

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

A/
22

CAUSE TITLE ... OA 152 ... OF 1989

NAME OF THE PARTIES ... Brij Bhushan Das ... Applicant

Versus

... Union of ... melis ... Respondent

Part A.

Sl.No.	Description of documents	Page
1	check list	2✓
2	order sheet	2✓
3	Judgement 15-3-91	8✓
4	petition copy	12✓
5	power	1✓
6	Annexures	13✓ (3)
7	counter affidavit	20 $\frac{A7}{13}$
8	Rejoinder	12 $\frac{A7}{10}$
9	Petition copy	3 $\frac{A}{10}$
10	Annexure	13
11	counters.	2)
12	Rejoinder	-)
13	Notice, power (Annexure))
14		
15	Index sheets A21 to A22.	
16		
17		
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CERTIFICATE

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

Dated ... 14/5/2011

B/c. destroyed on 9-5-12.

Counter Signed.....



Section Officer/In charge

Signature of the
Dealing Assistant

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

INDEX SHEET

CAUSE TITLE 152/89 (L) of 1989 (L)

NAME OF THE PARTIES _____

Shri Brij Bhushan _____ Applicant

Versus

Union of India _____ Respondent

Part A, B & C

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U/Amr 152/89
9.8.91

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Promoti

Registration No. 152 of 1989 (L)

APPLICANT(S) Brj. Bhushan Das

RESPONDENT(S) U.O. & others (G.P.S.)

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent?
2. a) Is the application in the prescribed form?
b) Is the application in paper book form?
c) Have six complete sets of the application been filed?
3. a) Is the appeal in time?
b) If not, by how many days it is beyond time?
c) Has sufficient case for not making the application in time, been filed?
4. Has the document of authorisation/ Vakalatnama been filed?
5. Is the application accompanied by B.D./Postal Order for Rs.50/-
6. Has the certified copy/copies of the order(s) against which the application is made been filed?
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed?
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly?
c) Are the documents referred to in (a) above neatly typed in double space?
8. Has the index of documents been filed and paging done properly?
9. Have the chronological details of representation made and the out come of such representation been indicated in the application?
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?

Yes

Yes

Yes

Five sets.

Yes

—

—

Yes

Yes D.D. 78 3952 dt. 29/8/84
(50/-)

Yes

Yes

Yes

Yes

Yes

Yes

No



Particulars to be Examined

Endorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed ? ym
12. Are extra copies of the application with Annexures filed ? ym
 - a) Identical with the Original ? ym
 - b) Defective ? —
 - c) Wanting in Annexures —
- Nos. _____ pages Nos _____ ?
13. Have the file size envelopes bearing full addresses of the respondents been filed ? No
14. Are the given address the registered address ? ym
15. Do the names of the parties stated in the copies tally with those indicated in the application ? ym
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? NA
17. Are the facts of the case mentioned in item no. 6 of the application ? ym
 - a) Concise ? ym
 - b) Under distinct heads ? ym
 - c) Numbered consecutively ? ym
 - d) Typed in double space on one side of the paper ? ym
18. Have the particulars for interim order prayed for indicated with reasons ? NIL
19. Whether all the remedies have been exhausted. ym

dinesh/

May be listed before court
on 11.7.89

10/7/89
S.O (5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 011/52 of 1989

APPELLANT
APPLICANT

Bhai Binsawan Das

VERSUS

DEFENDANT
RESPONDENT

Union of India

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
---------------------------------	--	--

11-7-07

Hon. D. K. Agarwal, JM

Admit. Issue notice. Counter affidavit within 6 weeks, rejoinder within weeks thereafter. List it for final hearing on 13.9.07.

OR -
Case is admitted for admission on 11-7-88.

13/9/08

JM

विषय: गवर्नर आवासीय के गद, उदादधर मंगरी के जे. रावन, लदर-म
विषयगत 2 एवं 3 की को-से जी- आरुप कुम्भ आवासीय दुख। वह कमल लकायत नाम दारखत करेगे, उनके कुम्भोय मल को लकाई में प्रतिशोधन दारखत है- तमम मामला अंतरिम सुनवाई में लिख 17-10-07 को खींचा है।

Notice issued by 12-7-88

क. नं. अपराध के उधार नॉटिस जारी कर दी गयी है। न की कोई शीतल पत्र आया और न ही कोई अग्र वापस आया है शेष आदेशों के लिए

श्रीप. 92/9

जी.जी.

लदर-म (जं) उदादधर

OR No reply filed submitted to order. 16/8

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD/C.B. LUCKNOW

4/2/2

SA No. 152 OF 1989
B.B. Das Vs. U.O.L

Sl.No.	Date	Office Report	Orders
		<p>OR</p> <p>CA/RA have been exchanged</p> <p>S. F. H.</p> <p>26/2/91</p>	
	4/3/91	<p>Hon. Mr. Justice U.C. Srivastava, re.</p> <p>Hon. Mr. A.B. Gosthi, Am.</p> <p>Put up on 6/3/91 for hearing as prayed by the learned counsel for the applicant.</p> <p>Am.</p> <p>VC.</p>	
	7/3/91	<p>Hon. Mr. Justice U.C. Srivastava, re.</p> <p>Hon. Mr. A.B. Gosthi, Am.</p> <p>Shri A.C. Chattervedi for the applicant</p> <p>Shri Anil Kumar for the respondents.</p> <p>Arguments of learned counsel for both the parties heard.</p> <p>Judgement reserved.</p> <p>Am.</p> <p>VC.</p>	

Recd ch
Anand
A.H.
22/4/91

SHANSHYAM/
25/4/91

(A2/1)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH, LUCKNOW

O.A. No. 152/89

Brij Bhushan Das

Applicant.

versus

Union of India & ors.

Respondents

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

Hon. Mr. A.B. Gorthi, Adm. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant, who was an Emergency Commissioned Officer in the Army, from where he was released on 1.7.1970, was appointed in U.P. Police service after getting success in the trade examination and been has/promoted in I.P.S. cadre, has prayed for issue of a writ, order or direction in the nature of mandamus directing the opposite parties to dispose of his representation dated 29.11.79 and to grant him notional promotion to the senior scale of post of Superintendent of Police with effect from 1.12.77 with all consequential benefits in the matter of pay, allowances increments including arrears arising thereof with effect from 1.12.1977. He has also prayed that the opposite parties may be directed to determine his seniority in the I.P.S. cadre on the basis of his continuous officiation on the senior scale post with effect from 1.12.1977.

2. The applicant was commissioned in the Army on 2nd August, 1964 and after coming out successful

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P3/2

in the combined State Services Examination of 1973 was appointed to the post of Deputy Superintendent of Police on 25.9.1975. His appointment was in the quota reserved for demobilised army officers amongst the direct recruits. He joined the police training college for training on 1.1.1976 where he remained up to 15.1.1977. On the basis of applicant's representation the petitioner was allowed 1965 as the year of allotment. After his release from Army and prior to joining the police service the petitioner, after passing the training of two years and departmental examination and he was confirmed on the post of Deputy Superintendent of Police with effect from 1.1.1978.

3. Prior to his joining the service and after release from Army the applicant worked as District Commandant, Homeguards from 3.10.1973 to 31.12.1975 and which post, according to the applicant was equivalent to the post of Dy. Superintendent of Police, as several Deputy Superintendents of Police were working as District Commandant, Homeguards, as these two posts are equivalent.

4. The applicant first moved ~~the~~ an application dated 12.4.1976 requesting the State Government to count his services rendered in the Army towards services in the U.P. Police, the same was rejected and later on it was allowed in the year 1979 as referred to above. Now, the applicant, through his letter dated 16th August, 1979 requested for his promotion to the post of Superintendent of Police

and prayed that he may be promoted to the next below rule i.e. if those who were allotted the year 1966 as the year of recruitment were promoted. . The applicant has taken the name of one Shri P.N. Pathak, in fact a direct recruit of Provincial Police Service and was allowed 1966. The petitioner was promoted to the post of Superintendent of Police in the senior scale of pay in the year 1980 and since then he is working as such. In the year 1982 the Selection Committee for preparation of Select List for the Promotion under the I.P.S. was held and found the petitioner suitable for inclusion for the same. But due to lack of availability of post, orders were not passed. This also happened in the year 1984. The selection committee was again held in the year 1985 and this time he was again selected for the I.P.S. but this list was not given effect to due to interim orders passed by the Supreme Court, which matter was finalised in the year 1988. Thus, that selection of I.P.S. became operative. The said select list came in force only on 6.2.1989 and the applicant's grievance, now is that he has been placed below in the seniority list due to his having been deprived from certain claims to which he is entitled to which may mar his future promotions. It will not be out of place to mention here that in the notification dated 15.12.1989, he has been placed above the said P.N. Pathak. The contention on behalf of the applicant is that he is entitled to the senior scale of post of Superintendent of Police with effect from 1.12.1977 on the date on

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on which the said P.N. Pathak was promoted and in this connection, as he has not been given the benefit of District Commandant held in Homeguards. The applicant has placed reliance on rules known as 'Indian Police Service (Appointment by promotion) Amendment Regulations 1978' and in regulation 5 ⁽²⁾ ~~from~~, [&] ~~further~~ ^{particular} proviso in the said regulation reads as follows:

"Provided also that in respect of any released Emergency Commissioned Officers or Short Service Commissioned Officers appointed to the State Police Service, eight years of continuous service as required under the preceding provision shall be counted from the deemed date of appointment to that service subject to the condition that such officers shall be eligible for consideration if they have completed not less than 4 years of actual continuous service, on the first day of the January of the year in which the Committee meets, in the post of Deputy Superintendent of Police or in any other post or posts declared equivalent there to by the State Government."

On behalf of the petitioner it was contended that so far as the completion of 4 years of actual continuous service is concerned, the petitioner's [&] ~~Army~~ service as District Commandant, Home Guards was not counted for the same, and if the same ^{were} ~~are~~ counted, ^{which &} he is entitled to, [&] ~~and~~ then his appointment will date back ^{to 31st October 1977} ~~to~~ from the year 1977, as has been claimed by him. The

learned counsel for the applicant contended that, as the post of District Commandant, Home Guards is equivalent to the post of Dy. S.P., few Dy. Superintendents of Police in U.P. are holding the said post of Commandant in Home Guards Department. It has been further contended that as the State Govt. has adopted the pattern fixed by the Central Govt. in which the post of District Home Guards Commandant has been made equal to that of Dy. Superintendent of Police, it will be deemed that the State Govt. has adopted the said pattern or proforma. In this view, according to the applicant, his period during which he was Commandant, Home Guard prior to joining the services of Police Department as Dy. S.P. as a result of competitive examination he will be entitled to the benefit of the said period also. A reference was made to the G.O. dated 18.11.1971 by which the Governor accorded his approval for the re-organisation of Homeguards on the basis of proforma issued by the Central Govt. In the Compendium of instructions issued by Central Govt. at Headquarters of the District the post of District Commandant rank has been taken to be equivalent to that of Dy. S.P. The adoption of proforma or pattern of Central Govt. and its instructions would not tantamount to declaration of equivalence of post contemplated in the provisions contained above. A declaration by State Govt. postulated in the proviso to the rule added by amendment is to be a clear and specific clarification and the same is not to be arrived at by applying the principle of induction and deduction.

5. Even if for arguments sake it is admitted that the same amounts to declaration as contemplated in Regulation of 1978, extracted above concept of the same

AS
/6

cannot be available to the applicant. A reading of the said newly added proviso makes it clear that 4 years of actual continuous service is to be counted only from the date one joins the State Police Service. If after joining the service some period is spent in working as Commandant Home Guard or any post which may be treated as equivalent to Dy. S.P., benefit of that period would be available and same would be counted towards continuous service. Any such service prior to ~~entering~~ ^{entering} of State Police Service cannot be counted. By legal fiction ^{or otherwise} a certain period spent in equivalent service before entering U.P. State Police Service the benefit of such a period is beyond the meaning and ^{import} and intention of the said provision. The plea raised by the applicant in this behalf thus fails. From the facts on record it appears that the selection committee which met on 10.7.80 did not consider the representation filed by the petitioner. The name of the applicant was included in the select list of 1982 for the confirmation in the Indian Police Service, as well in the select list of 1984, but no formal orders were passed because of non-availability of vacancy. In the select list which was prepared on 27.12.1985 which was approved by U.P. Public Service Commission as late as on 6.2.1989, his name was approved. The delay is said to have been caused, as there was interim order by the Supreme Court and after its vacation it became possible for Public Service Commission to accord its approval. In normal course, the approval of the applicant could have been accorded earlier but the approval was not accorded and after vacation of interim order and promulgation of new Regulations of 1988. The approval so given was in respect of vacancy of the year 1985 when the

vacancy arose. Indian Police Service Regulation of Seniority Rules, 1954 were in force as such his seniority could have determined as the reference to Regulation of 1954 and not of 1988. The Regulation of 1988 came in force from the date of its publication and retrospective effect was not given to it. The same otherwise also could not have been done. Regulation 8 of Indian Police Service (Regulation & Seniority) Rules, 1988, which repeated Regulations of 1954, itself provides that the seniority of officers appointed to service prior to the coming in force of these rules shall be determined in accordance with the Indian Police Service (Regulation of Seniority) Rules, 1954 as the date of appointment to the service.

6. A reference may be made to the case of Y.V. Rangaiah v. J. Sreenivasa Rao (1983) 3 SCC 284). It was observed:

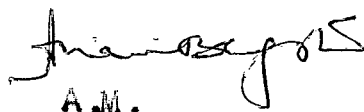
"The vacancies which occurred prior to the amended rules would be governed by the old rules and not by the amended rules. It is admitted by counsel for both the parties that henceforth promotion to the post of Sub-Registrar Grade II will be according to the new rules on the zonal basis and not on the State wide basis and, therefore, there was no question of challenging the new rules. But the question is of filling the vacancies that occurred prior to the amended rules. We have not the slightest doubt that the posts which fell vacant prior to the amended rules would be governed by the old rules and not by the new rules."

The same view was taken in P. Ganeshwar Rao v. State of Andhra Pradesh (1988 Supp. S.C.C. 740) and in A.A. Calton v. Director of Education (1983) 3 SCC 33).

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7. Indian Police Service (Regulations of Seniority) Rules, 1954 will apply in the case of applicant and his promotion and confirmation will be governed by these rules and not by the Indian Police Service (Regulation of Seniority) Rules, 1988. His allotment will also be in accordance with the rules of 1954 and not 1988. The applicant is accordingly entitled to this relief.

8. In the result, the application succeeds in part, i.e. to the extent that his ^{year} ~~xxxx~~ of allotment in the Police Service will be in accordance with the Indian Police Service (Regulations of Seniority) Rules, 1954 and not of Regulations of 1988, otherwise the application in respect of other reliefs including that he is entitled to the promotion in the next below rule with effect from 1977 is dismissed. The respondents shall dispose of the representation^s of the applicant which are still pending within a period of two months from the date of receipt of copy of this judgment, in ~~xxxxxx~~ with respect of applicant's year of allotment in accordance with the Regulations of 19⁵⁴~~84~~. In view of partial success and failure of the parties, they will bear their own costs.


A.M.


V.C.

Shakeel/

Allahabad Dt. 15-3, 1991.

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BEFORE THE HONBLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW

Original Appln. No., 152 of 1989(L)

BETWEEN

Brij Bhushan Das ... Applicant

And

Union of India & others ... Respondents

APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNALS ACT, 1985

For use in tribunal office;

.....

.....

Date of filing- 29/6/89

OR

Date of receipt-

by post-

Registration- 152/89(L)

Signature of the
Registrar

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL.

CIRCUIT BENCH AT LUCKNOW

Original Appln. No. /52 of 1989(L)

District: Lucknow

BETWEEN

Brij Bhushan Das

... Petitioner/
Applicant

And

Union of India & others

... Opp. Parties/
Respondents

I N D E X

-
1. Memo of application 1-10
 2. ~~Annexure No. 1~~ Impugned order X
Copy of order dt. 4.2.79
 3. Postal order No. DD 783952 Dated 29/6/89
for Rs 50/-only. 4
 4. Vakalatnama
-

Place: Lucknow

Dated: 29/6/89

Raju/-

A. Mannan
Advocate,
Counsel for the applicant

AA-4
a

(2)

(2) Office address of the respondents; As above

(2) Address for service of all notices; As above

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS BEING MADE:-

The relief in the nature of direction has been sought for promotion of the petitioner on the principle of next below rule from the date on which persons junior to the petitioner was promoted to the cadre post of Superintendent of Police.

2. JURISDICTION OF THE TRIBUNAL;

The applicant declares that being the case related with the Union of India and also he is presently posted as Commandant, 35 Bn. P.A.C., Mahanagar, Lucknow this bench of the Central Administrative Tribunal has jurisdiction.

3. LIMITATION:

That the denial of promotion of the petitioner with retrospective affect is causing financial loss to the petitioner every month. Hence he has a recurring cause of action. Moreover as such representation was made by the petitioner on 29.11.1979 for retrospective Notional promotion on which no orders have been passed. Hence the application is within limitation.

4. FACTS OF THE CASE:

The facts of the case are given below;

AM

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BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW

Original Appln. No. 152 of 1989 (L)

BETWEEN Distt. Lucknow
Brij Bhushan Das ...Applicant
AND
Union of India & others ...Respondents

filed today
28/6

Let it be
admission before
Court on 11.7.89
28/6/89

APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNALS ACT, 1985.

DETAILS OF APPLICATION

1. PARTICULARS OF THE APPLICANT:

- (i) Name of the applicant ; Brij Bhushan Das
(ii) Name of father ; Attar Sen Gupta
(iii) Designation and office ; Commandant, 35 Bn.
in which employed P.A.C., Lucknow.
(iv) Office Address ; 35 Bn. P.A.C., Maha,
Nagar, Lucknow.
(v) Address for service of : Commandant house,
all notices ; 35 Bn. P.A.C., Maha-
Nagar, Lucknow.

2. PARTICULARS OF THE RESPONDENTS;

- (1) Name &/or designation of the respondents;
(i) Union of India through Secretary to Govt.,
Home department, Central Secretariat,
New Delhi.
(ii) State of U.P. through Secretary to Govt.,
Home Department, Civil Secretariat,
Lucknow.
(iii) Director General of Police, U.P.,
Lucknow.

Notice for 11/7/89
Anand Kumar serves for
(Advocate)

17/5

(3)

4-1. That the petitioner was appointed in the U.P. Police Services after competitive examination conducted by the U.P. Public Service Commission known as combined State Services Examination, 1973 and was appointed to the post of Deputy Superintendent of Police by U.P. Government Notification dated 25.9.1975. The appointment of the petitioner was in the quota reserved for demobilised army officers amongst the direct recruits. Through the letter of Inspector General of Police dated 10th December 1975 the petitioner was required to join training in the police training college on 1.1.1976 and he successfully completed the said training. This training is in the service. The year of the recruitment of the petitioner was 1973.

4-2. That the petitioner was commissioned in the Army on 2nd August, 1964, as the emergency commission officer and ~~the commission of~~ the petitioner from army was released on ^{1.7.1970.} ~~1.1.1970.~~

4-3. That after joining the U.P. Police Service the petitioner through his application dated 12th April, 1976 requested the State government to count his services rendered in the Army towards services in the U.P. Police. However first request of the petitioner was rejected by the U.P. State Government under wrong interpretation through its order dated 25.1.1978.

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17/6

(4)

- 4- 4. That the petitioner requested again for the benefit of army services in the matter of determination of seniority in the U.P. Police Services and ultimately through an order dated 4th August, 1979 the petitioner was allowed the benefit of service rendered by him in the army towards determination of seniority in the U.P. Police Service and in pursuance of this decision the petitioner was allotted the year of 1965 as the year of his allotment, for all purposes including seniority in the U.P. Police Services. A copy of this order dated 4th August, 1979 is annexed here with as ANNEXURE No. 1 to this petition.
- 4- 5. That due to delay in the decision regarding the use of army service for the purposes of seniority in the U.P. Police Services, the petitioner suffered and the promotion of the petitioner in the senior scale post in the U.P. Police Service was delayed.
- 4- 6. That having allotted the seniority of 1965 in U.P. Police Services, the applicant requested through his letter dated 16th August, 1979 for his promotion to the post of Superintendent of Police. He also requested that he be promoted on the principle of next below rule from the date on which persons junior to him meaning those who were allotted the year 1966 as the year of recruitment were promoted.
- 4- 7. That the petitioner again and again

sub

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(5)

made request and point^{ed}/out that Mr. P.N.Pathak who has been allotted the year of 1966 later than the petitioner has been promoted to the post of Superintendent of Police with effect from 1.12.1977, and the petitioner also should be promoted.

4-8. That ultimately the petitioner was promoted to the post of Superintendent of Police in the senior scale of pay in the year 1980 and since then the petitioner is working as Supdt. of Police up till now.

4-9. That after the decision in the matter of year of allotment in the U.P. Police Service a meeting of the selection committee for the preparation of selectlist for promotion in the Indian Police Service was held in 1982 in which the petitioner was found suitable for inclusion in the select list. However due to lack of availability of post formal orders of confirmment of Indian Police Service were not passed.

4-10. That the selection committee for drawing the select list for promotion of the Indian Police Service was again made in 1984, the petitioner was selected again but no orders were passed due to the lack of vacancies in the quota for the promotees in the Indian Police Service.

4-11. That the selection committee was again held in 1985, the petitioner had again selected for the

(6)

Indian Police Service, however this selectlist cannot be given affect too due to the interim orders of the Hon'ble Supreme Court. However in November, 1988 the matter was finalised by the Hon'ble Supreme Court and the selectlist of I.P.S. became again operative and the petitioner soon will be conferred the Indian Police Service. However inspite of the confinement of the Indian Police Services the petitioner will suffer in the matter of seniority even in the I.P.S. and also in the matter of further promotion due to the wrong seniority. This wrong seniority is due to the fact that the question of benefit of army service in the matter of seniority of the U.P. Police Service, the decision was delayed by the State government for which the petitioner cannot be held responsible. The juniors were promoted and as such the petitioner is entitled for notional promotion to the post of Superintendent of Police which is a cadre post from 1st December, 1977 when his next junior Mr. P.N. Pathak who has been allotted the year 1966, in the U.P. Police Service was promoted. The year of allotment and the continuous officiation on the senior post is very much material for the purposes of determination of the seniority under the seniority rules of the I.P.S. and in that regard if the petitioner is not treated to have officiate on the senior scale post of Superintendent of Police with effect from 1.12.77 the petitioner will suffer irreparable loss and he will be treated junior to those who have

(7)

been officiated on the senior scale post of Superintendent of Police earlier than 1980. Though they are junior to the petitioner in the U.P. Police Service .

4-12. That the petitioner made the last representation to the Government of U.P. on 29.11.1979 for his notional promotion to the post of Senior Scale of post of Supdt. of Police with effect from 1.12. 1977. the date on which his next junior was promoted. The U.P. Government has not taken any decision and the petitioner is likely to suffer in the matter of determination of his seniority in the respect of promotion of the petitioner has to be determined from the date of officia tion on senior scale of post. In that situation the promotion of the senior scale post became crucial and desassive . As such the petitioner is entitled for promotion to the senior scale post of Superintendent of Police with effect from 1.12.1977. The loss to the petitioner is continuous and recurring in the matter of pay amoluments and senhority. As such he has continuous cause of action.

5. RELIEF BEING SOUGHT;

A writ, order or direction in the nature of mandamus or directing the Opposite Parties to dispose of the representation of the petitioner dated 29.11.79 and grant him notional promotion on the principle of next below rule to the senior scale of post

(8)

of Superintendent of Police with effect from 1.12.1977 with all consequential benefits in the matter of pay, allowances increments including arrears arising there of with effect from 1.12.1977. The Opposit Parties may be further directed to determine the seniority of the petitioner in the Indian Police Service cadre on the basis of his continuous officiation on the senior scale post with effect from 1.12.1977.

That any other relief what ever thinks fit and proper by this Hon'ble tribunal may be awarded to applicant along with cost of the case against the respondents on the basis of following amongst other grounds;

S- i. Because the petitioner cannot be penalised for the delay caused by the State Government in the matter of grant of benefit to the petitioner for his services rendered in the Army.

S- ii. Because the petitioner is entitled to ^{of promotion} notional benefit from the date on which person next junior to him was promoted to the senior scale post of Superintendent of Police.

S- iii. Because the petitioner has been discriminated in violation of his fundamental rights guaranteed under Arts. 14 and 16 of the Constitution.

(9)

- S- iv. Because the petitioner has been penalised by partial loss of emoluments due to the delay in the matter of his promotion to the senior scale post.
- S- v. Because the non disposal of the representation of the petitioner is mala fide on the part of the respondents.
- S- vi. Because due to wrong determination of date for his promotion to the senior scale post the petitioner will suffer life long in the matter of seniority and other promotion in the Indian Police Service.

6. INTERIM ORDER IF PRAYED FOR;

X

7. DETAILS OF REMEDY EXHAUSTED;

That the petitioner exhausted the departmental remedy by preferring representation which is still pending undisposed off with the Govt.

8. MATTER IS NOT PENDING WITH ANY OTHER COURT ETC.

The applicants declare that the matter regarding the relief sought in the application is not pending before any other court of law or has been rejected by any court of law.

12

(10)

9. DETAIL OF INDEX;

Index in duplicate with details of documents be relied upon as enclosed with the application.

10. LIST OF ENCLOSURES;

Memo of application along with 1 annexure vide index is enclosed;

11. PARTICULARS OF POSTAL ORDERS;

Postal order No. $\frac{D}{4}$ 783952 Dated 29/6/89 for Rs 50/-only.

VERIFICATION

I, Brij Bhushan Das, Aged about 48 years Son of Sri Attar Sen Gupta, Commandant House, 35 Bn. P.A.C., Mahangar, Lucknow do hereby verify that the contents of paragraphs 1 to 11 of this application are true to my personal knowledge and belief and that I have not suppressed any material facts.

Place: Lucknow

Dated:

[Signature]

Signature of the Applicant

A. Imman
Advocate,

Counsel for the petitioner

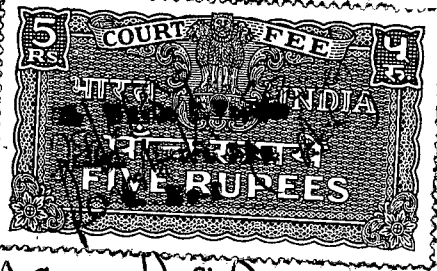
[Signature]

Before the Hon'ble Central Administrative Tribunal
Circuit Bench at Lucknow

बिचआदालत श्रीमान

महोदय

वादी (मुद्दई)
मुद्दई (मुद्दालेह)



उतनामा

Brij Bhushan Das

Vs.

applicant

Union of India opp. parties

बनाम

प्रतिवादी (रेस्पान्डेन्ट)

नं० मुद्दमा

सन

पेशी की ता०

१९

ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Shri A. Mannan, Shri

Shri Shashidhar K. Srivastava

Adv. Kumar Chaturvedi, Shri R. K. Srivastava

वकील

एडवोकेट

महोदय

को अपना वकील नियुक्त करके (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानो) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूं कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा। 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

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९

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A-6
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BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL.

ELIGIBILITY AT LUCKNOW

Original Appn. No. of 1989(L)

District Lucknow

BETWEEN

Shri Bhushan Das

... Petitioner/
Applicant

And

Union of India & others

... Opp. Parties/
Respondents

I N D E X

2. Annexure No. 1
Copy of order dt. 4.8.73

11 to 12

Place: Lucknow

Dated: 29/6/89

By: /s/

A. Anamika
Advocate,
Counsel for the applicant

0

11

17/2

क्रमांक - 7868/अप-कृषि-522(124)/78

प्रमाण

श्री श्रीराम दत्त मेहराज
अप सचिव
उपग्रह बरकात ।

लेखक

पुलिस अधीनस्थ
उपग्रह बरकात ।

4.8.79

विषय :- श्री कृष्ण दत्त, पुलिस उपधीनस्थ, श्री मेहराज, अर्द्ध, व। निर्धारण
:-:-:-:-:-

महोदय,

उपस्थित विषय पर आठे वन लेखा 1-81-78, दिनांक 27-7-78 के
अर्द्ध के हरे का बने वन-विभाग के श्री कृष्ण दत्त, पुलिस उपधीनस्थ के
पुनर्विधान दिनांक 27-8-78 पर विचारित राखण महोदय ने वन-विभाग
लेखा 8391 वी/अप-कृषि-522/124/72, दिनांक 1-7-78, को निरस्त करने
हरे का निर्धारण किया है। श्री कृष्ण दत्त, पुलिस उपधीनस्थ, विभाग के वन
में 2 अर्द्ध 1884 के अर्द्ध पुनर्विधान किया और दिनांक 1878 के लेखा में
अर्द्ध हरे और श्री कृष्ण दत्त राखण के पुनर्विधान वरिष्ठ, 1873 के अर्द्ध
पर उपग्रह पुलिस लेख में निर्धारित है कि हरे को , के उपस्थित पुनर्विधान
पुनर्विधान दिनांक 27-8-78 को अर्द्ध किया हरे का उर्द्ध का 1885 के हरे
पुनर्विधान वरिष्ठ के वन श्री कृष्ण दत्त का पुनर्विधान है ।

Attested
Ramesh Kumar Srivastava
(A/Secy)

2- राखण महोदय विभाग नियम संख्या 2, वन को के वन के पुनर्विधान
नियम के अर्द्ध वन श्री कृष्ण दत्त के श्री कृष्ण दत्त का वन राखण
पुनर्विधान में निर्धारित दिनांक 1-7-78 को उर्द्ध वन में दिनांक 1 अर्द्ध,
1872 के हरे वन वन-विभाग को 200-25-100-दरिद्र-30-530 के 200-30-
200-दरिद्र-दरिद्र-30-500 (पुनर्विधान वन को 250/-) में उर्द्ध निर्धारित श्री
अर्द्ध वन दिनांक 31 दिसंबर, 1885 वन को पुनर्विधान किया वन ।

22-

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- 3- इस अधिनियम का प्रसार 2 विभा विभाग के अधिनियम संख्या सी-2-311/स-78 दिनांक 28 जुलाई 1978 में प्रकाशित करने के लिए जारी किया जा रहा है ।
- 4- इसका भी दस्तावेज तैयार करने का काम है ।

1/3

कपड़ों

(गोपनीय दस्तावेज)
अ तब

संख्या - 7066 (1)/स-पु-78-
प्रतिनिधि निर्देशिका को सुपरीषद् प्रेषित :-
1- गवर्नर (सी) उद्देश्य संस्था
2- विभाग (सामान्य) अनुभाग 2

अब है

(गोपनीय दस्तावेज)
अ तब ।

Allysis
Ramesh K. Suresh
(Adm)

11/10/78

FF 19.4

8-1

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

O.A.No. 152 of 1989(L)

BRIJ BHUSHAN DASS.....APPLICANT

VERSUS

UNION OF INDIA & OTHERS.....RESPONDENTS.

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT

NO. 2 and 3 TO THE CLAIM PETITION

I, Durga Shankar Misra aged about 28 years s/o Sri Madan Misra, presently posted as Joint Secretary, Home Department, Govt. of Uttar Pradesh, Lucknow do hereby solemnly affirm and state on oath as under:-

1. That the deponent is Joint Secretary, Home Department and as such is fully conversant with the facts of the case. The deponent has read the contents of the Claim Petition of B.B.Dass(hereinafter referred as Claim Petition) and after understanding the same is filing this Counter Affidavit to controvert the same.
2. That in reply to the contents of paragraph 1 of the Oath Application it is submitted that the Petitioner is not entitled for the benefit of notional promotion as claimed by him in view of the facts stated in the following paragraphs.
3. That the contents of paragraph 2 of the Claim Petition need no comments.
4. That the contents of paragraph-3 of the Claim Petition are denied and it is stated that no copy of the alleged representation dated 29.11.1979 has been filed alongwith the

1989
AFFIDAVIT
19
HIGH COURT
ALLAHABAD

AT
L
9/2/89

8/2/90

21/12

Oath Application. In any case after considering all the representations of the applicant, he was promoted on 29.7.80 on adhoc basis on the post equivalent in rank to that of Superintendent of Police. The true copy of the proceeding of the meeting is being filed herewith as Annexure-CA-I . It is further stated that against the aforesaid promotion order no appeal or representation has been preferred by the applicant therefore the present Oath Application is barred by limitation.

5. That the contents of paragraph 4(1) of the Claim Petition are not disputed.

6. That as regards contents of paragraphs 4(2), they are not disputed except the fact that the petitioner was released from the army on 1.7.1970 and not on 1.1.1970 as stated by him.

7. That regarding the contents of paragraphs 4(3) and 4(4) of the Claim Petition it is submitted that the applicants's seniority was finally decided by the State Govt. vide its order dated 4.8.1979 which is enclosed as Annexure-I with the Oath Application.

8- That in reply to paragraph 4(5) of the Claim Petition it is submitted that the petitioner joined as Deputy Superintendent of Police on 1.1.1976 at the Police Training College, Moradabad for undergoing the prescribed training course where he remained up to 15.1.1977. Thereafter the petitioner was posted in district Jhansi for undergoing the district practical training which he completed on 23.7.77. After having completed the prescribed probationary period of two years and after having passed the prescribed departmental examination, the petitioner was confirmed on

21/12/90

(A-7)
3

the post of Deputy Superintendent of Police with effect from January 1, 1978. The Government i.e., answering respondent on the basis of Applicant's representation allowed him benefit of his earlier services in the army vide its order No. 7866/VIII-PS-522(124)/72 dated 4.8.79 and the petitioner was assigned 1965 as his year of allotment in P.P.S. The copy of the ~~22~~ G.O. dated 4.8.79 ~~and the petition~~ is annexed ~~herewith~~ as Annexure-I with the Oath Application. The contention made otherwise, if any, is denied being baseless and unfounded.

9- That with regard to averments made in paragraphs 4(6) and 4(7) of the Claim Petition it is submitted that as per Government of India's Notification No. 11039/21/76-AIS(I-B) dated 1.6.1978, annexed as Annexure-CA-II to this Counter Affidavit, four years of actual continuous service in U.P. Police Service is required for army personnel for being eligible for consideration for promotion to the post of Supdt. of Police or its equivalent on adhoc basis. The petitioner having been appointed as Dy.S.P. on 1.1.76 completed four years of continuous service in the Provincial Police Service only on 1.1.1980 hence his ~~saying~~ claiming the benefit of notional promotion before this date is not tenable under ~~law~~ rules. As regards promotion of persons junior to the petitioner on the post of S.P. it is submitted that Sri P.N.Pathak is a direct recruit of P.P.S. who has been allotted the seniority of 1966 batch and under rules he was fully eligible for promotion to the post of S.P. with effect from 21.12.1977. It is also added that as soon as the petitioner became eligible for promotion to the post of S.P. on adhoc basis, a meeting of Selection Committee was convened.

(A-7)
4

on 10.7.80 and the petitioner was approved for ~~ad hoc~~ adhoc promotion on the post of S.P. and therefore he was given promotion w.e.f. 29.7.80. It is also clear from the above that on the date of adhoc promotion of Sri P.N.Pathak as officiating S.P. ^{the applicant} ~~and~~ was not even confirmed as such.

10- That the contents of paragraph 4(8) of the Claim Petition are not disputed.

11- That the contents of paragraphs 4(9) and 4(10) of the Claim Petition are not disputed.

12- That the contents of paragraph 4(11) of the Claim Petition are admitted to the extent that the petitioner's name is on the list prepared on 27.12.85 which was approved by the UPSC on 6th February, 1989 due to the reasons explained ~~him~~ by the petitioner himself. Therefore the select list came in force only after 6.2.1989. The petitioner's apprehension that he will suffer in the matter of determination of his seniority in I.P.S. is misconcieved in view of the latest seniority rules notified by Govt. of India's Notification No. 14014/40/88-AIS(I) dated 27.7.1988 annexed herewith as Annexure-CA-III to this Counter Affidavit. The petitioner's ~~ex~~ claim that continuos officiation on the post of S.P. is very much material for the purposes of determination of his seniority is also baseless in view of the above referred notification dated 27.7.88. It is also submitted that the Govt. of India have appointed the petitioner in Indian Police Service vide its notification dated 15.12.1989 annexed as Annexure-CA-IV to this Counter Affidavit. It is clear from its perusal that the petitioner has been placed above Sri P.N.Pathak and therefore his apprehension is unfounded.

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A-7
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13- That for reply of contents of paragraph 4(12) of the Claim Petition reply given in paragraph 4 above may kindly be referred to.

14- That the contents of paragraph ~~4~~ 5 of the Oath Application are denied and it is stated that the applicant is not entitled to get any relief as Claimed. It is further stated that grounds mentioned in para under reply are baseless in view of the facts stated in paras 8, 9 and 12 above and are not tenable in the eyes of law.

15- That the contents of paragraphs 6, 7 and 8 of the Claim Petition need no comments.

16- That the contents of paragraphs 9, 10 and 11 of the Claim Petition also do not need any comments.

17- That this Counter Affidavit could not be prepared earlier because the answering respondent~~s~~ had to collect records referred by the petitioner from various Sections of the Home Department and the Director General and Inspector General of Police. Therefore the delay is bonafide and liable to be condoned.

18- Then in view of the facts stated in the foregoing paragraphs, this Oath Application is liable to be dismissed with cost.

LUCKNOW:

DEPONENT

DATED: 8.2.90

V E R I F I C A T I O N

I, the abovenamed deponent, do hereby verify that the contents of this counter affidavit from paras 1 to 4(part), 5 to 12, 15/16 & 17(part) are true to my own knowledge^{13/14} and on the basis of records and those of paras 4(part), 13/14, 17(part) & 18 are believed to be true. No part of it is false and nothing material has been

LUCKNOW:

DATED: 8-2-60

~~DEPONENT~~

I, clerk of Sri Anand Kumar
Advocate, High Court, Allahabad, Lucknow Bench, Lucknow do
hereby declare that the person making this affidavit and
alleging himself to be Sri Durga Shankar Mishra is
the same person who is known to me from the perusal of records
produced before me in this case.

Aneja Kumar
Feb-
01/2/90

Solemnly affirmed before me on 8-2-90 the
day of February, 1990 at 11:00 a.m./~~p.m.~~ who has been identified
by the aforesaid. Anoop Kumar Advocate High
Court Lucknow Bench Lucknow. &

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

OATH COMMISSIONER.

WAS: 10107

247.

Nov. 1924 / 19

8-2-90

Copy

PROCEEDING OF THE MEETING OF THE SELECTION COMMITTEE HELD
ON 10.7.80 AT 12 NOON IN CONTROL ROOM FOR CONSIDERATION
OF THE CASE OF SRI B.B. DAS, DEPUTY S.P. FOR PROMOTION ON
ADHOC BASIS IN THE RANK OF SUPERINTENDENT OF POLICE

Present

1. Sri R.B. Saxena,
Chief Secretary

Chairman

2. Sri T.N. Dhar,
Home Secretary

Member

3. Sri Mahendra Singh,
Inspector General of Police

Member

The Committee considered the case of Sri B. B. Das for promotion on adhoc basis in the rank of Superintendent of Police. According to the facts put up before the Committee, Sri B. B. Das entered the State Police Service on 1.1.76 on the basis of combined competitive examination for state services held in 1973 against quota reserved for Emergency Commissioned Officers/ Short Service Commissioned officers. He has been allotted the seniority of 1965 batch of P.P.S. Three officers of State Police Service junior to him are officiating on adhoc basis in the scale equivalent to that of the senior scale in the I.P.S. Sri Das has also completed 4 years of actual continuous service. Under G.O.I's notification no. 11032-21/76 AIS(I-B) dated 1.6.78, he is, therefore, eligible for consideration for officiating appointment on adhoc basis on post equivalent in rank to that of S.P. The promotion has to be done on the basis of suitability of the officer, keeping in view his seniority.

2. The committee has seen the Character Roll and service records of the officer and is of the view that he is suitable for promotion adhoc basis in the rank of Superintendent of Police.

Sd/- R.B. Saxena
18/7
Chief Secretary

Sd/- T.N. Dhar
Home Secretary

Sd/- Mahendra Singh
Inspector General of Police

No. 11039/21/76.AIS(1)-B
Government of India/Bharet Sarkar
Ministry of Home Affairs/Grih Mantralaya
Department of Personnel and Administrative Reforms
(Karmik Aur Prashasnik Sudhar Vibhag)

New Delhi the dated 1st June 1978

NOTIFICATION

G.O.E..... In pursuance of sub-rule (1) of rule 9 of the Indian Police Service (Recruitment Rules) 1954, the Central Government, in consultation with the Government of States concerned, and the Union Public Service Commission hereby makes the following regulations further to amend the Indian Police Service (Appointment by Promotion) Regulations 1955, namely:

1. (1) These regulations may be called the Indian Police Service (Appointment by Promotion) Amendment Regulations, 1978.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In sub-regulation (2) of regulation 5 of the Indian Police Service (Appointment by Promotion) Regulations, 1955, before the Explanation, the following further proviso shall be inserted namely :-

" Provided also that in respect of any released Emergency Commissioned Officers or Short Service Commissioned Officers appointed to the State Police Service, eight years of continuous service as required under the preceeding provision shall be counted from the deemed date of their appointment to that service subject to the condition that such officers shall be eligible for consideration if they have completed not less than four years of actual continuous service, on the first day of the January of the year in which the Committee meets, in the post of Deputy Superintendent of Police or in any other post or posts declared equivalent there to by the State Government.

Sd/- R.N. Datta
Desk Officer.

No. 11039/21/76-AIS(1)-B

Copy for. XXX
XXX

XXX
XXX

52.554
53.51/70

51.1.21

TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY PART II
SECTION 3 SUB-SECTION (1) DATED 27th July, 1988

No. 14014/4Q/88-AIS(I)
Government of India
Ministry of Personnel,
Public Grievances & Pensions.
(Department of Personnel & Training)

New Delhi, the 27th July, 1988.

NOTIFICATION

WHEREAS the exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the Governments of States concerned, hereby makes the following rules, namely:-

1. Short title and commencement:- (1) These rules may be called the Indian Police Service (Regulation of Seniority) Rules, 1988.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions:- In these rules, unless the context otherwise requires;

- (a) 'Cadre' means the Indian Police Service Cadre constituted in accordance with rule 3 of the Cadre Rules;
- (b) 'Cadre Rules' means the Indian Police Service (Cadre) Rules, 1954;
- (c) 'Cadre Schedule' means the Schedule to the Indian Police Service (Fixation of Cadre Strength) Regulations, 1955;
- (d) 'Commission' means the Union Public Service Commission;
- (e) 'Competitive examination' means the examination referred to in rule 7 of the Recruitment Rules;
- (f) 'direct recruit officer' means an officer appointed to the service through a competitive examination in accordance with rule 7 of the Recruitment Rules;
- (g) 'gradation list' means the gradation list prepared under rule 5 of these rules;

...2/-

8/7/88

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- (h) 'officer' means a member of the Service;
- (i) 'Promotee officer' means an officer appointed to the service in accordance with the provisions of the Indian Police Service (Appointment by Promotion) Regulations, 1955;
- (j) 'Recruitment Rules' means the Indian Police Service (Recruitment) Rules, 1954;
- (k) 'Select List' means the Select List prepared in accordance with the Indian Police Service (Appointment by promotion) Regulations, 1955;
- (l) 'Service' means the Indian Police Service;
- (m) 'State Cadre' and 'Joint Cadre' have the meanings respectively assigned to them in the Cadre Rules;
- (n) 'State Government concerned', in relation to a Joint Cadre, means the Joint Cadre Authority.
3. Assignment of year of allotment:- (1) Every officer shall be assigned a year of allotment in accordance with the provisions herein-after contained in these rules.
- (2) The year of allotment of an officer in Service at the commencement of these rules shall be the same as has been assigned to him or may be assigned to him by the Central Government in accordance with the rules, orders and instructions in force immediately before the commencement of these rules.
- (3) The year of allotment of an officer appointed to the service after the commencement of these rules shall be as follows:-
- (i) the year of allotment of a direct recruit officer shall be the year following the year in which the competitive examination was held;

Provided that, in the case of exempted probationers, as defined in clause (ee) of rule 2 of the I.P.S. (Probation) Rules, 1954, and direct recruit officers, who are permitted to join probationary training under sub-rule (1) of rule 3 of the IPS (Probation) Rules, 1954, with the direct recruit officers of a subsequent year of allotment, they shall be assigned that subsequent year as the year of allotment.

Handwritten signature and date 1-10-60

(ii) The year of allotment of a promoted officer shall be determined in the following manner:-

- (a) For the service rendered by him in the State Police Service upto twelve years, in the rank not below that of a Deputy Superintendent of Police or equivalent, he shall be given a weightage of four years towards fixation of the year of allotment;
- (b) he shall also be given a weightage of one year for every completed three years of service beyond the period of twelve years, referred to in sub-clause (a), subject to a maximum weightage of five years. In this calculation, fractions are to be ignored;
- (c) the weightage mentioned in sub-clause (b), shall be calculated with effect from the year in which the officer is appointed to the Service.

Provided that he shall not be assigned a year of allotment earlier than the year of allotment assigned to an officer senior to him in that select list or appointed to the service on the basis of an earlier Select List.

4. Inter-se seniority of the Officers:- The inter-se seniority of the officers who are assigned the same year of allotment shall be in the following order and in each category the inter-se seniority shall be determined in the following manner:-

- (i) direct recruit officers shall be ranked inter-se in the order of merit as determined in accordance with rule 10 of the Indian Police Service (Probation) Rules, 1954;
- (ii) Promotee officers shall be ranked inter-se in the order of their dates of appointment to the Service.

Provided that if the date of appointment of more than one officer is the same, their inter-se seniority shall be in the order in which their names are arranged in the Select List on the date of appointment to the Service;

5. Gradation List:- There shall be prepared every year for each State Cadre and Joint Cadre a gradation list consisting of the names of all officers borne on that Cadre arranged in order of seniority.

7/2/90

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6. Fixation of the seniority of officers transferred to another Cadre:-

(1) If a direct recruit officer is transferred from one cadre to another in public interest, his year of allotment shall remain unchanged and his inter-se position among the direct recruits having the same year of allotment in the cadre to which he is transferred shall remain the same as determined in accordance with rule 10 of the Indian Police Service (Probation) Rules, 1954.

(2) If a promotee officer is transferred from one cadre to another in public interest, his year of allotment shall remain unchanged and he shall be ranked inter-se with promotee officers having the same year of allotment in the cadre to which he is transferred with reference to the date on the basis of which he was assigned the year of allotment under these rules.

(3) If an officer is transferred from one cadre to another at his request, he shall be assigned a position in the gradation list of the cadre to which he is transferred below all the officers of his category borne on that cadre who have the same year of allotment.

Provided that in the case of a direct recruit officer transferred from one cadre to another at his request, his seniority in the list prepared under rule 10 of the Indian Police Service (Probation) Rules, 1954 shall remain unaffected for the purpose of the said list.

7. Interpretation:- If any question arises as to the interpretation of these rules it shall be referred to the Central Government for decision.

8. Repeal and Savings:- (1) The Indian Police Service (Regulation of Seniority) Rules, 1954 and all other rules corresponding to the said rules in force immediately before the commencement of these rules are hereby repealed.

(2) The seniority of the officers appointed to the Service prior to the coming into force of these rules shall be determined in accordance with the Indian Police Service (Regulation of Seniority) Rules, 1954 in force on the date of their appointment to the Service.

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

D. P. Bagchi
(D.P. Bagchi)

Joint Secretary to the Government of India.

8/11/90

ANNEXURE-CA-IV

No. I-14013/9/89-IPS-I
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

New Delhi-110001, the 15th December, 89

NOTIFICATION

In exercise of the powers conferred by sub-rule (1) of rule 9 of the Indian Police Service (Recruitment) Rules, 1954 read with sub-regulation (1) of regulation 9 of the Indian Police Service (Appointment by Promotion) Regulations, 1955, the President is pleased to appoint the following members of Uttar Pradesh Police Service to the Indian Police Service on probation and to allocate them to the cadre of Uttar Pradesh under sub-rule (1) of rule 5 of the Indian Police Service (Cadre) Rules, 1954. The appointments will take effect from the date of issue of this Notification.

S.No.	Name of Officer	Date of Birth
	S/Shri	
1.	Triloki Nath Agarwal	6.10.39
2.	Bengali Babu Jatav	15.7.38
3.	Budh Chard	5.6.37
4.	Hari Raj Singh Fogat	1.1.42
5.	Puttoo Lal	10.3.40
6.	Brij Bhushan Dass	6.7.41
7.	Prem Nath Pathak	7.7.44
8.	Prem Chandra Singh	15.9.42
9.	Ajit Kumar Singh	1.4.45
10.	Naunihal Rai Srivastava	5.4.45
11.	Bal Krishan Chaturvedi	30.12.44
12.	Satyendra Kumar Garg	4.9.45
13.	Om Prakash Tripathi	5.4.46
14.	Surendra Kumar Saxena	1.4.46
15.	Lalta Prasad Misra	10.1.45
16.	Ram Adhar	2.11.45
17.	Mohar Lal Shah	15.5.32
18.	Jamal Ashraf	15.5.45
19.	Rajiv Narain Srivastava	12.12.46
20.	Devendra Bahadur Rai	8.10.45
21.	Abhay Shanker	5.1.48
22.	Ram Nivas Katheria	15.11.46
23.	Chandra Mani Prasad	27.4.41
24.	Satish Chandra Yadav	6.4.47
25.	Girish Nandan Singh	1.1.48
26.	Subhash Chandra Gupta	13.3.48
27.	Narendra Bahadur Singh	15.7.47
28.	Kedar Nath Dhar Dewedi	18.3.47
29.	Daya Shankar Singh	17.1.48

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IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW

O.A.No. 152 of 1989 (L)

Brij Bhusan Das ... Applicant

Versus

Union of India & others ... Respondents

Rejoinder to the Counter Affidavit on
behalf of Respondent no. 2 and 3 to the
claim sworn by Sri Durga Shanker Mishra,
Joint Secretary, Home Department, Govt.
of Uttar Pradesh.

I, Brij Bhusan Das, Aged about 48 years,
Son of Sri Atar Sen Gupta, Presently posted as
S.P. Railways, Lucknow states as under;

1. That the deponent is the applicant in the
above petition and as such is fully conversant with
the facts and circumstances of the case. The
applicant has read and understood the contents
of the Counter Affidavit under reply and states
hereinafter.

2. That the contents of paragraphs 1 and 3
of the Counter Affidavit need no reply.

3. That the contents of paragraph 2 of the
Counter Affidavit as alleged are wrong hence denied.
It is stated that the applicant ~~was~~ is entitled
for the benefit of promotion on the principle of
next below rule to the senior scale of post of
Superintendent of Police w.e.f. 1.12.1977 with

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all consequential benefits in the matter of pay allowances, increments including arrears arising there of w.e.f. 1.12.1977 and also the applicant is entitled for seniority in the Indian Police Services Cadre on the basis of his continuous offication on the senior scale of post w.e.f. 1.12.1977.

4. That the contents of paragraph 4 of the Counter Affidavit as alleged are wrong hence denied and those of paragraph 3 of the petition are reiterated as correct. It is stated that the application is within limitation as the applicant has made a representation to respondent no. 2 on 16th August, 1979 which was duly forwarded by the then Superintendent of Police, Deoria under whom the applicant was posted on 23rd August, 1979, and again the said representation dated 16th August, 1979 was forwarded by the office of respondent no. 3 on 5th September, 1979 to respondent no. 2. A copy of the representation dated 16th August, 1979 and forwarding letters dated 23rd August, 1979 and 5th September, 1979 to respondent no. 2 are being enclosed herewith as ANNEXURE No. R-1, R-1 and R-2 to this Repinder. The applicant also made representation on 29th November, 1979 to Opposite Party No. 2 through proper channel which was duly forwarded by the then Superintendent of Police Deoria through letter dated 14th December, 1979 to respondent no. 3 and thereafter the respondent no. 3 forwarded the said representation dated 29th November, 1979 to respondent no. 2 on 25th Dec. 1979. ~~xxx~~ 2 A copy of the representation dated

(3)

29th September, 1979 along with forwarding letters dated 14th December, 1979 and 25th December, 1979 are filed herewith as ANNEXURE No. R-4, R-5 and R-6 to this Rejoinder Affidavit. Thereafter the applicant made a representation to respondent no. 3 on 1st February, 1980 for treating the services rendered by the applicant under home guards as District Commandant from 3rd October, 1973 to 31st December, 1975 as services rendered on equivalent post to the post of Dy. Superintendent of Police as several Deputy Superintendent of Police of Government of U.p. were working as District Commandant in Home Guards. As such the post of District Commandant Homeguards and Dy. Superintendent of Police were the equivalent post. The said representation of the applicant dated 1.2.1980 was forwarded to respondent no. 3 by the then Superintendent of Police, Deoria on 5th February, 1980. A copy of the representation dated 1.2.1980 and forwarding letter dated 5.2.80 are annexed herewith as ANNEXURE No. R-7 and R-8 to this Rejoinder. The applicant thereafter submitted reminders on 14th December, 1982, 26.2.88 and 21.11.1988. The said representation of the applicant are yet pending consideration by the respondents. The representations of the applicant were not considered by the selection committee held on 10th July, 1980 (CA-1 to the Counter Affidavit) as it will be evident from the perusal of the same. The grievances of the applicant in regard to determining the seniority in the Indian Police Service Cadre on the basis of his continuous officiation on the senior scale post w.e.f. 1.12.77 is pending consideration till date. The

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applicant is entitled for determination of his year of allotment in the Indian Police Service Cadre on the basis of Indian Police Service (Regulation of Seniority) Rules 1954. The cause of action of the case to the applicant in regard to his determination of his year of allotment in the Indian Police Services Cadre arose only after the order was passed by the respondent no. 2 on 4th August, 1979. The application is within time as such not barred by limitation.

5. That the contents of paragraph 5 of the Counter Affidavit need no reply.

6. That in reply to the contents of paragraph 6 of the Counter Affidavit, it is stated that the applicant was released from Army on 1st July, 1970 and thereafter he worked as Distt. Commandant, Homeguards under Govt. of U.P. from 3rd October, 1973 to 31st December, 1975 and thereafter he joined as Dy. Superintendent of Police Govt. of U.P. on 1.1.1976 after proper selection by Govt. of U.P. The applicant applied for the post of Dy. Superintendent of Police while working as District Commandant, Homeguards and so given appointment order as Dy. Superintendent of Police while working as District Commandant, Homeguards. The applicant was released from the post of Distt. Commandant Home Guards in the afternoon of 31st December, 1975 and joined as Dy. Superintendent of Police, Govt. of U.P. on 1.1.1976 forenoon. The applicant never submitted his resignation from the post of District Commandant, Homeguards

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~~who~~ ^{as} was relieved from the said post for joining as Dy. Superintendent of Police, Govt. of U. P. The applicant is entitled for promotion in the Indian Police Service Cadre on 3rd October, 1977 keeping in view the Indian Police Services (Appointment by promotion) amendment Regulation 1978 where as the applicant has been promoted in Indian Police Services Cadre w.e.f. 29.7.1980.

7. That in reply to the contents of paragraph 7 of the Counter Affidavit it is stated that through an order dated 4th August, 1979 the applicant was given seniority of 1965 in the cadre of Dy. Supdt. of Police where as consequential benefits in the Indian Police Service Cadre was not given arbitrarily and illegally.

8. That the contents of paragraph 8 of the Counter Affidavit as alleged are wrong hence denied and those of contents of paragraph 4 (5) of the application are reiterated as correct. It is stated that the applicant worked on an equivalent post to the post of Dy. Superintendent of Police as Distt. Commandant, Homeguards w.e.f. 3rd October, 1973 and as such he is entitled for benefits keeping in view the Indian Police Service (Appointment by Promotion) Regulation 1978. The applicant completed 4 years service in the cadre of Dy Superintendent of Police ^{or} ~~are~~ equivalent posts on 2.10.1977.

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9. That the contents of paragraph 9 of the Counter Affidavit as alleged are wrong hence denied. and those of paragraph 4(6) and 4(7) of the application are reiterated as correct. It is stated that the applicant completed 4 years of actual continuous service in the U.P. Police Service or equivalent post on 2nd October, 1977 and not on 1st Jan. 1980 as alleged. The applicant made representation in this regard to respondent no. 3 on 1st February, 1980 which is yet pending consideration (Annexure No. R-7 and R-8). The applicant is claiming promotion on the principle of next below rule to the Senior scale to the post of Superintendent of Police w.e.f. 1.12.1977 and the consequential year of allotment in the Indian Police Service Cadre/ Keeping in view the Indian Police Service (Regulation of Seniority) Rule, 1954. The selection committee held on 10th July, 1980 did not consider the representation of the applicant as evident from the perusal of the proceedings of the Selection committee dated 10th July, 1980 (Annexure No. A-1 to the Counter Affidavit). The applicant is entitled for promotion on the principle of next below rule w.e.f. 1st December, 1977 as the applicant was eligible w.e.f. 3rd October, 1977 keeping in view the Indian Police Service (Appointment by promotion) amendment Regulation 1978. The applicant is entitled for promotion on the principle of next below rule keeping in view the respondent no. 2 order dated 4th August, 1979 and also the Indian Police Service (Appointment by promotion) Amendment Regulation 1978. The applicant's confirmation as Dy. Superintendent of Police

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under respondent is not at all necessary condition for promotion to the Indian Police Service Cadre as alleged. The applicant is entitled for promotion w.e.f. 1st December, 1977 as the applicant has been given the seniority in the U.P. Police Services of the year 1965 through order dated 4th August, 1979.

10. That the contents of paragraphs 10 and 11 of the Counter Affidavit need no reply.

11. That the contents of paragraph 12 of the Counter Affidavit as alleged are wrong hence denied and those of contents of paragraph 4(11) of the application are reiterated as correct. It is stated that the applicant is in the select list for confirmation of the Indian Police Service in 1982 select list as well as in the 1984 select list but no formal orders were passed. However the select list prepared on 27 December, 1985 but was approved by the Union Public Service Commission on 6th February, 1989, i.e. after the publication of Indian Police Service (Regulation of Seniority) Rules, 1988 where as the applicant was entitled for promotion and confirmation in Indian Police Service Regulation of Seniority Rules, 1954. The applicant has been arbitrarily and illegally penalised due to delay in approval by the ~~U.P.~~ Union Public Service Commission. The applicant is entitled for assignment of year of allotment in the Indian Police Service Regulation of Seniority Rule, 1954 and not under the Indian Police Service Regulation of Seniority and Rule,

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1988. The applicant is entitled for year of allotment in the Indian Police Service Cadre of 1973 if the applicant is entitled for promotion on the basis of next below rule w.e.f. 1st December, 1977. Keeping in view the Indian Police Service Regulation of seniority rules 1954 and if the year of allotment in the Indian Police Service Cadre is done on the basis of Indian Police Service Regulation of seniority rules 1988 then the year of allotment will be 1981. The respondents are illegally and arbitrarily determining the year of allotment of the petitioner for promotion in the Indian Police Service Cadre keeping in view the Indian Police Service Regulation Seniority Rule 1988. The change of rules for determination of year of allotment in the Indian Police Service Cadre in the year 1988 will not affect the applicant as the applicant was entitled for promotion and year of allotment under Indian Police Service Regulation of Seniority Rules, 1954 and Indian Police Service appointment by promotion regulation 1955 read with amendment of 1978.

12. That the contents of paragraph 13 of the Counter Affidavit as alleged are wrong hence denied and the contents of paragraph 4(12) of the application are reiterated as correct. It is stated that the application is within limitation and as such the applicant is entitled for promotion in the Indian Police Service Cadre w.e.f. 1st December, 1977 and the year of allotment to the year 1973 in Indian Police Service Cadre.

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13. That the contents of paragraph 14 of the Counter Affidavit as alleged are wrong hence denied and those of contents of paragraph 5 of the application are reiterated as correct. It is stated that the applicant is entitled for reliefs claimed in the application keeping in view the facts and grounds stated in the application along with the averments made hereinabove. The grounds are tenable in the eyes of law. The application deserves to be allowed.

14. That the contents of paragraphs 15, 16 and 17 of the Counter Affidavit need no reply.

15. That the contents of paragraph 18 of the Counter Affidavit are vehemently denied. The application deserves to be allowed with cost to the applicant keeping in view the facts and grounds stated in the application as well as the facts stated hereinabove. The applicant is entitled for promotion to the post of Senior Scale of Superintendent of Police with effect from 1.12.1977 along with all consequential ^{year} benefits and consequently the ~~order~~ of allotment in the Indian Police Service Cadre of the year 1973.

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VERIFICATION

I, Brij Bhusan Das, the above named applicant do hereby state that the contents of paragraphs 1 to 15 of this Rejoinder Are true to my personal knowledge.

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Nothing material has been concealed so
help me God.

Signed and verified on this 16 day of
April, 1990 at Lucknow.


APPLICANT 16/4

Place: Lucknow

Dated: 16.4.90

Asit Kumar Chaturvedi
Advocate,
Counsel for the applicant

11/8

इन दि ऑनरेबल सेंद्रल एडमिनिस्ट्रेटिव ट्रिब्यूनल

सर्किट बेंच एट लखनऊ ।

सी०ए० नं० 152 ऑफ 1989 एल्ल

ब्रिज भूषण दास

... वादी

बनाम

यूनियन ऑफ इण्डिया व अन्य

... प्रतिवादी

संलग्नक संख्या - आर-1

सेवा में,

गृह सचिव
उत्तर प्रदेश शासन,
लखनऊ ।

द्वारा: उचित माध्यम

विषय: ज्येष्ठता के आधार पर पुलिस अधीक्षक पद के लिए
पदोन्नति ।

पत्रांक: पर/एस/4/79

दिनांक: अगस्त 16, 1979

महोदय,

निवेदन है कि मैं "सम्मिलित राज्य सेवा प्रतियोगिता परीक्षा 1973" के आधार उत्तर प्रदेश पुलिस सेवा में दिनांक 1.1.76 से "पुलिस उपाधीक्षक" के पद पर नियुक्त हूँ ।

पुलिस सेवा में मेरा स्थायीकरण भी उत्तर प्रदेश शासन के पत्रांक 3507/VI/पीएस/532/11/73 दिनांक 22.8.78 के अनुसार 1.1.78 से हो चुका है ।

उत्तर प्रदेश शासन के पत्र संख्या 7866/आठ-पु०से०-522/124/72 दिनांक अगस्त 4, 1979 द्वारा मुझे वर्ष 1965 की ज्येष्ठता मिलने के आदेश पारित हो चुके हैं और तदनुसार मेरा वेतन निर्धारण भी हो गया है। प्रतिलिपि अक्सोकार्थ संलग्न है ।

उत्तर प्रदेश में नियुक्त, पुलिस उपाधीक्षक की ज्येष्ठता सूची ॥सीनियारिटी लिस्ट॥ के अनुसार मेरे सेत तीन कनिष्ठ अधिकारी ॥जूनियर ऑफिसर्स॥ इस समय उत्तर प्रदेश पुलिस सेवा में पदोन्नति पाकर पुलिस अधीक्षक के पद पर तैनात है जिनकी ज्येष्ठता वर्ष 1966 की है तथा जिनके नाम निम्न है, जिनकी पदोन्नति उनके नाम के सामने अंकित तिथियों में हो चुकी है।

- | | |
|----------------------------|-----------|
| 1. श्री प्रेम नाथ पाठक | - 1.12.77 |
| 2. श्री प्रेम चन्द्र सिंह | - 4.3.78 |
| 3. श्री रवीन्द्र देव लोधरा | - 12.5.78 |

उपरोक्त तीनों अधिकारी मेरे से कनिष्ठ ॥जूनियर॥ है तथा इस समय "पुलिस अधीक्षक" पद पर नियुक्त है। यदि मेरी ज्येष्ठता पहले ही समय से निर्धारित हो गयी होती तो मुझे विश्वास है कि मुझे भी उन्हीं के साथ या उनसे पहले ही पदोन्नति मिल गयी होती। परन्तु ज्येष्ठता का निर्धारण करने में विलम्ब होने के कारण मैं अब भी उप पुलिस अधीक्षक के ही पद पर कार्य कर रहा हूँ।

अतः अनुरोध है कि मेरी पदोन्नति पुलिस अधीक्षक के पद पर अविलम्ब करने की कृपा की जाए तथा इस पदोन्नति को मुझसे कनिष्ठ उपरोक्त अधिकारी श्री प्रेम नाथ पाठक की प्रोन्नति के दिनांक 1.12.77 से पहले की मानी जाए तथा तदनुसार मेरा वेतन भी उसी दिनांक से पुलिस अधीक्षक पद के वेतन स्केल में निर्धारित करने की कृपा की जाए।

भवदीय,

ह0/-
॥ वृज भूषण दास ॥
पुलिस उपाधीक्षक
देवरिया।

प्रतिलिपि:- अग्रिम प्रतिलिपि गृह सचिव, उत्तर प्रदेश शासन को आवश्यक कार्यवाही हेतु प्रेषित।

16/4

इन दि ऑनरेबुल सेन्ट्रल एडमिनिस्ट्रेटिव ट्रिब्यूनल

सर्किट बेंच एट लखनऊ ।

सी०ए० नं०

152 ऑफ 1989 एल्ल

बृज भूषण दास

... वादी

बनाम

यूनियर ऑफ इण्डिया व अन्य

...प्रतिवादी

सलमक संख्या- आर-2

=====

कार्यालय पुलिस अधीक्षक, देवरिया

संख्या: 0-9/79

दिनांक: अगस्त 23, 1979

सेवा में,

सहायक पुलिस महानिरीक्षक,
उत्तर प्रदेश, लखनऊ ।

विषय: श्री बी०बी० दास का ज्येष्ठता के आधार पर पुलिस
अधीक्षक के पद पर नियुक्ति हेतु आवेदन पत्र ।

=====

श्री बी०बी० दास पुलिस अधीक्षक देवरिया ने अपने
पेटिशन दिनांक 16.8.79 द्वारा गृह सचिव उत्तर प्रदेश शासन
लखनऊ से अनुरोध किया है कि उन्हें पुलिस अधीक्षक के पद पर
पदोन्नति किया जाए । श्री दास की याचिका तर्क संगत प्रतीत
होती है। अतः इसे पुलिस महानिरीक्षक के अवलोकनार्थ एवं
आवश्यक आदेश तथा कार्यवाही हेतु प्रेषित किया जाता है ।
यहां यह भी उल्लेख करना अनुचित न होगा कि श्री दास पदोन्नति
के लिए उपयुक्त है ।

ह०/-

सलमक: 4 पन्ना

पुलिस अधीक्षक
देवरिया

16/9

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इत दि ऑनरेबुल सेन्ट्रल एडमिनिस्ट्रेटिव ट्रिब्यूनल
सर्किट बेंच एट लखनऊ ।

सी०ए० नं० 152 आम् 1989 § प्ल§

बृज भूषण दास

... वादी

बनाम

यूनियन ऑफ इण्डिया व अन्य

... प्रतिवादी

संलग्नक संख्या- आर-3

अर्धशासकीय पत्र संख्या- 1-87अ-70 सहायक पुलिस महानिरीक्षक, उ०प्र०

दिनांक: लखनऊ: सितम्बर 5, 1979

प्रिय दास,

ज्येष्ठता के आधार पर पुलिस अधीक्षक के पद पर
नियुक्ति हेतु कृपया अपने आवेदन पत्र दिनांक 16 अगस्त, 1979
को देखें ।

निर्देशानुसार मुझे यह सूचित करना है कि मामला
शासन को सन्दर्भित है । शासनादेश प्राप्त होने पर तदनुसार
अवगत करा दिया जायेगा ।

भवदीय,

ह०/-

§ विजय शंकर माथुर §

श्री बृज भूषण दास,
पुलिस उपाधीक्षक,
देवरिया ।

प्रतिलिपि सेवा में पुलिस अधीक्षक, देवरिया की सूचनार्थ प्रेषित ।

...

18/15

इन् दि ऑनरेबिल सेन्ट्रल एडमिनिस्ट्रेटिव ट्रिब्यूनल
सर्विंट बेंच एट लखनऊ ।

सी०ए० नं० 152 ऑफ 1989 एल॥
बृज भूषण दास

... वादी

बनाम
यूनियन ऑफ इण्डिया व अन्य

...प्रतिवादी

संलग्नक संख्या- आर-4

सेवा में,

गृह सचिव
उत्तर प्रदेश शासन,
लखनऊ ।

द्वारा: उचित माध्यम ।

विषय: ज्येष्ठता आधार पर पुलिस अधीक्षक पद के लिए पदोन्नति।
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पत्रांक: पर/एस-5/79

दिनांक: नवम्बर 29, 1979

महोदय,

निवेदन है कि उत्तर प्रदेश शासन के पत्र संख्या 7866/
आठ-पु०से०-522/124/72 दिनांक अगस्त, 4, 1979 द्वारा मुझे
पुलिस उपाधीक्षक ज्येष्ठता सूची में 1965 की ज्येष्ठता मिल चुकी
है जिसके आधार पर मैंने पत्रांक पर/एस/4/79 दिनांक अगस्त 16, 1979
द्वारा अपनी पदोन्नति के लिए प्रत्यावेदन पत्र भेजा था। प्रतिलिपि
संलग्न जिस पर अभी तक कोई कार्यवाही नहीं हुई है। जिससे
मुझे अनावश्यक हरासमेंट एवं वित्तीय हानि हो रही है।

18/15

भारत सरकार, गृह मंत्रालय, कार्मिक और प्रशासनिक
सुधार विभाग के पत्रांक 11039/21/76, ए०आई०एस० 11बी
दिनांक जून 1, 1978 प्रतिलिपि संलग्न के द्वारा आई०पी०एस०
एक्वाइंटमेंट बाई प्रोमोशन के लिए स्लेब लिस्ट में नामांकन के
लिए कम से कम 4 वर्ष की पुलिस या उसके समकक्ष सेवा को होना
आवश्यक है। यहां मुझे यह निवेदन करना है कि पुलिस में
पहले मैंने दिनांक 3.10.73 से 31.12.75 तक
में जिला कमाण्डेंट के पद पर, जो पद
है, कार्य किया है। इस पद
नियुक्त है। वही

8/16

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प्रवेश किया है। इस प्रकार लगातार मेरी पुलिस तथा तमकक्ष सेवा 4 वर्ष की नहीं अपितु 6 वर्ष 2 माह से भी अधिक हो गयी है। होमगार्ड्स में की गयी सेवा का मूल प्रमाण-पत्र संलग्न है।

अतः निवेदन है कि सर्वोच्च प्राथमिकता ॥टॉप प्रीऑरिटी॥ देकर निर्धारित प्रक्रिया/समिति अक्लिम्ब अपनाकर मेरी नियुक्ति पुलिस अधीक्षक के पद पर अवलिम्ब करने की कृपा करें तथा इस पदोन्नति को मुझसे कनिष्ठ अधिकारी श्री प्रेमनाथ पाठक की पदोन्नति के दिनांक 1.12.77 से पहले की माना जाये तथा तदनुसार मेरा वेतन भी उसी दिनांक से पुलिस अधीक्षक पद के वेतन स्केल में निर्धारित करने की कृपा की जाए।

भवदीय,

ह0/-

॥ बृज भूषण दास ॥
पुलिस उपाधीक्षक,
देवरिया।

प्रतिलिपि :-

1. अग्रिम प्रतिलिपि गृह सचिव उ0प्र0 शासन को आवश्यक कार्यवाही हेतु प्रेषित।
2. डायरेक्टर जनरल री-सेन्टलमेंट ब्रान्च आर्मी हेड क्वार्टर नई दिल्ली को आवश्यक कार्यवाही हेतु प्रेषित।

ह0/-

॥ बृज भूषण दास ॥
पुलिस उपाधीक्षक
देवरिया।

11/16/77

17-8/17

इन दि ऑनरेबुल सेन्ट्रल एडमिनिस्ट्रेटिव ट्रिब्यूनल
सर्किट बेंच एट लखनऊ ।

सी०ए० नं० 152 ऑफ 1989 § एल§

बृज भूषण दास

... वादी

कनाम

यूनियन ऑफ इण्डिया व अन्य

...प्रतिवादी

संलग्नक संख्या= आर-5

कार्यालय पुलिस अधीक्षक, देवरिया

संख्या: 0-9/79

दिनांक: 14.12.79

सेवा में,

सहायक पुलिस महानिरीक्षक
उत्तर प्रदेश, लखनऊ ।

विषय: जनपद देवरिया के पुलिस उपाधीक्षक श्री बी०बी० दास
का पुलिस अधीक्षक के पद पर पदोन्नति हेतु आवेदन पत्र।
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कृपया आप अपने अ०शा० पत्र संख्या 1-87 अ-70

दिनांक 5.9.79 का अवलोकन करें जो श्री बी०बी० दास पुलिस
पुलिस उपाधीक्षक को सम्बोधित तथा मुझे पृष्ठांकित, उपर्युक्त
विषय है।

श्री दास ने पुनः एक प्रार्थना पत्र उक्त सम्बन्ध में दिनांक
29.11.79 को गृह सचिव, उत्तर प्रदेश शासन को सम्बोधित है,
प्रेषित किया है जिसे गृह सचिव, उत्तर प्रदेश शासन लखनऊ को
भेजने हेतु अग्रसारित किया जाता है। इस सम्बन्ध में शासन से आदेश
प्राप्त होने पर कृपया इस कार्यालय को भी सूचित करने का कष्ट
करें ताकि तदनुसार श्री दास को सूचित किया जा सके ।

ह०/-

संलग्नक: प्रत्यावेदन एक प्रति में ।

पुलिस अधीक्षक
देवरिया।

A-6
1/10

इन दि ऑनरेबुल सेन्ट्रल एडमिनिस्ट्रेटिव ट्रिब्यूनल
सर्किट बेंच एट लखनऊ ।

सी०ए० नं० 152 ऑफ 1989 § एल§

बृज भूषण दास

... वादी

बनाम

यूनियन ऑफ इण्डिया व अन्य

... प्रतिवादी

संलग्नक संख्या- आर-6

अर्धशासकीय पत्र संख्या- 1-87ए-70 सहा० पुलिस महानिरीक्षक उ०प्र०

दिनांक: लखनऊ: दिसम्बर 25, 1979

प्रिय राय,

ज्येष्ठता के आधार पर श्री बृज भूषण दास, पुलिस
उपाधीक्षक को पुलिस अधीक्षक के पद पर नियुक्ति हेतु, कृपया,
अपने पत्रांक ओ०-9/79 दिनांक 14 दिसम्बर, 1979 का अवलोकन
करें ।

निर्देशानुसार मुझे यह सूचित करना है कि मामला शासन
को सन्दर्भित कर दिया गया है। शासनादेश प्राप्त होने पर
तदनुसार अवगत कर दिया जायेगा ।

भवदीय,

ह०/-

§ विजय शंकर माथुर §

श्री कै०पी० राय,
पुलिस अधीक्षक,
देवरिया ।

प्रतिलिपि सेवा में श्री बृज भूषण दास, पुलिस
उपाधीक्षक, देवरिया को सूचनार्थ प्रेषित ।

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7-8/19

इन दि आनरेबुल सेन्ट्रल एडमिनिस्ट्रेटिव ट्रिब्यूनल
सर्किट बेंच एट लखनऊ ।

सी०ए० नं० 152 ऑफ 1989 § फल§

बृज भूषण दास

...वादी

बनाम

यूनियन ऑफ इण्डिया व अन्य

...प्रतिवादी

संलग्नक संख्या- आर-7

सेवा में,

पुलिस महानिरीक्षक,
उत्तर प्रदेश,
लखनऊ ।

द्वारा: उचित माध्यम ।

विषय: ज्येष्ठता आधार पर पुलिस अधीक्षक पद के लिए
पदोन्नति ।

संश्लेषण पत्रांक: पर/5-6/79 दिनांक: फरवरी 1, 1980
महोदय,

मेरे प्रत्यावेदन पत्रांक पर/एस-5/79 दिनांक नवम्बर 29,
1979 के सन्दर्भ में निवेदन करना है कि मैंने 3.10.73 से 31.12.75
तक होमगार्ड्स विभाग में कमाण्डेंट के पद पर कार्य किया है । यह
पद पुलिस उपाधीक्षक पद के समकक्ष है । और यह कारण है कि निम्न
अधिकारी उनके नाम के सामने अंकित स्थानों में अंकित अवधि में
नियुक्त रहे । ये पुलिस अधिकारी होमगार्ड्स में जाने से पहले तथा
आने के बाद पुलिस उपाधीक्षक पद पर ही बने थे व रहे :

क्रमांक	नाम अधिकारी	जन्म	पद नियुक्ति	कबसे	कब तक
1.	श्री गुरुदे सिंह	अलीगढ़	17.10.74	18.4.76	
2.	श्री विशम्भर सिंह सिरौही	गाजीपुर	9.1.76	13.6.78	
3.	श्री बी०एम० शर्मा	अलीगढ़	15.5.76	2.7.79	
4.	श्री सुदामा लाल अग्रवाल	कानपुर	11.12.73	14.6.76	

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अतः मेरी होमगार्ड्स सेवा को विचार करने हेतु
शासन को इस बात से अवगत कराने की कृपा करें कि होमगार्ड्स
में जिला कमाण्डेंट का पद पुलिस अधीक्षक के समकक्ष है।

आपकी अति कृपा होगी ।

भवदीय,

हO/-

॥बी०बी० दास॥
उपाधीक्षक, पुलिस, देवरिया।

अग्रिम प्रतिलिपि पुलिस महानिरीक्षक, उत्तर प्रदेश, लखनऊ
आवश्यक कार्यवाही हेतु ।

11/6/71