम्बन्धित पत्रावलियां हेतु

Sanction for one post of Officer (P.D.) for D.L.W.M. सम० राम १
१. Need, by D.L.W.M. vide his letter No. १२९ सहायक निदेशक दूरसंचार तार परियाती
as the same was not given in the orgl. Sanction letter का ०महा प्रबन्धक दूरसंचार, उ०प०परिमण्डल, लखनऊ

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Copy of letter No. 257/97/75-STB-I dated 11.10.73 from the D.G.P.&T. New Delhi to the All Heads of Circles and others.

Subject:-Transfer of the st. ff of telecom arm of the Dep'tt. at the time of readjustment of establishment on opening of New Offices etc procedure regarding.

Sir,

In this office letter No. 208-43/69-STB-I dated August '70 (copy enclosed) instructions were issued indicating the procedure to be adopted on transfer of st. ff of Telecom arm of the department on opening of New offices, etc. It is, hereby, clarified that in respect of Telegraph Office Clerks such st. ff adjustments will normally be within a traffic division by the Head of the traffic division.

Sd/- D.R.Rattanpal.

Copy of letter No. 208/43/69-STB-I dated 8.70 from the D.G.P.&T. New Delhi, to the all Heads of Circles, all Heads of Telephone District, all Heads of administrative.

Subject:-Transfer of the staff of telecommunication arm of the Dep'tt. at the time of readjustment of establishment or opening of New offices etc. procedure regarding.

I am directed to state that whenever transfers are to be ordered within the same unit of recruitment due to readjustments of st. ff or opening of new offices etc in telegraph branch (engineering wireless and telegraph traffic), the transfers should be regulated in the following orders.

- i) Volunteers who are willing to be transferred if ordered in expense.
- ii) Volunteers who are willing to be transferred if ordered in the interest of service.
- iii) Officials who have completed their tenure or who are due to complete their tenure shortly in the order of their length of tenure.
- iv) Officials with the longest stay in the service.

2. These orders do not cover the cases dealt with in this office order No. 69/17/65-STB-I dated 25.3.67.

No. STB/u-21/3. Dated at Lucknow 226001 6.11.73.

Copy forwarded to all STT/STP and Suptd. I/C CTOs/LICs in U.P. Circle for information, guidance and necessary action.

for Postmaster-General, U.P.
26.10.

Alfred P.
Ch

B.P.

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ANNEXURE- C.

DEPARTMENT OF TELECOMMUNICATIONS

Office of the Chief Superintendent
Central Telegraph Office,
LUCKNOW- 226001.

No. T-99/KER/131

Dated: at Lucknow the 4.7.1988

The following transfers and postings are hereby
ordered w.e.f. forenoon of 7.7.1988:-

1. Sri T. Narain, Incharge D.T.O. Lakhimpur Kheri
is repatriated to CTO Lucknow on his own request and
cost.
2. S/Shri Dinesh Chandra and R.P. Pandey, TLs, DTO
Lakhimpur Kheri are repatriated to C.T.O. Lucknow
on his own request and cost.
3. Sri Mahadeo Prasad, Incharge D.T.O. Lucknow
Aminabad is posted as Incharge of DTO Lakhimpur
Kheri vice (1) above.
4. S/Sri Vishwa Bandhu and P.O. Mukherjee, TLs
DTO Lucknow - Alambagh and Lucknow Aminabad
respectively are posted to DTO Lakhimpur Kheri
vice (2) above.

The above officials may apply for admissible TA/DA
if required.

Sd/- Chief Superintendent
Central Telegraph Office,
Lucknow -226001.

Copy to:-

1. S/Shri Mahadeo Prasad Incharge DTO, Lucknow aminabad
for compliance and with instructions to relieve
Shri PC Mukherjee, TL, for D.T.O Lakhimpur Kheri
in time.
2. Shri Ram Hit Ram, Incharge DTO Lucknow Alambagh
with instructions to relieve Shri Vishwa Bandhu, TL
for DTO Lakhimpur Kheri in time.
3. The ACS (G) CTO, Lucknow
4. -15. The LSG(Acctt)/Vig. I & II/Pay Bill I&IV/
OFF I & II/Adv. I & II/Leave I/Incentive III
16-18 - Service Book of the officials.
19. -21 - P/File of the concerning officials.

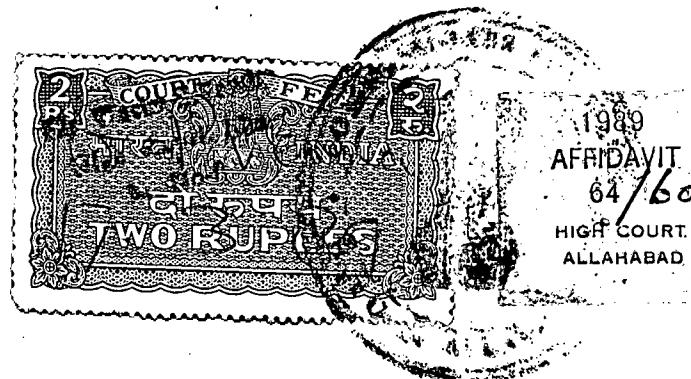
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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
LUCKNOW.

O.A. No. 53/89 (L)



G.P. Verma and another Applicants

Versus

Chief Supdt., C.T.O., Opp. Parties.
Lucknow and another

REJOINDER AFFIDAVIT TO THE COUNTER
AFFIDAVIT, FILED ON BEHALF OF OPPONENTEE
PARTY NOS. 1 & 2

I, Guru Prasad Verma, aged about 46 years,
son of Shri Raghunandan Prasad, Telegraph Master (Oper-
ative), Central Telegraph Office, Lucknow, resident of
New Colony, Jiyamau, P.S. Hazratganj, Lucknow, do hereby
solemnly affirm and state as under :-

1. That the deponent is the claimant applicant
No. 1 and is doing pairvi on behalf of the claimant appli-
cant No. 2. The deponent has read the contents of the
counter affidavit and after being fully conversant with
the facts, gives replies to those as under :-

2. That the contents of paragraphs 1 & 2 of the
counter affidavit need no reply.

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3. That in reply to the contents of paragraph 3(a) of the counter affidavit, it is stated that the opposite parties have tried to confuse the matter by stating the justified posts in the C.T.O. Office, Lucknow. The sanctioned staff strength of Telegraphists in C.T.O. Lucknow is 100 and 8 posts of Telegraph Masters are in C.T.O. Lucknow who are promoted from amongst the Telegraphists. It is stated that since July 1984 a ban on creation of posts in Telecom. Department has been imposed and therefore no fresh recruitment is taking place. It is specifically stated that since 1984 no recruitment has taken place in the Telecom. Department. A true copy of the letter No.2-1/84-Fin. Coord. dated the 19th July 1984 issued in this respect is being filed herewith as ANNEXURE NO. R-1 to this affidavit.

It is further stated that in 1980 there was a ~~no~~ strength of about 170 Telegraphists and same number of sanctioned posts were there. Due to the modern technicalisation the sanctioned posts has been reduced to 100 at present, but 124 Telegraphists, out of approx. 170 existing in the year 1980, are still on the roll of C.T.O. Lucknow. In view of this fact, the junior most Telegraphists who exceeding the strength of 100 are deemed to be surplus in C.T.O. Lucknow.

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The Departmental Telegraph Offices (DTOs) were established in Kheri, and Alambagh in the year 1985, on 10.12.1986 in Barebanki and in March 1987 in Hardoi. Due to establishment of new DTOs, the staff was required to work there, but as the creation of new posts was banned and therefore the appointments were also banned, as such the Telegraphists already working in C.T.O. Lucknow were sent to work on transfer in the newly established DTOs. It is stated that in view of the Annexure No. 2 filed alongwith the counter affidavit, the officials with the longest stay in the Station were transferred in the newly established DTOs. That means the Telegraphists who have been transferred in the newly established DTOs belong to the sanctioned strength of Telegraphists of C.T.O. and junior most who are to be the surplus staff, were not transferred. However, by a subsequent decision the senior most Telegraphists, ~~maxx~~ transferred in different newly established DTOs after completion of two years posting have to be called back to C.T.O. and the surplus staff from amongst the junior most have to be sent on transfer. It is stated categorically that the decision of repartition of the already transferred staff has been disputed as the said decision was taken in the meeting of Regional Council of Joint Consultative Machinery. The said decision taken in the meeting is still pending for finalisation.

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In the charge quoted in para No. 3 of the counter affidavit the total number of 23 Telegraphists posted in DTOs Kheri, Barabanki, Hardoi and Alambagh are from the sanctioned strength of C.T.O., Lucknow and the surplus staff of Telegraphists are still working in C.T.O. Lucknow. The Annexure No. 1 to the Counter Affidavit will itself satisfy this Hon'ble Tribunal that the strength of the aforesaid DTOs have not been shown. It is specifically stated that in those 4 DTOs there is no sanction staff and the Telegraphists who are working there, they belong to C.T.O. Lucknow's sanction strength. It is further clarified that the circulars dated 1.4.1988 and 27.5.1988 quoted in Annexure No. 1, the wordings regarding policy of transfer dated 11.10.1973 contained in Annexure No. 2 to the counter affidavit have been quoted.

4. That in reply to the contents of paragraph 3(b) of the counter affidavit, it is submitted that the total number Telegraphists working in C.T.O. has been shown as 87. 3 persons have been transferred, as such the number comes to 90 and 23 Telegraphists are working in different 4 DTOs namely Alambagh, Kheri, Hardoi and Barabanki. After calculation the number comes to 113. As there is no sanction and creation of posts of Telegraphists in the aforesaid DTOs, as such the Telegraphists in those DTOs have been sent from the strength of C.T.O., Lucknow. Even according to the calculation of the opposite parties at least 13 surplus Telegraphists are in C.T.O. Lucknow.



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5. That in reply to the contents of paragraph 3(C) of the counter affidavit, it is stated that the letter dated 11.10.1973 has been superseded by the letter dated 21.11.1988.

6. That in reply to the contents of paragraph 3(D) of the counter affidavit, it is stated that in view of the facts already stated above, the minutes of 4th ~~xxx~~ RCJCM Meeting held on 4.11.1987 has not been confirmed and is under challenge which is itself evident from the contents stated in para under reply.

7. That in reply to the contents of paragraphs 3(E) and 3(F) of the counter affidavit, it is ~~xxxxxx~~ denied that there is no surplus staff in C.T.O. Lucknow in Telegraphist cadre. In view of the facts already stated above, there are surplus staff in C.T.O. Lucknow in Telegraphist cadre and the opposite parties are trying to mislead this Hon'ble Tribunal by stating incorrect and wrong facts.

That the contents of paragraphs 4 & 5 of the counter affidavit need no reply.

That the contents of paragraph 6 of the counter affidavit, as stated, are denied. It is stated that in view of the circular dated 21.11.1988, the applicants cannot be transferred and only the Telegraphist who are surplus in C.T.O. Lucknow can be transferred.

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10. That the contents of paragraph 7 of the counter affidavit, as stated, are denied and the contents of paragraphs 4 & 5 of the claim petition are reiterated.

11. That the contents of paragraph 8 of the counter affidavit need no reply.

12. That in reply to the contents of repeated paragraph 7 of the counter affidavit, it is stated that the Telegraph Master (Operative) are promoted under one time bound promotion scheme with a condition of 6% cut in total strength, as such the contents are denied.

13. That in reply to the contents of repeated paragraph 8 of the counter affidavit, as per their own contention, there is sanction strength of 100 Telegraphists in C.T.O., Lucknow and as per the calculation shown earlier there is apparently a strength of 113 Telegraphists at least, as such there are 13 Telegraphists surplus in number in C.T.O., Lucknow.

14. That the contents of paragraph 9 of the counter affidavit are denied as absolutely incorrect, wrong and false. It appears that under some interim internal arrangements the pay of the Telegraphists posted in newly created DTOs are drawn in those DTOs but the amount of overtime and other important allowances are sent from the sanctioned amount of the strength of Telegraphists in C.T.O. Lucknow as such all of them are from the strength of C.T.O., Lucknow.

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15. That in reply to the contents of paragraph 10 of the counter affidavit, it is stated that the letter dated 11.10.1973 contained in Annexure No. 2 has already been superseded.

16. That in reply to the contents of paragraph 11 of the counter affidavit, it is stated that the minutes of the 40th and 43rd RCJCM have not been confirmed and is not applicable as such. The said orders of transfer of the applicants are illegal and in view of the facts stated above and are liable to be set aside.

17. That the contents of paragraph 12 of the counter affidavit, as stated, are denied. It is stated that in view of the facts stated above, the junior most Telegraphists who are surplus are not being transferred and the pick and choose policy has been adopted and the applicants are being transferred in a most arbitrary manner.

18. That the contents of paragraph 13 of the counter affidavit ~~xxxxxxxxxx~~ are denied and the contents of paragraph 6(I) of the claim petition are reiterated.

19. That the contents of paragraph 14 of the counter affidavit need no reply.

20. That the contents of paragraph 15 of the counter affidavit, are denied as incorrect, wrong and false.

~~17-3~~

The orders of transfer have been passed illegally. It is stated that in view of the letter contained in Annexure No. 1 to the claim petition, the previous similar orders can not be given and benefit to the opposite parties and are not applicable in this case.

21. That the contents of paragraph 16 of the counter affidavit are denied as incorrect. The petitioners cannot be transferred in view of the facts already stated above.

22. That the contents of paragraph 17 of the counter as stated are denied. The orders of transfer are liable to be quashed as they are absolutely illegal and have been passed in contravention of the Annexure No. 1 to the claim petition.

23. That the contents of paragraph 18 of the counter affidavit, as stated, are denied and the contents of paragraph 8 of the claim petition are reiterated.

24. That the contents of paragraph 19 of the counter affidavit are denied and the contents of paragraph 9 to 13 of the claim petition are reiterated.

25. That the contents of paragraph 20 of the counter affidavit are denied. The claim petition is liable to be allowed with cost.

26. That it is stated that a Gradation List of permanent Telegraphists as on 1.1.1984 was prepared and the

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gradation of temporary Telegraphists has not been prepared till date. A photostate copy of the Gradation list will be produced at the time of arguments. In the Gradation List the names of Telegraphist, Date of Birth, Date of Entry in the Department, Date of Entry in the cadre, Date of Substantive Entry in the Cadre and the place of posting have been shown. The place of posting indicates that the persons ~~xxx~~ belong from the strength of their respective place of postings. Out of those Telegraphists Shri Banwari Lal, Gaya Prasad, V.P. Misra, S.N. Prasad are posted in Alambagh DTO apart from one Shri A.K. Trivedi. Shri R.N. Pal, Panna Lal, Roop Chand, Y.K. Pandey, T. Narayan, R.P. Srivastava are posted at Hardoi. Shri Kamla Kant, K.N. Shukla, R.K. Shukla, and Kumer are posted in Barebanki DTO, apart from Shri A.R. Khan and V.K. Pandey. Shri Maha Deo Prasad, R.P. Singh-I, P.L. Maurya, Lal Singh, V. Vishwabandhu are posted in D.T.O. Kheri.

Lucknow :

Dated : 17th March 1989

(DEPONENT)

VERIFICATION

I, the above named deponent, do hereby verify that the contents of paragraphs 1 to 26 of this affidavit are true to my own knowledge. Nothing is false and no material has been concealed by the deponent.

Signed and verified this 17th day of March 1989 in the Compound of Central Administrative Tribunal at Lucknow.

Lucknow :

Dated : 17th March 1989

(DEPONENT)

I identify the deponent who has signed before me personally ~~Shri B. Singh~~

1. COMMISSIONER
Court, (Lucknow Bench)
LUCKNOW

644/60

17/387

Solemnly affirmed before me
on 17.3.89 at 9.30 AM by the
deponent Gurjeet Pal Verma who
has been identified by
Shri I.B. Singh Advocate

(I.B. Singh) Adv.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT
BENCH, LUCKNOW.

O.A. No. 53/89(L)

G.P. Verma & another Applicants
Versus
Chief Superintendent
C.T.O., Lucknow and Opp. Parties.
another

ANNEXURE NO. R-1

(No. 2-1/84-Fin. Coord. dt. 19-7-84

Our No. T-101

Kindly refer to your letter No. F/25 (Rectt) dated the 20th June, 84, addressed to Shri S.C. Mahalik, Jt. Secretary (Personnel) Min. of Finance, on the above subject.

The position on the points raised therein, as per the clarifications issued by the Govt. of India, Ministry of Fin., is stated below :-

2. The present Ban orders do not apply to :

(i) The filling-up of existing vacancies on compassionate grounds or by re-deployment of surplus through the Central (Surplus Staff) Cell administered by the Deptt. of Personnel & AR, Directorate General of Employment and Training or by promotion from one cadre to another provided the posts in the lowest cadres are kept un-filled

(ii) Cases where advanced recruitment action has been taken, leading to the finalisation of the Panel or issue offer of appointments before the issue of Ban orders on 3.1.84.

3. As regards creation of new posts, even on plan side, the specific approval of the Finance Ministry, at the appropriate level, has to be obtained provided their creation can be justified by the most exceptional circumstances.

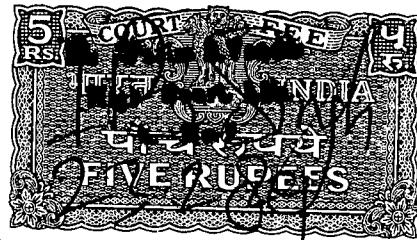
(B)

समक्ष माननीय उच्च न्यायालय, सराठी पाठ, लखनऊ।

Before The Central Administrative Tribunal
व अदालत श्रीमान महोदय
Additional Bench Allahabad Lucknow Bench Lucknow

बकालतनामा

वादी [अपीलाइट]



का

प्रतिवादी [रेस्पान्डेंट]

G. P. Verma And Others ... (वादी मुद्रित)

बनाम

Chief Superintendent of Telegraph Lucknow And Others ... प्रतिवाद मुद्राजलेह

न० मुकद्दमा सन् १९८ ... पेशी की तारीख १९८ ... ई०

उपर लिखे मुकद्दमा में अपनी ओर से श्री आई० बी० सिंह, एडवोकेट, १-केसरबाग संगीत विद्यालय के सामने लखनऊ, महोदय को अपना बकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में बकील महोदय स्थयं अथवा अन्य बकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अत्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया बसूल करें या सुलहनामा वा इकबाल दावा तथा अपोल व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्वीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फटीहसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें, बकील महोदय द्वारा को गई वह सब कायंबाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी पर सहयंया हितो प्राप्ति प्राप्ति की भेजता रहूँगा और मुकद्दमा अदम पैरवी में एक तरफा मेरे लिंगाफ फैला हो जाता है तो उसकी जिम्मेदारी मेरे बकील पर नहीं होगी। इसलिए यह बकालतनामा लिख दिया कि शमाज रहे और समय पर काम आवे।

Accepted
1981/10/10
R. P. Verma

उम्मीद

हस्ताक्षर ... मिश्रलal

साक्षी (गवाह) साक्षी [गवाह]

दिनांक महीना सन् १९८ ...

(B1/2)

VAKALATNAMA

In the Hon'ble High Court of Judicature at Allahabad

At

Lucknow Bench

G. P. Verma & another

Plff./Applt./Petitioner/Complainant

Verses

Chief Superint. CTU, Lucknow & another

Defent./Respt./Accused

KNOW ALL to whom these presents shall come that I/We.....
the above-named.....do hereby appoint

Shri V. K. CHAUDHARI, Advocate,

.....High Court, Lucknow Bench

(hereinafter called the advocate/s) to be my/our Advocate in the above-noted case and authorised him :—

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us.

To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions, review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents, to admit &/or deny the documents of opposite partys.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive moneys, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said cause.

To appoint and instruct any other Legal Practitioner authorising him to exercise the power and authority/herby conferred upon the Advocate whenever he may think fit to do so & to sign the power of attorney on our behalf.

And I/we the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all hearings & will inform the Advocate for appearances when the case is called.

And I/we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

And I/we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court I/we hereby agree that once the fees is paid, I/we will not be entitled for the refund of the same in any case whatsoever.

IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this.....day of.....19.....

Accepted subject to the terms of fees.



Advocate

Client



Chief Superintendent
Central Training & Research
LUCKNOW 2, U.P.

Client



Chief Superintendent
Central Training & Research
LUCKNOW 2, U.P.