

## FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, Lucknow BENCH

OA/TA/RA/CP/MA/PT ..... 228/92 of 20.....

Tilak Raj Arora ..... Applicant(S)

Versus

U.O.F. 841 ..... Respondent(S)

## INDEX SHEET

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Certified that the file is complete in all respects.

Signature of S.O.

Signature of Deal. Hand

84 220/90

28/2/95

Hon. Mr. V. K. Seth, A.M.  
Hon. Mr. D. C. Verma, J.M.

Sh. A. Bose, Counsel for the  
applicant. Dr. P. Chandra, Counsel  
for the respondents has prayed  
for adjournment.

List on 7/4/95.

As regards M.B. No 2281/94  
as the date has already  
been fixed & the same is  
disputed of as above.

J.M.

W.S.  
A.M.

LB

or  
inquiries are  
completed  
still  
6/4/95

7.4.95

Hon. Mr. Justice B.C. Sen, J.C.  
Hon. Mr. V. K. Seth, A.M.

When the case was called  
out no one appeared/  
represented on behalf of  
either of the parties. We  
have gone through the  
pleadings & judgment & detailed  
representations.

LB

A.M.

W.S.  
V.K.

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH : LUCKNOW

ORDER SHEET NO. \_\_\_\_\_

220/90  
D.A./T.A No \_\_\_\_\_

OFFICE REPORT

DATE /

ORDER

30 9 92  
D.R.

Both the parties are present. Rejoinder has not been filed. Applicant to file rejoinder by 1.12.92

1-12-92  
D.R.

None is present for the parties. Applicant to file rejoinder by 27.1.93

20/4 27/1/93  
D.R.

Cur R. Ashwin  
filed by  
S. S. S. S.

25/1/93

None is Present for the Parties. Applicant to file rejoinder by ~~20/4/93~~ 20/4/93 put up the file before the Hon'ble Bench for hearing on 20/4/93

AL  
CAZRA/MA  
JFH

20 4 93

Can be referred to G. S. B.

AL  
ALRA/MA  
JFH

25/1/93

25/1/93

22/9/90 (1)

29. No sitting Adj. to 31/8/90  
K. J.

40 Hon'ble D.K. Agrawal JM  
" K. Chagga AM

The applicant in person heard him  
in brief. Thereon the applicant desired  
assistance of a Counsel. Therefore  
adjourned to 25.9.90 for hearing/  
admission.

(A.M.)

De  
(J.H.)

25.9.90 No sitting Adj. to 31.10.90

31.10.90 Due to Holiday case is adjourned  
to 5.12.90

5.12.90 No sitting Adj. to 10.12.90

10/12/90

Hon. Mr. Justice K. Math, vs.  
Hon. Mr. K. Chagga, AM.

Shri Amit Bose for the applicant and  
Dr. Anesh Chandra for respondents  
1 to 3 are present. Copies of the notices  
meant for respondents 1 to 3 may be  
delivered to Dr. Chandra.

The substance of the applicant's  
grievance is that having been empanelled  
from the post of U.D.C. to the post of  
Technical Asstt. he was asked to be  
promoted and posted out of Lucknow to  
Delhi in place of one Mr. P.C. Sharma,  
but Shri Sharma declined <sup>to move from his post.</sup> Thereupon one  
Laxman Chaturvedi was promoted and  
posted as Technical Asstt. at Lucknow but  
he declined. Thereupon Shri Sorbajam was

OR SFA

5/12

30.1.91  
D.R.

Applicant is present  
in person. He is  
ordered to file  
Rejoinder by 2/2/91.  
P is absent  
↖ ↗

12.2.92  
D.R.

Both the parties are  
present. Applicant  
to file Rejoinder  
by 6/5/92.  
↖ ↗

6.5.92  
<sup>the</sup>  
Both parties are  
present. Applicant  
to file Rejoinder  
by 30.7.92  
↖ ↗

30.7.92  
O.R.

Both the parties are present.  
Applicant is directed to  
file Rejoinder by 30.9.92  
↖ ↗

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Lucknow this the 7th day of April, 1995

O.A. No. 220/90(L)

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. V.K. SETH, MEMBER(A)

Tilak Raj Arora, aged about 54 years, son of late Shri Nihal Chand Arora, resident of 364-A, Subhash Mohal, Sadar Bazar, Lucknow Cantt.

Applicant

versus

1. Union of India through Secretary Ministry of Defence, Govt. of India, New Delhi.
2. The Director General, Defence Estates, Ministry of Defence, R.K. Puram New Delhi.
3. The Director, Defence Estates, Ministry of Defence Central Command, Lucknow Cantt.

Respondents.

O R D E R (ORAL)

HON. MR. JUSTICE B.C. SAKSENA, V.C.

When the case was called out, no one responded on behalf of either of the parties. We have gone through the pleadings.

2. The applicant through this O.A. has challenged the order dated 14.5.90 contained in Annexure 8 by which his representation, to be retained at Lucknow on the post of Technical Assistant has been rejected. The applicant has further prayed that the respondents be directed not to post any person as Technical Assistant in the vacancy caused by posting of Shri H.C. Kharidhal, Technical Assistant in the office of Director Defence Estates, Central Command, Lucknow. The applicant has also prayed that the

respondents be directed to post him as Technical Assistant at Lucknow. Detailed Counter Affidavit has been filed on behalf of the respondents. The applicant filed Rejoinder Affidavit. The respondents have further filed Supplementary Counter Affidavit to meet the new facts indicated in the Rejoinder.

3. The applicant was working as U.D.C. A Departmental Promotion Committee was held on the 17th of January, 1990 for framing a panel for promotion to various posts including that of Technical Assistant. The applicant was found fit to be promoted to the post of Technical Assistant but he was posted outside Lucknow. The applicant earlier filed O.A. before this Tribunal challenging the order for his posting outside Lucknow on promotion. That O.A. was numbered as O.A. 155/90(L) and it was disposed of with the direction to respondent No. 2 to consider and dispose of the applicant's representation dated 2.3.90 contained in Annexure No. 3 to that O.A. That representation was considered and rejected by the order dated 18.5.90 ~~and rejected by the order dated 18.5.90~~, copy of which is Annexure 8. It has been indicated in the said order that the post of Technical Assistant is selection post and promotion to the selection post is made on the basis of performance appraisal of officials as reflected in their A.C.Rs. It was also indicated that since they failed to make grade in the previous years and his performance, according to the D.P.C, was not upto the mark, he was not selected. It has also been indicated that the officer and staff of Defence Estates Organisations <sup>have</sup> /all India liability for postings and transfer, hence the applicant was to be transferred out side the Lucknow. It is also indicated that the post of Technical Assistant at Lucknow ~~was~~ already

filled up by order dated 11.4.90.

4. Counter Affidavit on behalf of respondents virtually proceeds on the same basis and it has been indicated that on being empanelled for the post of T.A., the applicant as per requisite executive instructions, was to be posted outside the place where he had been working. It has also been indicated in the Supplementary Counter Affidavit that the applicant refused his promotion and therefore was allowed to continue as U.D.C. at Lucknow. In the O.A. a plea has been taken that the refusal for promotion by the applicant in his representation dated 2.3.90 was limited to contingency of his being posted outside Lucknow, it cannot be treated as refusal for promotion if he is at Lucknow itself. The respondents, in their counter affidavit have reproduced the refusal given by the applicant and have also indicated that the order of promotion dated 16.2.90 was modified vide order dated 11.4.90 and the applicant was allowed to continue as U.D.C. at Lucknow. The order rejecting the representation on the basis of the grounds indicated therein does not appear to be either arbitrary or against any statutory provisions. Thus, it does not call for any interference. O.A. is accordingly dismissed. Parties shall bear their own costs.

  
MEMBER (A)

  
VICE CHAIRMAN

Lucknow: Dated: 7.4.95





IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL

CIRCUIT BENCH LUCKNOW

ORIGINAL CASE NO. 220 OF 1990 (L)

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS  
ACT 1985

TILAK RAJ ARORA . . . . . Applicant

Versus

Union of India & others . . . . . Respondents

I N D E X

Sr. No.	Particulars of papers/documents relied upon	Page No
1.	Application	1-16
2.	Annexure No.1: True copy of letter dated 9.2.90	17-21
3.	Annexure No.2: True copy of order dated 16.2.90	22-23
4.	Annexure No.3: True copy of representation dt.2.3.90	24-25
5.	Annexure No.4: True copy of Telegram dt.9.3.90	26
6.	Annexure No.5: True copy of letter dated 11.4.90	27-28
7.	Annexure No.6: True copy of judgement dt.4.5.90	30-31
8.	Annexure No.7: True copy of application dt.7.5.90	32-
9.	Annexure No.8: True copy of letter dated 18.5.90.	33-34
10.	Annexure No.9: True copy of application dt.26.4.90	35-36
11.	Annexure No.10: True copy of order dated 4.6.90	37-38
12.	Postal Order for Rs.50/-	414255
13.	Power	

Dated: 16th July 1990  
Place: Lucknow.

*Tilak Raj Arora*  
SIGNATURE OF THE APPLICANT

*Dist. Secy  
Lucknow*

A/2

(9)

and since the applicant had by means of his representation dated 2.3.1990 refused the offer of promotion, he had been retained as U.D.C. at Lucknow itself without being offered promotion as Technical Assistant. The aforesaid letter also mentions a letter of the Director General, Defence Estates, New Delhi dated 16.2.1990 wherein it appears to have been directed that an officer on promotion is to be posted outside the Station of his posting. A true copy of the concerned order/letter is annexed hereto as ANNEXURE NO.8.

XX) That as regards the order dated 11.4.1990 (Annexure No.5 hereto), it is submitted that by means of this order Shri Laxman Chaturvedi presently serving as U.D.C. in the office of the Defence Estates Officer, Agra Circle, Agra had been posted as Technical Assistant in the office of the Director, Defence Estates, Central Command, Lucknow, but, by his representation dated 26.4.1990 Shri Laxman Chaturvedi has refused to accept his promotion and posting at Lucknow and had requested that he was prepared to accept his promotion if he was posted as New Delhi. It also appears that on the basis of the aforesaid representation, Shri Laxman Chaturvedi has been retained as U.D.C. in the office of DEO Agra and he has not been relieved from there till date. A true copy of the concerned representation of Shri Laxman Chaturvedi is annexed hereto as ANNEXURE NO.9.

XXI) That it is also relevant to point out here that as a result of the refusal of Shri Laxman Chaturvedi to join at Lucknow, by means of an order dated 4.6.1990 passed by the Director General, Defence Estates New Delhi, Smt. C. Sarbajana has been promoted and posted as

*Miss Gera*  
*Deu.*

*Thinking to*

(10)

Technical Assistant in the office of the Director, Defence Estates, Lucknow. A true copy of the concerned order is being annexed hereto as ANNEXURE NO. 10. In this connection it is relevant to point out here that Smt. Sarbatana has yet to join at Lucknow in pursuance of the aforesaid order of her promotion and posting.

XXII) That in view of the aforesaid facts, it is apparent that the assertions made in the letter dated 18.5.1990 that the post of Technical Assistant in the office of the Director Defence Estates, Central Command, Lucknow had already been filled up by the order dated 11.4.1990 is apparently false and baseless and the said post is yet vacant. The aforesaid facts also indicate that the Director General, Defence Estates New Delhi has not applied his mind at all to the facts and circumstances of the applicant's case and has in a mechanical manner rejected the representation submitted by the applicant.

XXIII) That besides above, it is submitted here that a perusal of the order passed by the Hon'ble Tribunal would show to the Hon'ble Court that there was a specific direction to consider the representation of the applicant in respect of his prayer for being posted as Technical Assistant at Lucknow itself. However, a perusal of the letter of the Director General Defence Estates <sup>dated 18.5.90</sup> ~~would~~ show to the Hon'ble Tribunal that the aforesaid request of the applicant has not at all been considered by the Director General, Defence Estates, New Delhi as there is no mention about the request made by the

Thatcher Is

Promoted and posted as Technical Assistant and has been retained in the office of the Director Defence Estates Central Command, Lucknow. Thus, it is apparent that the ground taken in rejecting the representation of the applicant namely that all the officers who have been promoted have been posted at places different from the places of their posting is apparently false and baseless and the said ground also indicates that the order dated 18.5.1990 rejecting the representation of the applicant has been passed without application of mind.

XIV) That in view of the aforesaid facts and circumstances it is necessary in the ends of justice to the applicant that the Hon'ble Court may be pleased to quash the impugned order dated 18.5.90 as contained in Annexure No.8 hereto and direct the respondents hereto not to post any person as TA in the vacancy caused by posting of Shri H.C.Kharidhal Technical Assistant in the office of the Director Defence Estates Central Command, Lucknow, except the applicant.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS:

- A. Because the action of the respondents hereto in posting the applicant as Technical Assistant in the office of the Director General, Defence Estates, New Delhi is arbitrary and illegal as the post of Technical Assistant in the office of the Director Defence Estates, Central Command, Lucknow was vacant due to the posting of Shri H.C.Kharidhal as Office Superintendent Grade II at DEO Ahmedabad and the applicant should have been easily posted at Lucknow itself.
- B. Because there was no reason, whatsoever, for the applicant to have been posted at New Delhi since the vacancy of the post of Technical Assistant was existing at Lucknow itself.
- C. Because since Shri P.C. Sharma, in whose place the applicant was posted at New Delhi, had refused promotion, the applicant ought to have been posted as Technical Asstt.

*Filed by*

been posted as Technical Assistant in Lucknow itself but the respondents hereto instead of doing so, are taking advantage of a C.O.F. refusal for promotion submitted by the applicant through his representation dated 2.3.1990 have posted Shri Laxman Chaturvedi as Technical Assistant at Lucknow thereby preventing the applicant from being promoted at all.

2. Because as is evident from the order dated 13.2.1990 itself, it is not that every officer on promotion has been shifted from his place of posting as Shri A. K. Sharma has been promoted and posted as Officer/ Superintendent Grade I at Allahabad itself where he was already posted, Shri Jaswant Kaur Bajwa has also been promoted and posted as Upper Division Clerk at Pachauri and Shri Keesari Lal Sharma has also been promoted and posted as Upper Division Clerk in Meerut itself where he was formerly posted.

3. Because refusal for promotion expressed by the applicant in his representation dated 2.3.1990 is only limited to the contingency of **his** being posted outside Lucknow and it cannot be treated also to be refusal for promotion if posted at Lucknow itself, and as such the respondents hereto acted illegally in treating the said refusal of the applicant to be a refusal for all purposes resulting in posting of Shri Laxman Chaturvedi at Lucknow.

4. Because the posting of the applicant as Technical Assistant at New Delhi is a continuation of the harassment already meted out by the respondents to the applicant in the shape of frequent transfers throughout his service and as such also it is illegal and arbitrary.

*Laxman Chaturvedi*

(14)

C. Because the letter dated 18.3.1990 by which  
representation of the applicant dated 2.3.1990  
has been rejected is contrary to the order  
dated 4.5.1990 passed by this Hon'ble Tribunal  
and is also based on misstatement of facts.  
and further non-void of non-application of law

H. Because the applicant has no other alternate,  
adequate and equally efficacious remedy available  
except to file this application.

6. DEFECTIVE ORDER DATED 18.3.1990

That as the applicant has no remedy against the  
letter dated 18.3.1990 as it has been issued  
by the Director General, Defence Estates,  
Ministry of Defence. New Delhi who is the  
head of the Department and also in pursuance  
of an order passed by this Hon'ble Tribunal  
which order can be interpreted by this Hon'ble  
Tribunal alone.

7. NOT PREVIOUSLY FILED OR ON RECORD

The applicant further declares that he has not  
previously filed any application, writ petition  
or suit regarding the matter in respect of which  
this application has been filed before any other  
Court or any other authority or any other level  
of the Government nor any such application, writ  
petition or suit is pending before any of the Court.

8. REASONING :

In view of the facts, circumstances and reasons  
mentioned above, (in para para 6) the applicant

*Not done  
Sum*

*To be kept*

(15)

prayer for the following reliefs:

- (i) To quash the order dated 17.5.1980 issued by the Director General, Defence Estates, Ministry of Defence. ~~xxxxxx~~ The relief is contained in Annexure No. 2 hereto, viz:
- (i') a direction be issued to the respondents hereto not to post any person as Technical Assistant in the vacancy caused by posting of Mr. V. S. Narasimha Technical Assistant in the office of the Director Defence Estates, Central Command, Bangalore. Office Superintendent Grade IV in the office of the Defence Estates Officer, Bangalore; and direct them to immediately post the Applicant on that post, and,
- (ii') Any other relief deemed fit and proper in the circumstances of the case may be issued.

9. LEGAL CASES IN PROGRESS:

Pending final disposal of the instant application the Applicant seeks the following interim reliefs.

- (i) The respondents hereto may be directed not to post any other person as Technical Assistant in the office of the Director, Defence Estates, Central Command, Bangalore. Contd. in the vacancy caused by the posting of Mr. V. S. Narasimha Technical Assistant, office of the Director Defence Estates, Central Command Bangalore as Office Superintendent Grade IV in the office of the Defence Estates Officer, Bangalore.

*Miss Mary Ann*

*S. Lakshmi*

(16)

10. In the event of application being sent by Registered post it may be stated whether the applicant desires to have oral hearing at the admission stage and if so, he shall attach a self-addressed post card or inland letter at which intimation regarding the date of hearing could be sent to him.

NOT APPLICABLE

11. Particulars of Bank draft/Postal Order filed in respect to the applicant fee:

Postal Order for Rs.50/- No. dated

12. LIST OF ENCLOSURES

1. Annexure No.1 : True copy of letter dated 9.2.90
2. Annexure No.2 : True copy of order dated 16.2.90
3. Annexure No.3 : True copy of representation dt.2.3.90
4. Annexure No.4 : True copy of telegram dated 9.3.90
5. Annexure No.5 : True copy of letter dated 11.4.90
6. Annexure No.6 : True copy of judgement dated 4.5.90
7. Annexure No.7 : True copy of application dated 7.5.90
8. Annexure No.8 : True copy of letter dated 18.5.90
9. Annexure No.9 : True copy of representation dt.26.4.90
10. Annexure No.10: True copy of order dated 04.6.90
11. Postal Order No. dated for Rs.50/-

VERIFICATION

I, Tilak Raj Arora, son of Late (Shri Nihal Chandi Arora aged about 54 years, resident of House No.364-A Subhash Mohal Sadar Bazar, Lucknow Cantt. working as Upper Division Clerk in the office of the Director Defence Estates, Central Command Lucknow Cantt, do hereby verify that the contents of paragraphs 1 to 4, 6 and 7 are true to my personal knowledge, those of paras 5, 8, 9, 10, 11 & 12 are believed to be true on legal advice and that I have not suppressed any material facts.

*Tilak Raj Ar.*

(TILAK RAJ ARORA)

Signature of the Applicant

Dated: July 1990  
Place: Lucknow

*Tilak Raj Ar.*



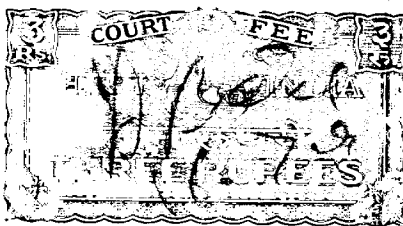
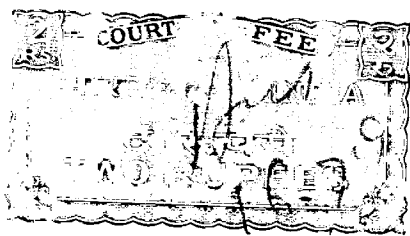
ब अदालत श्रीमान

(बादो-अपीलान्ट)

प्रतिवादी [रेस्पाडेन्ट]

महोदय

वकालतनामा



दी (अपीलान्ट)

T. L. K. Roy ADOR A

वताम

(प्रतिवादी रेस्पाडेन्ट)

नं० मुकद्दमा

सन् १९७०

पेशी की ता० १५. १९७० ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

व

62/33 JHARKEEN Nigrah Lucknow

वकील

महोदय

एडवोकेट

नाम अदालत नं० मुकद्दमा नं० नाम तफरीक

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटाव या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रुपया जमा करें या हारी विपक्षी (फरीकसानो) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (वस्तुखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि हर पेशी पर 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 नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर

साक्षी (गवाह) ... साक्षी (गवाह) ...

दिनांक ... सन् १९७० ई०

स्वीकृत

16/7/90

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

C.A. Claim No. 220 of 1990. (L)

Tilak Raj Arora

.....Applicant

Versus

The Union of India and others .....Respondents

ANNEXURE No. 1

No. 102/195/ADM/DE

Government of India,

Ministry of Defence,

Dte General Defence Estates

New Delhi -110066

9 Feb'1990.

To,

The Director

Defence Estates,

Ministry of Defence,

Central/Eastern/Western/Northern/Southern Command/  
Nima.

Lucknow/Calcutta/Panchkula/Jammu/Pune/Meerut

SUBJECT : PANEL FOR PROMOTION TO THE POST OF OFFICE  
SUPDT. GRADE I & III , TECHNICAL ASSISTANT,  
UPPER DIVISION CLERK AND CIVILIAN MOTOR DRIVER.

.....

The Departmental promotion Committee in their meeting hold on 17th January, 1990 drew up the following panel for promotion to the posts of Office Supdt. Grade-I, Office Supdt. Grade-II, Technical Assistant, Upper Division Clerk and Civilian Motor Driver of Group 'C' Clerical cadre of Defence Estates Organisation. This panel shall be operative upto 31st July 1991 or till the new panel is drawn up. The promotion shall be made as and when vacancies occur in the grade of Office Supdt Grade-I, Office Supdt. Grade-II, Technical Assistant and Upper Division Clerk :-

Office Supdt Grade I

1. Shri R.R. Sharma

2. Shri P.L. Patel

...2..

T. E.  
Unit Base  
aw.

From Upper Division Clerk to Tech Asstt.

1. Shri TR Arora
2. Shri HR Sachdeva
3. " BS Gussain
4. " PC Dutta
5. " GM Khan

From Lower Division Clerk to Upper Division Clerk

1. Shri TP Kori
2. Shri Jaswant Bajwa
3. Shri Kuldeep Singh
4. Shri DR Lama
5. Shri ENC Pillai
6. Shri MC Gogde
7. Shri HN Rai
8. Shri Dhani Ram
9. Shri Premu Ram
10. Shri Abdul Quam Bhat

From Civilian Driver Grade I to Civilian Motor Driver

1. Shri Mohan Lal X in the pay scale of Rs. ~~1224~~ 1320-2040
2. Shri Aya Singh X and they will be upgraded at the same places.

3. Consequent to the above promotions, it has also been decided to make the following posting/transfers with modification relating to transfer of Shri Keemtilal Sharma issued vide this office letter of even number dated 6th December 1989 :-

Sl. No.	Name S/Shri	from	to
<u>Office Supdt Grade-I</u>			
1.	RR Sharma	DEO Ambala	DEO Ambala
<u>Office Supdt Grade-II</u>			
1.	HC Kharidal	Dte DE CC Lucknow	DEO Ahmedabad Against existing vacancy
2.	PC Sharma	DG, DE	Dte, DE, CC Lucknow against existing vacancy

.....3.....

T. E.  
Shri Bhat  
Guru.

Technical Assistant.

- |    |             |                       |  |
|----|-------------|-----------------------|--|
| 1. | TR Arota    | Dte DE CC<br>Lucknow  | DG, DE Vice Shri<br>PC Sharma promoted.                |
| 2. | HR Sachdeva | DEO Meerut            | DG DE Against/<br>Existing vacancy                     |
| 3. | BS Gussain  | DEO Jaipur            | Dte DE WC Panchkula<br>Against existing vacancy        |
| 4. | PC Datta    | DEO Tezpur            | Dte. DE, CC, Lucknow vice<br>Shri HC Kharidal promoted |
| 5. | GM Khan     | A.D.E.O.<br>Baramulla | Dte DE NC Jammu against<br>existing vacancy.           |

Upper Division Clerk

- |     |                    |                        |  |
|-----|--------------------|------------------------|--|
| 1.  | TP Kori            | DEO Mhow               | DEO Pathankot against the<br>vacancy restored from<br>DEO Meerut |
| 2.  | Brahma Nand        | DEO Ambala             | Dte DE CC Lucknow vice<br>Shri TR Arora promoted                 |
| 3.  | Banta Ram          | Dte DE WC<br>Panchkula | DEO Ambala vice Shri<br>Brehma Nand transferred.                 |
| 4.  | Smt. Jaswant Bajwa | -do-                   | Dte DE WC Panchkula vice<br>Shri Banta Ram transferre            |
| 5.  | Kuldip Singh       | DEO Pathankot          | J.D. Srinagar against<br>existing vacancy.                       |
| 6.  | DR Lama            | DEO Siliguri           | DEO Tezpur vice Shri PC<br>Dutta promoted.                       |
| 7.  | ENC Pillai         | Dte DE SC<br>Pune      | DEO Bombay @gainst<br>existing vacancy                           |
| 8.  | GP Banskar         | DEO Jabalpur           | JD Srinagar against<br>existing vacancy                          |
| 9.  | JN Dubey           | DEO Mhow               | DEO Jabalpur vice Shri<br>GP Banskar transferred                 |
| 10. | MC Gogde           | ADO Bhopal             | DEO Mhow vice shri JN<br>Dubey transferred.                      |
| 11. | HN Rai             | DEO Danapur            | ADEO Udhampur against<br>existing vacancy                        |
| 12. | Dhani Ram          | DEO Delhi              | DEO Jaipur Vice Shri BS<br>Gussain promoted.                     |
| 13. | Premu Ram          | DEO<br>Pathankot       | DEO Madras against<br>existing vacancy.                          |

.....4.....

T.E.  
List here  
lcm.

14. Abdul Quam Bhat DEO Srigagar ADEO Baramulla vice Shri GM Khan promoted.
15. Keemti Lal DEO Meerut DEO Meerut Vice Shri HR Sachdeva promoted.
- Sharma

to

4. Any of the above officials not willing/accept the promotion on posting be informed that he/she has to bear the consequences of such refusal as stated in Govt. of India, Ministry of Home Affairs (PP&R) O.M. No. 22034/3/81/Estt (D) dated 01 Oct 81. The intimation of such refusal, if any, must reach this Dte General within thirty days from the date of issued of this letter.
5. The above mentioned officials may, please be relieved of their duties immediately with directions to report to the office of their posting as per para 3 above.
6. Posting orders in respect of S/Shri Brahma Nand, Banta Ram, JN Dueby, UDC's have been issued considering their requests and hence they are not entitled for the benefits of TA/DA and joining time.
7. The dates (FN/AN) of relinquishment/assumption of charges are to be reported to this Dte, General after the events.
9. The Director, Defence Estates are hereby authorised to fill the following temporary vacancies of IDC's in the office indicated against each vacancy by recruiting suitable candidates through permissible channels :-

Vacancy No.	Communal Composition	Office where to be filled.
1.	Unreserved	DEO Mhow
2.	Unreserved	Dte. DE WC Panchkula
3.	Reserved for S/T	DEO Pathankot
4.	Unreserved	Dte, DE, SE, Pune
5.	Unreserved	ADEO Bhopal
6.	Reserved for S/C	DEO Danapur
7.	Un- <del>reserved</del>	DEO Pathankot

.....5.....

T. E.  
Miss Poo  
Kumar

- 5 -

8.	Unreserved	DEO Srinagar
9.	Unreserved	DEO Bikaner
10.	Reserved for S/G	DEO Secunderbad

---

9. The particulars of the condidates recruited against the above said vacancies may, please be forwarded to this Dte. General for records.

sd/-x-x-x-x  
Director General,  
Defence Estates

Copy to :-

Joint Director, DE,  
Srinagar/Shillong.

All DEO/ADEO's.

All CDAs

The General Secretary,  
AIDESS Association,  
C/o Dte. DE NC Jammu Cantt.

True copy/

*[Faint handwritten signature]*

*T.E.  
Unit 1000  
Blum*

22

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

CLAIM NO. OF 1990.

TILAK RAJ ARORA ..... Applicant

Versus

The Union of India and others ..... Respondents

ANNEXURE NO. 2

No. 102/195/ADM/DE

Government of India,

Ministry of Defence,

Dte. General Defence Estates,

R.K. Puram, New Delhi-110066

16 February, 1990.

To,

The Director,

Defence Estates,

Ministry of Defence,

Central/Eastern/Western/Northern/Southern Commands/Nima

LUCKNOW/CALCUTTA/PANCHKULA/JAMMU/PUNE/MEERUT

SUBJECT : PROMOTION/POSTING/TRANSFER OF GROUP 'C'

CLERICAL STAFF OF DEFENCE ESTATES ORGANISATION

.....

Reference panel for promotion to Office Supdt. Grade-I  
Office Supdt. Grade-II, Technical Assistant Upper Division  
Clerk and Civilian Motor Driver issued vide this Office letter  
No. 102/43/ADM/DE, dated 9th February, 1990.

2. The following office Supdt Grade-II Technical Assistant,  
Upper Division Clerk, Lower Division Clerk and Civilian Driver  
Grade-I, ~~Office Supdt Grade-II, Technical Assistant Upper Division~~  
~~Division~~ are hereby promoted as Office Supdt. Grade-I Office  
Supdt Grade-II, Technical Assistant, Upper Division Clerk and  
Civilian Motor Driver till further orders :-

From Office Supdt Grade II to Office Supdt Grade-I

1. Shri R.R. Sharma

From Technical Assistant to Office Supdt. Grade-II

1. Shri H.C. Kharidal

2. Shri P.C. Sharma

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T. E.  
Dist. Box  
Lun.

Office Supdt. Grade II

- \* 1. Shri J.P. Mehta
- \* 2. Shrimati S. Thukral
- 3. Shri H.C. Kharidal
- 4. Shri P.G. Sharma
- \* 5. Shri V.B. Joshi
- 6. Shri R.S. Sharma
- 7. Shri D.C. Chakaraborty

\* Offer of promotion will be issued only after 8-3-90, 23-3-90 and 2-11-90 respectively having refused promotions earlier.

Technical Assistant.

- 1. Shri T.R. Arora
- \* 2. Shri K.N. Permeshwaran
- \* 3. Miss A. Ferness
- 4. Shri HR Sachdeva
- 5. Shri BS Gussain
- 6. Shri PC Dutta
- 7. Shri GM Khan
- 8. Shri K.M. Sinha
- 9. Shri Laxman Chaturvedi
- 10. Smt. C. Sarbajna
- 11. Shri H.R. Kalia
- 12. Shri S.S. Katyal

\* Promotion order will be issued only after 15-2-90 and 9-2-90 respectively having refused promotion orders earlier.

Upper Division Clerk

- 1. Shri T.P. Kori, S/C
- 2. Smt. Jaswant Bajwa
- 3. Shri Kuldip Singh
- \* 4. Shri Ram Das Rawat, S/C
- 5. Shri DR Lama, S/T
- 6. Shri ENC Pillai
- 7. Shri M.C. Godge, S/C
- 8. Shri H.N. Rai, S/C
- 9. Shri Dhani Ram, S/C
- 10. Shri Premu Ram S/C
- 11. Shri Abdul Quam Bhatt
- 12. Shri VK Kamle, S/C
- 13. Shri K. Haridasan
- 14. Shri BC Hasarika, S/C
- 15. Shri B. Satyanarayana
- 16. Shrimati R.K. Lamba
- 17. Shri PK Basu

Civilian Motor Driver

- 1. Shri Mohan Lal, S/C
- 2. Shri Aya Singh

Sd/-x-x-x-x  
Director General  
Defence Estates,

Copy to :-

Joint Director  
Shillong/Srinagar.

Truecopy

T.C.  
Unit Base  
Am.



25

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

CLAIM No.                      OF 1990.  
TILAK RAJ ARORA                      ..... APPLICANT  
  
VERSUS  
The Union of India and others                      ..... Respondents

ANNEXURE No. 3

To,

The Director General  
Defence Estates, Ministry of Defence,  
Block-IV, Sector-I, R.K. Puram,  
New Delhi-110066.

THROUGH PROPER CHANNEL

SUBJECT : PROMOTION/POSTING/TRANSFER OF GROUP 'C'  
CLERICAL STAFF OF DEFENCE ESTATES  
ORGANISATION.

Sir,

Reference promotion to the post of TA from UDC  
issued vide letter No. 102/195/ADM/DE dated 16-2-1990.

2. In this connection I am to submit as under :-

- (a) this promotion was due to me in the year 1976.
- (b) I have been transferred from one station to another station without giving thought to the miseries suffered by me due to these transfers as UDC to the various stations. I have joined this station i.e. Lucknow only on 3-6-1988 from Patiala.
- (c) Now the post of TA against which I am promoted exists at Lucknow, the reasons for promotions and transfer from Lucknow to New Delhi are not known.
- (d) Similarly one post of Office Supdt. is also vacant at this office, but the promotion has been shifted to Ahmedabad. The reasons are best known to you.

... 2 ...

*[Faint signature]*

*T.E.  
Anil Kumar  
[Signature]*

(e) I can only accept the so called promotion in case I am not shifted from Lucknow otherwise my promotion to the post of T.A. may kindly be considered declined.

(f) This is final acceptance.

Thanking you.

Yours faithfully,

sd/-x-x-x

(T.R. Arora)

UDC office of the Director,  
Defence Estates,  
Central Command, Lucknow.

2nd March 1990.

Copy in advance to :-

The Director General,  
Defence Estates, Ministry of Defence,  
Block-4, Sector-I,  
R.K. Puram, New Delhi-110066.

-----to avoid the delay in transmission to  
your goodself advance copy is sent to you.

True copy

T. C.  
Miss Koro  
Sunn

26  
2/2  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH, ALLAHABAD

CIRCUIT BENCH, LUCKNOW.

Claim No. of 1990.

TILAK RAJ ARORA .....Applicant

Versus

The Union of India and others .....Respondents

ANNEXURE NO. 4

IN LIEU OF MESSAGE FORM

STATE/EXPRESS

DEBIT ARMY

-----  
LAND CANTT

LUCKNOW

PROMOTION/POSTING/TRANSFER GROUP 'C' CLERICAL STAFF (AAA) REFER  
LETTER NO. 102/195/ADM/DE DATED FEB/16 (AAA) PC SHARMA DECLINED  
PROMOTION (AAA) STOP MOVEMENT OF TR ARORA (AAA)

RAKSHA SAMPADA

NOT TO BE TELEGRAPHED

No. 102/195/ADM/DE  
Government of India  
Ministry of Defence  
Dte. Genl. of Defence Estate  
RK Puram, New Delhi-110066.  
09 March, 1990.

Copy in confirmation by post to :

Director,  
Defence Estates  
Ministry of Defence  
Central Command,  
Lucknow.

sd/-x-x

For Director General,  
Defence Estates.

True copy

T. E.  
Smt. Preet  
Dewan

27  
D/mt

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH ALLAHABAD

CIRCUIT BENCH, LUCKNOW

CLAIM NO. of 1990.

Tilak Raj Arora

.....Applicant

Versus

The Union of India and others

....Respondents

ANNEXURE NO. 5

No. 102/195/ADM/DE

Government of India

Ministry of Defence

Dte General Defence Estates

New Delhi- 110066

11 Apr 90

The Director

Defence Estates,

Ministry of Defence

Central/Eastern/Western/Northern/Southern Command/NIMA

LUCKNOW/CALCUTTA/CHANDIGARH/JAMMU/PUNA/MEERUT

Subject :- PROMOTION/POSTING/TRANSFER OF GROUP 'C' CLERICAL  
STAFF OF DEFENCE ESTATES ORGANISATIONS.

Reference this office letter of even number dated 16th February, 1990 and 16th March 1990.

2. Consequent upon the declination of promotion of S/Shri JP Mehta, PC Sharma, RS Sharma, Smt. S Thukral, all Technical Assistants, S/Shri TR Arora, PC Dutta, G.M. Khan, Miss A Ferness UDCs and Shri HN Rai, UDC, it has been decided to (a) promote the following Technical Assistant, Upper Division Clerks, and Lower Division Clerks to the post of Office Supdt Grade II, Technical Assistants and Upper Division Clerks respectively, with immediate effect and (b) modify this office letter of even number dated 16th February, 1990 :-

From Technical Assistant to Office Supdt Grade II

1. Shri DC Chakraborty

From Upper Division Clerk to Technical Assistant

1. Shri KN Parmeshwaran

2. Shri K.M. Sinha

3. Shri Laxman Chaturvedi

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T. e.  
Anil Bera  
anu

From Lower Division Clerk to Upper Division Clerk

1. Shri VK Kamble

3. Consequent upon the above, it has also been decided to make the following postings/transfers with immediate effect :-

SN	Name & Designation	From	To
<u>Office Supdt Grade II</u>			
1.	DC Chakraborty	Dte DE EC Calcutta	Dte DE CO Lucknow against existing vacancy
<u>Technical Assistants</u>			
2.	KN Parmeshwaran DEO Vizag		Dte DE IC against existing vacancy
3.	KN Sinha DEO Siliguri		Dte DE EC Calcutta vice Shri DC Chakraborty promoted
4.	Laxman Chaturvedi DEO Agra		Dte DE CC Lucknow vice Shri HC Kharidal promoted
<u>Upper Division Clerk</u>			
5.	JK Sharma DEO Delhi		DEO Jaipur Vice Shri B D Ojha transferred
6.	BD Verma DEO Lucknow		DEO Agra vice Shri Laxman Chaturvedi promoted
7.	BD Ojha DEO Jaipur		DEO Delhi Vice Shri JK Sharma transferred
8.	Brahma Nand DEO Ambala		Diverted to DEO Lucknow Vice Shri BD Verma Transferred.
9.	LR Lama DEO Siliguri		Diverted to ADEO Udhampur against existing vacancy
10.	Abdul Quam Bhat DEO Srinagar		Diverted to DEO Siliguri vice Sh. KN Sinha promoted
11.	VK Kamble DEO Bombay		DEO Vizag vice Shri KN Parmeshwaran promoted
<u>Lower Division clerks</u>			
12.	RA Sharma Dte DE WC Chandigarh		DEO Bikaner against existing vacancy
13.	RP Pal DEO Agra		DEO Mhow against existing vacancy
14.	Bal Ram DEO Patiala		DEO Delhi against existing vacancy caused due to transfer of Sh SC Sharma through AG's Branch.

T. E.  
Smt. Poo  
Kau.

4. Until the officials mentioned in para 2 above, accept the offer of promotion, their replacements should not be relieved of their duties. However, they can be relieved after confirmation of the acceptance of promotion order by the officials.

5. Any of the above officials not willing to accept the promotion on posting be informed that he/she has to bear the consequences of such refusal as stated in Govt of India, Ministry of Home Affairs (PP&R) OM No. 22034/3/81/Estt(L) dated 1st October, 1981. The intimation of such refusal, if any, must reach this Dte General within thirty days from the date of issue of this letter.

6. Shri RA Sharma, IDC Dte DE WC Panchkula has since not completed a period of two years at the station, he is not entitled for the benefits of TA/DA and joining time.

7. Vacancies authorised for filling up the posts of IDCs in the offices of DEO Bikaner, DEO Mhow and DEO Danapur vide this office letter of even number dated 16th February, 1990 be diverted to Dte DE WC Panchkula, DEO Agra and DEO Patiala (now Chandigarh) respectively.

8. Dte DE SC Pune is hereby authorised to fill the vacancy of IDC in the office of Defence Estate Officer Bombay by recruiting a IDC belonging to Ex-Serviceman category through the permissible channel.

sd/-x-x-x-x-x

Director General  
Defence Estates

Copy to :-

Joint Director

Dhilling/Srinagar

All DEOs/ADEOs

The General Secretary,

AIDESS Association

C/o Dte DE Northern Command

Jammu.

TRUE COPY

T.C.  
Dist here  
H.W.

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24

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH ALLAHABAD

CIRCUIT BENCH LUCKNOW

CLAIM No. of 1990.

Tilak Raj Arora

....Applicant

Versus

The Union of India and others .... Respondents

ANNEXURE- No.6

Central Administrative Tribunal, Allahabad

Circuit Bench, Lucknow

O.A. No. 155/90(L)

T.R. Arora

.Applicant

Versus

Union of India and ors. ...Respondents.

Hon' Mr. Justice K. Nath V.C.

Hon. Mr. K. Obayya, A.M.

(By Hon. Mr. Justice K. Nath V.C.)

We have heard Shri Amit Bose, the learned counsel for the applicant. The relief claimed is a direction to the opposite parties to post the applicant as Technical Assistant in the office of Director, Defence Estates, Ministry of Defence, Central Command, Lucknow in the vacancy caused by the transfer of Shri H.C. Kharidhal to Ahmedabad. The learned counsel has referred to various reasons for which the applicant ought to have been posted at Lucknow as Technical Assistant. He says that representation(Annexure-3) dated 2-3-90 was made to respondent No. 2 but the applicant has not received any reply thereon.

2. We think interests of justice would be served if the respondent No. 2 is directed to consider the applicant's aforesaid representation for being posted at Lucknow.

3. This petition is disposed of with the direction to respondent No. 2 to consider and dispose of the applicant's representation dated 2-3-90 contained in Annexure-3 within a period of one month from the

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T. C.  
Amit Bose  
am.

date of receipt of a copy of this judgment alongwith the paper book. We further direct that till the disposal of the representation, the appointment to the post of Technical Assistant in question in the office of the Director, Defence Estates, Ministry of Defence, Central Command, Lucknow may not be made.

4. Copy of this order alongwith a copy of paper book shall be handed over by the office to the applicant today and the applicant shall have it served upon respondent No. 2 at the earliest, not later than one week from today.

A.D.M. MEMBER

VICE CHAIRMAN

Dated the 4th May 1990.

True copy

sd/-x-x

Deputy Registrar  
Central Administrative Tribunal  
Lucknow Bench  
Lucknow

True copy

T.C.  
Anit Bora  
Amm.



32

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH ALLAHABAD  
CIRCUIT BENCH LUCKNOW  
CLAIM No.                      of 1990.

TILAK RAJ ARORA

....APPLICANT

VERSUS

The Union of India and others

;....Respondents.

ANNEXURE No. 7

To,

The Director General, DE,  
Ministry of Defence, &  
R.K. Puram, New Delhi.

Sir,

With due respect it is submitted that I have been directed by the CAT Allahabad, Lucknow Bench to hand over the order dated 4 May 1990 - T.R. Arora Vs UOI with paper book which may kindly be received.

It is also requested that I may kindly be sanctioned temporary duty move as I have been directed vide para 4 of the aforesaid order dated 4-5-90 for the purpose and not by the Dte., Defence Estates.

Yours faithfully,

sd/-x-x-x

(T.R. ARORA)

u.d.c.

Dte. Defence Estates  
Central Command  
Lucknow.

Dated - 7th May 1990.

True copy

*T.R. Arora*

*T.C.  
Not here  
seen.*

33

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH ALLAHABAD

CIRCUIT BENCH LUCKNOW

CLAIM NO. of 1990.

TILAK RAJ ARORA

..... Applicant

Versus

The Union of India and others

..... Respondents.

ANNEXURE NO. 8

REGISTERED/AD

No. 141/200/ADM/DE

Government of India

Ministry of Defence

Dte General Defence Estates

New Delhi 110066.

18 May 90

Shri TR Arora, UDC  
C/O Director  
Defence Estates  
Central Command  
Lucknow

Sub :- PROMOTION/POSTING/TRANSFER OF GROUP 'C'  
CLERICAL STAFF OF DE ORGANISATIONS.

Reference your representation dated 2nd March, 1990.

2. Technical Assistant is a selection post and promotions to selection posts are made on the basis of the performance appraisal of the officials as reflected in their AGRS. You failed to make the grade in previous years because your performance according to DPC was not upto the mark. The DPC held in February, 1990 has recommended your promotion and the higher post of Technical Assistant was, therefore, offered to you.

3. You are aware of the fact that officers and staff of Defence Estates Organisation have an All India Liability for postings and transfers as the offices of this organisation are spread all over the country. Hence you had to be transferred in previous years to various stations because there were others who had to be accommodated at Lucknow. You were again posted to Lucknow as soon as a vacancy of UDC became available for you.

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T. E.  
Dut here  
am.

4. In the meeting of JCM, the All India DE Employees Federation members had also suggested that the staff members on promotion to higher grades should be posted out and this suggestion was accepted by the Director General, Defence Estates. Your attention is invited to DG, DE letter No. 102/195/ADM/DE dated 16th February, 1990 under which all the officials under promotion had been shifted to other stations.

5. The post of TA at Lucknow has already been filled up vide this Dte General letter No. 102/195/ADM/DE dated 11th April 1990. The posts of TA/UDC etc, which were declined by the officials to whom they were offered, have already been filled up by others on the basis of the panel prepared by the DPC. You had vide your letter under reference also refused the offer of promotion and, therefore, you have been retained as UDC at Lucknow itself.

sd-x-x-x-x  
For Director General  
Defence Estates.

Copy to :-

Registered/AD

The Director  
Defence Estates  
Ministry of Defence  
Central Command

Lucknow - together with a spare copy to be filed in the CAT through the Central Govt Counsel with reference to the decision of the CAT in OA No. 155/90(L) : Shri TR Arora/V/S U.O.I.

True copy

T.C.  
Unit 127  
Gaur

33  
A/L

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH ALLAHABAD

CIRCUIT BENCH LUCKNOW

CLAIM NO. of 1990.

TILAK RAJ ARORA

....APPLICANT

VERSUS

The Union of India and others

.....Respondents

ANNEXURE No. 9

To,

The Director General, DE,  
Min. of Def., R.K. PURAM,  
NEW DELHI-110066.

THROUGH : PROPER CHENNAI

Subject : PROMOTION/POSTING DEFENCE ESTATES ORGANISATIONS

Sir,

Reference Dte. Gen. DE New Delhi letter No. 102/195/  
ADM/DE dated 11th April 1990.

I am very thankful to your goodself for offering me  
the promotion as TA and subsequently posting me to the office  
of the Dte. DE. CG, Lucknow.

In this connection, I have to submit following few lines  
for your kind consideration and suitable orders :-

that in my earlier representation dated 13-3-90  
forwarded under DEO Agra letter No. 1/A/1062/IC/91  
dated 21-5-90 wherein I have high lighted the Civil/  
criminal cases for my ancestral properties are going  
on at Matnura in Distt. and session Judge Court, ~~where~~,  
~~XXXXXX~~ needed on each date as and when fixed by the  
Court Since , I have already completed my tenure  
at Agra. Therefore, I had requested your goodself  
to post me at Delhi/New Delhi, where the post of  
UDC may exist. My above problems were considered very  
genuine by my worthy DEO, Agra, as such he recommended  
my case for sympathetic consideration in his letter  
referred above.

/ where my  
presence  
physically

When I got my promotion orders to the post of TA  
I become " very Happy " but on the other hand, when I saw my

....2....

*T. E.*

*Dist. Secy  
Am.*

posting orders then it pained me very much and my prevailing circumstances and compelled me for either to forego the promotion or to approach the good-self to re-consider my case for posting me in the Dte. Gen. DE New Delhi as T.A.

I, therefore, requested your goodself, kindly adjust me in the office of the Dte. Gen. DE ~~xxxxxx~~ New Delhi on promotion as TA. In case, there is no vacancy of T.A. in the Dte. Gen. DE at present then my request may kindly be kept pending for consideration, as and when occasion may arise, till such time, my posting and promotion may please be treated as deferred.

In the end, I further submit that if my aforesaid request is not at all possible to accede by your goodself to defer my promotion as T.A. and posting at DG, DE New Delhi due to any administrative reasons, I may kindly be allow to stay at Agra till such time demestice litigations going on are decided by the Court or alternatively, I may be posted as UDC in Delhi Circle/DG, DE New Delhi as already requested vide my ~~xxx~~ representation dated 13-3-90 (copy enclosed).

Thanking you.

Yours faithfully,

sd/-x-x-x

(Laxman Chaturvedi UDC)  
D.E.O. Agra Circle

Agra Cantt.

Dated 26 April 1990.

Copy in advance :

The DGDE, New Delhi-110066

True copy

*See file*

*T.C.  
Amit Khera  
Sd/-*

37  
X

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

Original Case No. of 1990

Tilak Raj Arora ... Applicant

versus

Union of India & others ... Respondents

ANNEXURE NO.10

No.102/195/ADM/DE  
Government of India,  
Ministry of Defence  
Dte.General Defence Estates  
New Delhi 110066  
04 June 90

The Director  
Defence Estates  
Ministry of Defence  
Central/Eastern/Western/Northern/Southern Command/NIMA  
Lucknow/Calcutta/Chandigarh/Jammu/Pune/Meerut

SUB: PROMOTION/POSTING/TRANSFER IN RESPECT OF GROUP  
'C' (CLERICAL) STAFF OF DEFENCE ESTATES ORGANISATIONS.

Reference this office letter No.102/43/ADM/DE dated  
9th February 1990, No.102/195/ADM/DE dated 11th April 1990 and  
Mr DE Northern Command, Jammu D.O.No.15/1/ADM/DE/NC/8 dated  
15th May 1990.

2. Consequent upon the declination of promotion by S/Shri Laxman Chaturvedi, UDC, DEO Agra and DR Lama, UDC DEO Siliguri, it has been decided to promote Smt. C. Sarbajna, UDC DEO Siliguri to the post of Technical Assistant with immediate effect.
3. Consequent upon the above and in pursuance of Judgement delivered by Hon'ble CAT Jabalpur in OA No.140/90, it has been decided to (a) make the following postings/transfers modifying this office letter of even number dated 11th April 1990 (b) transfer a vacant post of UDC from the office of ADEO Udhampur to the office of DEO Jabalpur and (c) transfer a post of UDC from the office of DEO Siliguri to the office of DEO Lucknow temporarily.

Sl	Name of & Designation	From	to
1.	S/Shri Spt. C. Sarbajna, TA	DEO Siliguri	Dte. DE CC Lucknow against existing vacancy.
2.	G.M.Khan, UDC	ADEO Baramulla	JD Srinagar against Shri G.P. Banskar diverted

*True copy*

*T.C.  
Anil Kumar*

38  
X

(2)

- |                      |              |  |
|----------------------|--------------|--|
| 3. G.P. Banskar, UDC | DEO Jabalpur | DEO Jabalpur against the post transferred from ADEO Udhampur for a period of six months in pursuance of CAT's judgement. |
| 4. Abdul Qayoom, UDC | DEO Srinagar | Diverted to ADEO Baramulla vice Shri G.M. Khan transferred   |
| 5. Brahma Nand, UDC  | DEO Lucknow  | DEO Lucknow against the post transferred from DEO Siliguri   |

4.

The official not willing to accept the promotion on posting be informed that she has to bear the consequences of such refusal as stated in Govt. of India, Ministry of Home Affairs (PP&R) OM No. 32034/3/81/Estt(D) dated 1st October, 1981. The intimation of such refusal must reach this Dte. General within thirty days from the date of issue of this letter.

5. Since Shri Laxman Chaturvedi, UDC/<sup>DEO</sup>Agra has declined his promotion to the grade of Tech Asstt. the posting order in respect of Shri B.D. Verma, UDC, DEO Lucknow to DEO Agra may please be treated as cancelled.

6. The vacant post of UDC at Siliguri will be filled up in due course.

Copy to:

Joint Director,  
Shillong/Srinagar

All Defence Estates Officers

All ADEOs

All CDAs concerned

The General Secretary  
AIDESS Association  
C/O Dte. DE Northern Command,  
Jammu.

Sd/-XXX (P.K.Kumaran)  
Director General  
Defence Estates.

T. e.  
Must have done

TRUE COPY

Thank you Sir

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH LUCKNOW

M.P. NO. 438 of 1991

APPLICATION FOR DISMISSAL

Union of India and Others ..... Applicant.

In

O.A. NO. 220 OF 1990(L)

Tilak Raj Arora ..... Applicant/  
Petitioner.

Versus

Union of India & Others..... Respondents.

\*\*\*\*\*

To,

The Hon'ble Vice Chairman and his companion members  
of the aforesaid Tribunal.

The Applicant/Respondent most respectfully Showeth:-

1. That the facts and circumstances of the present case have been mentioned in the accompanying affidavit which may be taken on record.
2. That in view of the facts and circumstances indicated in the accompanying affidavit it is expedient in the interest of justice that the O.A. filed by Shri Tilak Raj Arora may be dismissed with costs.

(Dr. Dinesh Chandra)

Counsel for Applicant/Respondent.

*2/8/91*  
Date 24.7.91



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS

In

O.A. NO. 220 OF 1990 (L)

Shri Tilak Raj Arora..... Applicant.

Versus

Union of India & Others..... Respondents.

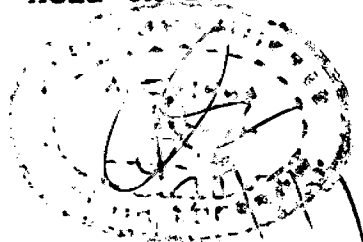
\*\*\*\*\*

I, ... SK ARORA, DE DAUGHTER OF ... aged about ... 51 years  
years Son of Shri ... P. G. Arora ... Joint Director,  
Defence Estates, Central Command, Lucknow

affirm and state as under :-

1. That the deponent has read the application filed by Shri Tilak Raj Arora and has understood the contents thereof.
2. That the deponent is well conversant with the facts of the case deposed hereinafter and is swearing this affidavit on behalf of all the respondents.
3. That the contents of para 1 to 3 of the application need no comments.
4. That the contents of para 4(I) are admitted.
5. That the contents of para 4(II) need no comments. It is, however, submitted that the applicant does not find a place in the new panel drawn by the Department Promotion Committee held on 10th December 1990 for promotion to Technical Assistant

contd....2



of Group 'C' clerical cadre as he was not found fit for promotion to the said post on the basis of his latest service records.

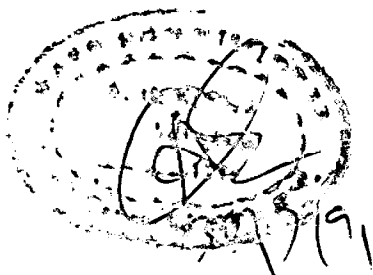
6. That the contents of paras 4(III) to 4(V) are not disputed.

7. That in reply to para 4(VI) it is stated that the applicant was promoted and posted as Technical Assistant in the office of the Director General, Defence Estates, New Delhi vide order dt. 16.2.90. As a matter of policy of the department officials on promotion should not be posted to the same station in a higher post. Accordingly the applicant on promotion has been posted to New Delhi. He has no case for his continuance at Lucknow in the higher post and therefore his representation was also rejected.

8. That the contents of paras 4(VII) to 4(IX) are admitted.

9. That in reply to para 4(X) it is stated that in the promotion order dated 16.2.1990 referred to in the answering paragraph it was clearly indicated that any official not willing to accept the promotion on posting has to bear the consequences of such refusal as stated in Govt of India, Ministry of Home Affairs (PP and R) O.M. No. 22034/3/81/Estt(D) dated 01 October 1981. The information of such refusal was required to reach the Director General within thirty days from the date of issue of the said order. It was further indicated in the said order that the posting

...3/-



S. R. DAKSH  
Joint Director  
M. C. S.  
Lucknow

orders in respect of Shri Brahma Nand had been issued considering his requests and hence he would not be entitled for any benefits of TA/DA and joining time.

Thus Shri Brahma Nand who was relieved from Ambala on 28th February 1990 in compliance to the above order, reported for duty at Lucknow on 1.3.1990 without availing any joining time. The applicant refused his promotion vide his letter dt 2.3.1990 which has been filed by him as Annexure-3. The relevant portion of the said letter are re-produced below:-

"(e) I can only accept the so called promotion in case I am not shifted from Lucknow otherwise my promotion to the post of T.A. may kindly be considered declined.

(f) This is final acceptance".

Since Shri Arora had refused promotion, he was allowed to continue as U.D.C. at Lucknow as a matter of grace although he can be transferred to any other station as U.D.C. in the exigencies of service. Shri Brahma Nand was retained at Lucknow against the post of U.D.C. transferred from the office of DEO Siliguri to the office of D.E.O. Lucknow temporarily vide order dt 6.4.1990 (Annexure No 10 of application).

10. That the contents of 4(XI) are admitted to the extent that the applicant refused his promotion by means of his letter dated 2.3.90. He was liable to be relieved on the day Shri Brahma Nand had joined at Lucknow. But the applicant was allowed to continue at Lucknow for the time being as a matter of grace. His representation for his continuance at Lucknow

...4/-



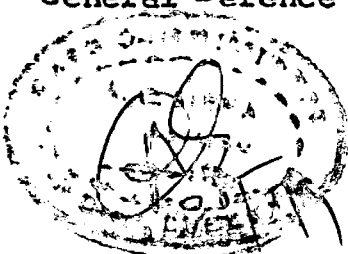
in the higher post was rejected.

11. That in reply to para 4(XII) it is stated that according to telegram dated 9.3.90 (Annexure No 4 of application) the movement of the applicant was stopped as Shri PC Sharma had declined promotion from the post of Technical Assistant to that of Office Supdt Gr I ( Shri T.R. Arora was promoted and posted vice Shri P.C. Sharma). But it is respectfully pointed out in this connection that the applicant had already declined promotion to the post of Technical Assistant much earlier on 2.9.90. Consequent upon the refusal of promotion by a number of officials including the applicant, the order of promotion dated 16.2.1990 was modified vide order dated 11.4.90 (Annexure No. 5 of application). Shri T.R. Arora was, therefore, allowed to continue as U.D.C. at Lucknow.

12. That in reply to para 4(XIII) it is stated that there was no question of posting the applicant as Technical Assistant at Lucknow as all the persons on the panel of promotion dated 9.2.90 had been posted out and on their refusal of promotion, the order of promotion dated 19.2.90 was modified by order dated 11.4.1990.

13. That in reply to para 4(XIV) it is stated that according to the policy of the department, employees on promotion are not adjusted at the same station. On promotion they are posted to some other stations. In the meeting of J.C.M., the All India D.E. Employees Federation members had also suggested that the staff members on promotion to higher grades should be posted out and this suggestion was accepted by the Director General Defence Estates. Accordingly the applicant on his

....5/-



*for*  
(S.K. ARORA)  
Joint Director,  
D.E., C.E.,  
Lucknow 726

promotion to the post of Technical Assistant was posted to Delhi and Shri Laxman Chaturvedi, U.D.C. in Agra Circle on promotion as Technical Assistant was posted to Lucknow.

14. That in reply to para 4(XV) it is stated that the applicant on promotion from the post of U.D.C. in Lucknow to the post of Technical Assistant was posted to Delhi which was in conformity with the policy of the Government. Further more the applicant is liable to be transferred any where in India.

15. The contents of paras 4(XVI) to 4(XX) are admitted.

16. That the contents of para 4(XXI) are admitted. It is, however, stated that Smt Sarbajana has also refused her promotion.

17. That in reply to para 4(XXII) it is stated that vide order dated 11.4.90 Shri Laxman Chaturvedi was promoted and posted as Technical Assistant to Lucknow vide Kharidal promoted. Consequent upon refusal of promotion by Shri Laxman Chaturvedi, Smt Sarbajana was posted to Lucknow and thereafter Shri H.R. Kalia had been posted but both of them have refused promotion. The representation submitted by the applicant was rejected in view of the policy decision to the effect that staff members on promotion will be posted out of their present station. There was no question of making an exception in the present case.

18. That in reply to para 4(XXIII) it is stated that the representation of the applicant was duly considered and was rejected vide letter No. 141/200/Adm/DE dated 18.5.90. The rejection was in pursuance of the policy decision on the

....6/-

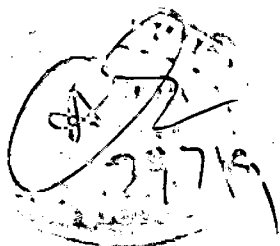


subject and it was not fair & proper to make an exception in the present case.

19. That in reply to para 4 (XXIV) it is stated that Shri SR Sharma and Smt Jaswant Kaur Bajwa were promoted on non-selection post on the basis of seniority-cum-fitness. All the other members of the staff who were promoted on the basis of selection on merit and on the posts carrying duties and responsibilities of greater importance were, as a matter of policy, posted to other stations. Shri Kimiti Lal Sharma was not promoted on the basis of the panel issued vide letter No. 102/43/ADM/DE dated 9.2.90 and in his case it was only his continuance in Meerut against a regular post. Likewise Shri MP Verma was also not promoted on the basis of the panel in which the applicant figured. Thus, the applicant had no case for continuance at Lucknow and his representation was accordingly rejected.

20. That in reply to para 4 (XXV) it is submitted that in view of the submissions made in the above paragraphs, the applicant had no legal claim to be posted at Lucknow on his promotion to the post of Technical Assistant which he had already declined. Shri Arora was promoted in pursuance of the panel of promotion issued vide letter No. 102/43/ADM/DE dated 9.2.90 (Annexure No 1 of application) which remained in operation upto 31st July 1990 or till the new panel was drawn up. The Departmental Promotion Committee in their meeting held on 10.12.1990 drew up a fresh panel for promotion to the

....7/-



Joint Director  
Lucknow

21. That the GROUNDS FOR RELIEF indicated in the various subparagraphs of para 5 have been adequately dealt with in the above paragraphs and the same being misconviewed are denied.

23. That in reply to para 8 of the application it is stated that the applicant is not entitled to reliefs sought for in view of the submissions made in the above paragraphs. The old panel for promotion to the post of Technical Assistant remained in operation till 20.2.1990 after which all the promotions in the grade of Technical Assistants will be made on the basis of the new panel drawn for the purpose by the D.P.C.

§ 10. ~~11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845.~~

A circular stamp with a textured, possibly embossed, border. Inside the circle, the letters 'S/S' are handwritten in a large, bold script. Below 'S/S', the number '930121' is handwritten in a similar style. The stamp appears to be on a piece of paper or a card.

24. That in reply to para 9 of the application it is stated that since Shri S R Kalia has not taken charge of the post of Technical Assistant, the said post in compliance to the orders of this Hon'ble Tribunal dated 10.12.1990 has not yet been filled up.

25. That the contents of para 10 to 12 need no comments.

Lucknow

Dated: 20/7/91

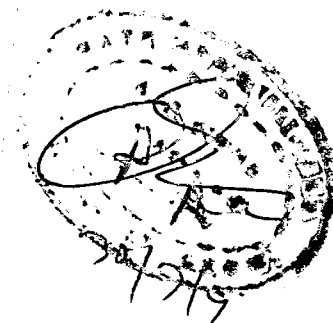
(Deponent)

(S. K. Kalia)  
Joint Director,  
D. C. Lucknow

Continued.....9/-

~~I have attached herewith the copy of the order of the Tribunal dated 10.12.1990, which is being referred to in para 9 of the application. The said order is being referred to in para 9 of the application. The said order is being referred to in para 9 of the application.~~

~~Yours faithfully,  
S. K. Kalia  
Joint Director,  
D. C. Lucknow~~





[illegible]

Signed and verified this the .....30<sup>th</sup>.....day of July  
199 \ within the court compound at Lucknow.

Dated: 30/7/9,

x ~~Line~~  
(DEPONENT)  
(S. W. KERRIN)  
Joint Director  
D.E.C. B.  
Lynchwood

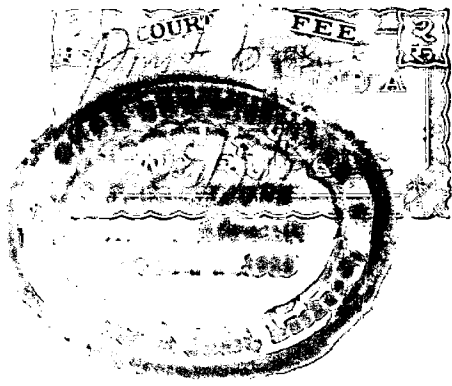
I identify the deponent who signed before me.

(Advocate)

*[Handwritten notes and signatures]*

3/4

State of India v. [Name],  
District Judge, Lucknow



C.R. No. 220 of 1933 (A)

Pradeep Kumar

--Applicant

versus

Union of India and others

--Respondents

2014/93

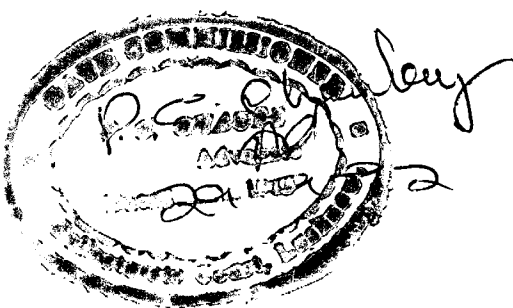
Pradeep Kumar vs. Union of India and others  
for declaration of title.

F.T.  
27/11/1933

I, Pradeep Kumar, age about 50 years, son of Late Sri [Name], residing at 364-A, Subhas Chandra Bose Road, Lucknow Cantt., the applicant, do hereby take oath and state as under:

1. That the applicant is a permanent resident in the [Name] village, [Name] district, [Name] province, and is entitled to the [Name] land in the [Name] village.

2. That the applicant has been in possession of the [Name] land since [Name] years, and has been paying the [Name] tax to the [Name] government, and has been [Name] the [Name] land to the [Name] government.



Pradeep Kumar

17/6

... as Technical Assistant by the Imperial ...  
... in the ... station where they were  
... in ... as mentioned in  
... 4 (LAL) ... application.

7. That the contents of para 8 of the counter  
... no comments from the respondent.

8. That the contents of para 9 of the counter  
... it is submitted that the  
imperial panel was issued on 2.2.1990 and even  
according to the terms on the said panel, the  
respondent to accept promotion should have  
intimated within 30 days from the date of the panel,  
i.e. within 30 days from 2.2.1990. In view of the  
above, the respondent had till 12.3.1990 to  
accept promotion if he so chose. However, for  
reasons not known to the respondents which they  
have not disclosed in the para under reply, Sri  
Arsh Singh who was to take over charges as Senior  
Division Clerk in place of the respondent on his  
final promotion as Technical Assistant was relieved  
from Ambala on 22.2.1990 and he joined at Lucknow  
on 1.3.1990 i.e. before the expiry of the period of  
30 days in which the respondent could refuse his  
promotion. As regards the so-called refusal of the  
respondent to accept promotion, it is submitted  
here that a letter from the respondent dated  
2.3.1990 which has been reproduced in the para  
under reply would show to the Joint Tribunal  
that this is not a refusal at all but is only a ...



Lak Dayal

o account for the removal of the deponent to be  
promoted as Technical Assistant at Lucknow and if  
the same was not acceptable for valid and cogent  
reasons could it be treated that the deponent had  
refused his promotion. Since as already pointed  
out by the deponent in his application that the  
post of Technical Assistant at Lucknow remained  
vacant and no officer was posted on that post in  
terms of the deponent would accept his posting at  
Lucknow.

9. That the contents of para 10 of the counter  
are denied.

10. That the contents of para 11 of the counter  
are denied in view of the averments made herein-  
above as well as the averments made in the applica-  
tion filed by the deponent.

11. That the contents of para 12 of the counter  
are denied. As already pointed out hereinabove, a  
number of persons were promoted and posted in the  
same station where they were posted prior to their  
promotion and, as such, it is wrong on the part of the  
deponent of the counter to contend that all the  
promotions of officers had been posted outside the place  
of their present posting. This would be evident  
from the fact that Sri R.R. Sharma who was promoted  
as Officer Superintending Grade I was retained at  
Jhansi where he was posted prior to his promotion  
even after his promotion as Officer Superintending  
Grade I.



Jitendra K. Singh

12. That the contents of para 13 of the counter are not admitted as stated and it is submitted that neither there is any in existence any such policy as claimed by the deponent of the counter nor was there any agreement with Al' India Defence/ Employees Association as alleged.

13. That the contents of para 14 of the counter are not admitted as correct in view of the averments made hereinabove.

14. That the contents of para 15 need no comments from the deponent.

15. That the contents of para 16 need no comments from the deponent.

16. That the contents of para 17 of the counter are not admitted as stated and it is submitted that it is not understandable as to why despite the fact that no officer is prepared to be posted as Technical Ass't at Lucknow, the deponent who is prepared for the said posting was not given the said posting specially in view of the fact that the policy decision as alleged in the para under reply is not in existence nor can the said policy be treated as an invariable rule even if the implementation of the policy is not possible in the facts and circumstances of the case. The action of the respondents in insisting on the deponent being posted outside Lucknow as a Technical Assisnt is nothing but arbitrary.



Tilak Rajde.

17. That the contents of para 18 are denied in view of the events made hereinabove.

18. That the contents of para 19 are denied.

19. That the contents of para 20 of the counter are not admitted as stated and it is submitted that the deponent was liable to be posted as Technical Assistant in pursuance of the panel prepared on 2.1.1990 in his right to claim for posting exists even today as the said right crystallised on the day when he was promoted as Technical Assistant and no officer resented the posting at Lucknow as Technical Assistant. Since the said right accrued to the deponent during the currency of the panel dated 2.2.1990, the same cannot be defeated by preparation of any new panel as alleged by the deponent of the counter. However, as already pointed out hereinabove, the deponent ~~has~~ <sup>is</sup> ~~has~~ <sup>is</sup> already challenged the panel dated 20.12.1990 before this Hon'ble Tribunal in O.A. no. 224 of 1990 which is still pending.

20. That the contents of para 21 of the counter are denied.

21. That the contents of para 22 need no comments from the deponent.

22. That the contents of para 23 are denied in view of the events made hereinabove. The application is liable to be allowed with costs.



Tilak Chaudhary

23. That the contents of para 24 are no contents of the document.

24. That the contents of para 25 are no contents of the document.

Lucknow: Dated

September 29, 1922

*Lal Bahadur Shastri*  
Deposant

VERIFICATION

I, the deposant herein above do hereby verify that contents of pages 1 to 24 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed; so help me God.

*Lal Bahadur Shastri*  
Deposant

Lucknow: Dated

September 29, 1922

I identify the deposant who has signed before me.

*R. K. Srivastava*  
(R. K. Srivastava)

Clark to Sri Nit Bose, Advocate

Solely before me on 29-9-22

at 11-00 A.M. by *T. R. K. Srivastava*

the deposant who is identified by Sri *R. K. Srivastava*  
Clark to Sri

Advocate, High Court, Allahabad. I have identified myself by examining the deposant that he understands the contents of the affidavit which has been read out and explained to me.





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1. The first step is to identify the main point of the document.

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15. ... the contents of part 20 of the ...  
... as stated and it is submitted that  
the ... was liable to be posted as Technical  
... in pursuance of the ... prepared on  
... 1950 in his right to claim for ...  
... as the said right ... on ...  
... when he was promoted as Technical Assistant and  
... accepted, the position ... was  
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6-7-93

8/5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW Bench.

APPLICATION TO FILE SUPPLEMENTARY COUNTER-AFFIDAVIT.

By Respondents.

In

C.A. No. 223 of 1993

T.R. Adra..... Applicant.

Versus

Union of India & Others ..... Respondents.

vs.

Respectfully SHE.ETH:

For the facts & circumstances indicated in the accompanying  
Supplementary Counter-affidavit it is expedient in the interest of  
justice that the same may kindly be taken on record.

-: PRAYER :-

Therefore, it is respectfully prayed that for the facts and  
circumstances mentioned in the Supplementary Counter-affidavit it is  
expedient in the interest of justice that this Hon'ble Tribunal be  
kind enough to take the same on records.

*(Signature)*  
( DR. J. K. SHARMA ),

Counsel for Respondents.

BT  
6/7

17/6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW Bench.

SUPPLEMENTARY COUNTER-AFFIDAVIT.

In

C.A.N.C.226 of 1998.

T.R. Arora ..... Applicant.


Versus

Union of India & Others ..... Respondents.

and

I,.....S. K. ARORA....., aged about 52  
years, son of Shri .....M. G. ARORA.....,  
Joint Director, Defence Estate W.L. Central Command, Lucknow do hereby  
solemnly affirm and state as under :-

1. That the deponent has read the Rejoinder-affidavit filed by Shri T.R. Arora and has understood the contents thereof.
2. That the deponent is well conversant with the facts of the case raised herein after and is filing this Supplementary Counter-affidavit on behalf of all the respondents.
3. That in reply to para 4 of the Rejoinder-affidavit it is clarified that Shri T.R. Arora, W.D.C. was considered by the J.P.C. held on 12-12-98 for promotion to the grade of T.A. The post of T.A. is a selection post where the recruitment rules and regulations are made on the basis of merit only. Though Shri Arora was in the zone

  
Sd/-  
JOINT DIRECTOR, DEFENCE  
ESTATE W.L. CENTRAL COMMAND

Contd....2/-

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of consideration but the D.P.C. did not find him suitable for promotion because his performance based on the Annual Confidential Report was not found satisfactory. Another D.P.C. was held on 17-5-92 and Shri Arora's case was again considered for promotion but he could not find a place in the approved panel for promotion. On the basis of service records as approved by the D.P.C. there is no question of any bias or prejudice in favour or against any of the officials in the zone of consideration.

4. That in reply to para 6 it is clarified that Shri Arora who was promoted on the recommendation of the D.P.C. held on 17-1-91 was posted out in accordance with the policy of the Defence Estates Organisation. The staff members of the Defence Estates Organisation have an All India liability for transfer and they have no right to refuse their transfer orders from one place to other. Because Shri T.R. Arora declined his promotion he was as a special case allowed to continue as U.D.C. in Lucknow only.

5. That in reply to para 11 it is clarified that the promotion from S.S. Gde-II to S.S. Gde-I is always made in the station and the official who is promoted from S.S. Gde-II to S.S. Gde-I is allowed to continue in the same station because there is no assumption of higher charge on promotion from S.S. Gde-II to S.S. Gde-I and there is no question of transfer in these cases. But promotions from U.D.C. to T.I. is based on merit and the official assumes higher responsibility on his promotion as T.I. and in accordance with the Policy in the Deptt. the officials are posted out on their promotions.

Contd....3/-

X

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P/S

// 3 //

6. That in reply to para 16 it is stated that because there is a stay restraining us to fill up the post of T.A. the post has remained vacant. As soon as stay is vacated an XXXX official from new panel will be posted.


7. That in reply to para 19 it is clarified that a panel which promoted Shri T.R. Arora 1 and later back and thereafter two panels have been drawn up in which Shri Arora could not find a place. Hence there is no question of the promotion of Shri T.R. Arora against a panel which does not exist. His name will be considered again as and when a new D.P.C. will be held in due course.

8. That in reply to rejoinder paragraphs of the rejoinder affidavit no further clarification is called for. The submissions made in the Counter-affidavit are re-iterated.

\*   
JA (DEPT. T.)

--: VERIFICATION :-

I, the Defendant above named, do hereby verify that the contents of paras 1 and 2 are true to my personal knowledge and those of paras 3 to 8 are based on records and legal advice which I believe to be true. No part of it is false and nothing material has been suppressed. ~~Sincerely,~~

\*   
( DEPT. T. )  
JA (DIRECTOR GEN.)

to

M.P. No. 274/91(2)

M. 155/90(1)

... para

... diligens

-various-

... of India and others

... respondents

The respondents beg to submit as under:-

1. That it is necessary to bring certain facts on record for which the respondents are filing the accompanying affidavit, which is in the interest of justice to be taken on record.

Therefore, it is most humbly requested that the accompanying affidavit may be pleased to be taken on record in the above mentioned application decided on 6.2.1990.

*Alur*

... ..

Yours faithfully,  
 Dated: 10-4-1990.

The Mr. Justice  
 concerned to  
 Record Room  
 C.C.  
 h

Filed today

*Q.S.*  
 23/4

In the Central Administrative Tribunal, Additional  
Additional Bench, All-ahabad,  
Circuit Bench, Lucknow

----- M.P. 2281/94  
Original Application No.220 of 1990

Tilak Raj Arora

....Applicant

versus

Place before the  
Hon'ble Bench on the  
for orders on date of

Union of India and others

....Opp. Parties

Dy. Registrar

Application for fixing the date  
for final hearing

The above named applicant most respectfully

begs to state as under:-

1. That the above mentioned application was filed  
by the applicant challenging his non promotion to the  
post of Technical Assistant on the ground that he  
di not proceed on his posting from Lucknow in pursuance  
of the order of his promotion.

2. That Counter and Rejoinder Affidavits have been  
exchanged in the aforesaid application and the same is  
ripe for hearing.

3. That the applicant has retired from service with  
effect from 28th February, 1994 and, as such, any delay

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13/11/95

27/11/95

File today

16/11/94

for

12/11/95

Ak  
26/11/94

Tilak Raj Arora



in disposal of the above application will affect his post-retirement benefits including pension and gratuity.

4. That in view of the aforesaid facts and circumstances, it is necessary in the ends of justice that to the applicant/this Hon'ble ~~xxx~~ Tribunal may be pleased to direct for the early hearing of the aforesaid application, if possible at an early date.

Wherefore, it is most respectfully prayed that the Hon'ble Tribunal may be pleased to fix an early date for final hearing of the aforesaid application.

Lucknow:dated  
October ,1994

Zameer Hussain

*C. A. T. Lucknow Circuit*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

Regd. A/D  
23-A, Thornhill Road  
Allahabad. 211 001

Registration O.A. No. 220/90(L) of 199

No. CAT/Alld/Jud

..TILAK.RAT.AGORA.....

Applicant(s)

Versus

..THE GOVT. OF INDIA & OTHERS..

Respondent(s)

- 
1. THE UNION OF INDIA THROUGH THE SECRETARY MINISTRY OF DEFENCE GOVT. OF INDIA NEW DELHI.
  2. THE DIRECTOR GENERAL DEFENCE ESTATES MINISTRY OF DEFENCE R.A. PURAM NEW DELHI
  3. THE DIRECTOR DEFENCE ESTATES MINISTRY OF DEFENCE CENTRAL COMMAND LUCKNOW CANTT.

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Please take notice that the applicant above named has presented an Application a copy of whereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed 27.1.91 Day of . For. **ADMISSION/ORDERS**

*12.12.90*  
*7.12.90*  
*17/12*

If, no appearance is made on your behalf, your pleader of my sons one duly authorised to Act and plead on your behalf in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this Day 11.12.90 of 1990.

For Deputy Registrar  
(Judicial)

ENCL: COPY OF PETITION WITH COURT'S ORDER DATED 10.12.90

**CIRCUIT BENCH, LUCKNOW.**

sd/