

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE O.A. 229 of 1990

Name of the parties

Yashpal Gaurati

Applicant.

Versus.

Union of India

Respondents.

Part A.B.C.

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1 - No lce/order copy dt 21/9/90. A

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50(5)

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Central Admin. Bench, Lucknow
Date of Filing 24/7/90
Date of Receipt by Petitioner
Deputy Registrar (J)

Registration No. 229 of 1989 90 (L)

24/7/90

APPLICANT(S) Shri Jashpal Gaurati

RESPONDENT(S) U.O. 9 (Defence)

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent? yes
2. a) Is the application in the prescribed form? yes
- b) Is the application in paper book form? yes
- c) Have six complete sets of the application been filed? yes
3. a) Is the appeal in time? yes
- b) If not, by how many days it is beyond time? N.A.
- c) Has sufficient case for not making the application in time, been filed? yes
4. Has the document of authorisation/ Vakalatnama been filed? yes
5. Is the application accompanied by E.D./Postal Order for Rs.50/- yes
6. Has the certified copy/copies of the order(s) against which the application is made been filed? yes
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed? yes
- b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly? yes
- c) Are the documents referred to in (a) above neatly typed in double space? yes
8. Has the index of documents been filed and paging done properly? yes
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application? yes
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal? No

A2

Particulars to be Examined

Endorsement as to result of examination

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

dinesh/

orin
10/8/90

(A3)

→ 23.11.90 for
orders before the
Hon'ble Bench.

7/11

5/11

(C)

~~4/12/91~~

4.1.91

Counter & Rejoinder
have been exchanged.

Case be fixed
for final hearing
on 30.1.91

21/11

Supply R.A. filed.

25/1/91

16.8.1990

Hon'ble Mr. P. Srinivasan, A.M.

Hon'ble Mr. J.P. Sharma, J.M.

Shri R.K. Agrawal for the applicant.

Heard.

Admit.

Orders on prayer for Interim Relief.

The question whether the applicant was rightly ~~des~~^{den}ied promotion to the post of Asstt. Accounts Officer, has itself to be considered when the application is heard on merits. In the meanwhile we are not inclined to pre-judge the issue and direct his promotion to the post of Asstt. Accounts Officer by way of interim relief. Interim prayer is therefore, rejected. We, however make it clear that promotions made to the post of Asstt. Accounts Officer or persons over whom applicant claims seniority, will be subject to the out come of this application.

Issue notice to respondent to file reply within 4 weeks to which applicant may file rejoinder within 2 weeks thereafter.

Call on 1-10-1990 before D.R. (J).

Sd/-
J.M.

Sd/-
A.M.

rrm/

For Mr. Justice K. K. Choudhary
Hon. Mr. M. M. Singh, DM

Shri R. K. Choudhary for
respondent's requests to
file counter ~~with~~ within 4
weeks. Allowed. Rejoinder may
be filed within 2 weeks
thereafter. List before
D R on 4-1-91 for fixing a
date
H. H. L.
DM

Notices
Issued
Shri
22-8-90

1.10.90

Mr. R.K. Agrawal
is present for
applicant.
Mr. V. K. Choudhary
an appeared
on behalf of O.P.
He desires time
to file Counter.
O.P. to file Counter
by 15.10.90 &
applicant may
file rejoinder by
23.10.90. Sd/-

RA filed
10/11/90

(2)

(11)

229/9

(11)

24.4.91

Hon. Mr. D.K. Agrawal. J.M.
Hon. Mr. K. Subramanyam. AM

On the application of Sri
V.K. Chaudhary counsel for
applicant case is adjourned to
31.5.91 for hearing.


Mr.


J.M.

(12)

31.5.91

No Siding. Adj to 16.8.91
2

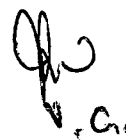
(13)

16.8.91

Hon. Mr. Justice K. Narayana. V.C.
Hon. Mr. K. Subramanyam. AM

None present for both the parties due
to strike of U.P. Bar Council, case is
adjourned to 24.9.91 for hearing.


AM


V.C.

2

(116)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
CIRCUIT BENCH : LUCKNOW

Registration O.A.NO. 229 of 1990(L)

Yashpal Gulati Applicant
Vs.
Union of Inda & Others..... Respondents

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

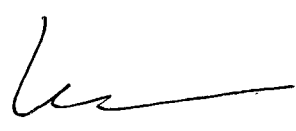
Hon'ble Mr. A.B. Gorthi, Member (A)

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

The applicant ^{who} by virtue of his seniority claims ~~promotion~~ to the post of ^{as} Assistant Officer grade-I was not promoted, and the Controller General of Defence Account communicated ^{as} him through the Joint Controller of Defence Accounts that ~~his~~ requests for promotion to the said post has been examined and the same will be considered only after the outcome of the disciplinary proceedings against the applicant. The applicant started his service career as Auditor having been so appointed by the Controller of Defence Accounts, in the year 1965. Because of certain bifurcation and change in the department the respondent no.3 is admittedly now the appointing authority of the applicant on the post which has now been upgraded and designated as office of J.C.D.A. I/C PAO (ORs) A.M.C., Lucknow. The applicant was promoted as Section Officer(A) in the year 1976 and was confirmed in the year 1979. He was sent on deputation in the year 1980, where he was relieved in the year 1984. Subsequently a criteria for promotions ^{was laid down} on 5.12.1987. The applicant was though in the zone of consideration but he was not promoted as some disciplinary enquiry was pending against him, which according to the respondents may not conclude very soon.

2. The respondents in their written statement have stated that the applicant's case was also considered by the Promotion Committee. But in this case after consideration a 'Sealed Cover' procedure was ^{ad-}opted, and the same was kept in the Sealed Cover. There is no legal sanctity to the 'Sealed Cover' procedure as if a person is entitled is entitled to be promoted obviously the promotion cannot be refused to him merely on the ground that the disciplinary proceeding is pending against him. Obviously the disciplinary proceeding results in punishment. The matter can be considered even thereafter may be that he has an accusation of the promoted post. The procedure adopted in this case is not warranted by law and accordingly the respondents are directed to open the 'Sealed Cover' within 1 weeks from the date of the communication of this order, and in case the applicant's name has been recommended by the Departmental Promotional Committee, he may be promoted forthwith. In case obviously disciplinary committee comes to the conclusion that he deserves punishment obviously the law will followed in course. No order as to costs.


MEMBER (A)


VICE-Chairman.

9th December, 1991, Lucknow.

(sph)

APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNAL ACT, 1985

For Use in Tribunal's Office.

DATE OF FILING

24/7/90

OR

DATE OF RECEIPT BY POST :

REGISTRATION NO. O.A. No. :

229/90(L)

SIGNATURE

REGISTRAR

Noted in 16.8.90
[Signature]

(A2)

THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

O.A. No. 229 of 1990 (L)

YASH PAL GULATI ... APPLICANT

Versus

UNION OF INDIA & OTHERS ... RESPONDENTS.

I N D E X

Sl.No.	Description of Documents Relied upon	P a g e s	
		From	To

COMPILATION NO. I

- | | | | | |
|----|--|----|---|----|
| 1. | Application U/s 19 of the
Administrative Tribunal Act | 1 | - | 24 |
| 2. | <u>Annexure No. I</u>
Certified True copy of Respondent
No.4 - Letter dated 01.09.1989
Communicating the decision of
Respondent No. 2 - Impugned | 25 | - | 26 |

Lucknow;

Dated : July 24, 1990

Yash Pal Gulati

Signature of Applicant.

Ray Ap

Advocate
Counsel for applicant

THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW.

O.A. NO. of 1990

YASH PAL GULATI ... APPLICANT

Versus

UNION OF INDIA AND OTHERS ... RESPONDENTS

I N D E X

Sl. No.	Description of Documents Relied Upon	p a g e s	
		From	To

COMPILATION NO. 2

1.	<u>Annexure No. 2</u> Copy of Admin. Order dated 15.7.1976 showing Applicant's promotion as Section officer (A)	27	- 28
2.	<u>Annexure No. 3</u> Copy of Admin. Order dated 4.1.1980 showing applicant's confirmation in Section Officer (A) Grade w.e.f. 1.3.1979	-	20
3.	<u>Annexure No. 4</u> - Copy of Respondent No. 2 letter dated 5.12.1987	30	- 35
4.	<u>Annexure No. 5</u> - Copy of Part-II Order No. 555 dated 9.5.1988 issued by Respondent No. 3 under the authority of Respondent No. 2	36	- 45
5.	<u>Annexure No. 6</u> - Copy of Applicant's application dt. 16.5.1988	46	- 47
6.	<u>Annexure No. 7</u> - Copy of Letter dt. 20.6.1988 from Respondent No. 4 to the Applicant.	-	48
7.	<u>Annexure No. 8</u> - Copy of Applicant's Application dated 23.6.1988	-	49
8.	<u>Annexure No. 9</u> - Copy of Letter dated 27.7.1988 issued by Respondent No. 4 to the Applicant.	-	50
9.	<u>Annexure No. 10</u> - Copy of Applicant's Application dated 4.8.1988	51	- 52
10.	<u>Annexure No. 11</u> - Copy of Letter dt. 13.9.1988 issued by Respondent No.4 to the Applicant.	-	53

Yash Pal Gulati

contd..2

Sl.No.	Description of Documents Relied Upon	P a g e s	
		From	To
11.	<u>Annexure No. 12</u> - Copy of Applicant's Application dated 21.11.1988	-	54
12.	<u>Annexure No. 13</u> - Copy of Letter dated 2.3.1989 issued by Respondent No. 4 to the Applicant.	-	55
13.	<u>Annexure No. 14</u> - Copy of Memorandum dated 27.1.1989 issued by Respondent No. 3 to the Applicant.	56	63
14.	<u>Annexure No. 15</u> - Copy of Applicant's Application dated 9.3.1989	-	64
15.	<u>Annexure No. 16</u> - Copy of Applicant's Application dated 29.5.1989	65	70
16.	<u>Annexure No. 17</u> - Copy of Partial Written Statement of Defence dated 18.9.1989 submitted by the Applicant	71	75
17.	<u>Annexure No. 18</u> - Copy of Applicant's Application dated 28.12.1989	76	80
18.	<u>Annexure No. 19</u> - Copy of Letter dated 06.02.1990 issued by the Respondent No. 4 to the Applicant.	-	81

Lucknow;

Dated : July 24, 1990

Yash Pal Grewal
Signature of Applicant.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. NO. _____ of 1990

YASH PAL GULATI

S/o Late Sri C.S. Gulati aged about 47 years,
resident of House No. 69, Near Railway Crossing,
Purana Kila, Lucknow - 226001 *working as Section officer (A)
Pay Accounts office (Other Ranks) Army Medical Corps,
Lucknow - 226002*
... Applicant

Versus

1. Union of India through Secretary,
Government of India, Ministry of Defence (Finance),
New Delhi.
2. The Controller General of Defence Accounts,
West Block V, R.K. Puram, New Delhi - 110066.
3. The Controller of Defence Accounts,
(Other Ranks), North, Meerut Cantt.
4. The Joint Controller of Defence Accounts Incharge
Pay Accounts Office (Other Ranks),
Army Medical Corps, Lucknow - 226002.
5. The Joint Chief Controller of Imports & Exports,
Government of India, Ministry of Commerce,
117/L/444, Kakadeo, Kanpur.

~~contd~~ ... Respondents

contd .. 2

Yash Pal Gulati

DETAILS OF APPLICATION

(A12)

1. Particulars of the order against which application made:

(i) Order No.

(ii) Date

(iii) Passed by

(iv) Subject in brief

The application is against the following order which is Annexure No.1 AN/14/8300677

01.09.89

Controller General of Defence Accounts, West Block V, R.K. Puram, New Delhi (Respondent No. 2) communicated through Joint Controller of Defence Accounts Incharge, Pay Accounts Office (Other Ranks) Army Medical Corps, Lucknow (Respondent No. 4).

Intimating decision of Controller General of Defence Accounts, New Delhi (Respondent No.2) that Applicant's request for promotion to Assistant Officer grade has been examined and the same will be considered only after the outcome of disciplinary case pending against the applicant.

...contd...3

Yash Pal Gupta

2. Jurisdiction of the Tribunal:

The applicant declares that the subject-matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

contd.....4

Yash Pal Singh

3.5.
A

Limitation :

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

4.8.
A

Facts of the case :

The facts of the case are given below :-

- (1) That the applicant was appointed as an Auditor by the Controller of Defence Accounts, Central Command, Meerut Cantt. and posted to the office of the A.C.D.A. I/c. P.A.O. (ORs) A.M.C., Lucknow and he joined duties w.e.f. 22-11-65.
- (2) That ^{under} the administrative changes now the appointing authority of the applicant is respondent no. 3 while the office where he joined services has now been upgraded and designated as office of the J.C.D.A. I/C PAO (ORs) A.M.C., Lucknow - respondent no. 4.
- (3) That the applicant was promoted as Section Officer (A) w.e.f. 15-7-76 and was confirmed on the said post w.e.f. 1-3-79. The true copy of the promotion order dated 15-7-76 is annexed as Annexure No. 2 while copy of Admin. order dated 4-1-80 showing confirmation w.e.f. 1.3.79 is annexed as Annexure No. 3
- (4) That the applicant was sent on deputation on 15-11-80 (AN) to the office of Respondent No.5 and joined the said office on 22-11-80.

5.

- (5) That the applicant was posted to the office of respondent no. 5 as Section Officer of Verification Unit and Cheque Section.
- (6) That the applicant was relieved on 15.11.84 by respondent no. 5 and he thereafter rejoined office of respondent no. 4 and is still working as Section Officer (A).
- (7) That vide letter No. AN/XI/11060/1/Vol-1 dated 05 December 1987, the respondent no.2 issued instructions to all Controllers of Defence Accounts including respondent no. 3 with regard to implementation of restructuring of Section Officers (A) Grade in the Department, wherein it was provided that after restructuring from 1-4-87, the designation of the lower and the functional higher grade will be as under :-
- (i) 20 % Section Officers (A) Scale of Pay Rs. 1640-2900 to be continued as Group 'C' posts.
 - (ii) 80 % Assistant Accounts Officers Scale of Pay Rs. 2000 - 3200 (Functional higher grade) which is proposed to be classified as Group 'B' post.

The true copy of said instructions dated 5-12-87 is annexed as Annexure No. 4.

- (8) That in the said instructions the criteria

Yash Pal Singh

contd .. 6

AL6

for promotion to AAOs, Grade was prescribed as under :-

- (a) SOs (A) with 3 years' service in that grade and who have successfully completed their probation will be eligible for consideration by the DPC. The category of SO (A) does not include the Cost Accountants unless they pass SAS Part I & II Exams.
- (b) That promotion to the grade of AAO will be on seniority basis, subject to rejection of the unfit on the recommendation of the DPC to be constituted centrally by this office, as per DP&R OM No. 22011/6/75/Estt (D) dated 30-12-76 (i.e. Group 'B' DPC), with CGDA as appointing authority.
- (c) While preparing the DPC papers, a certificate of successful completion of probation period in SOs (A) grade ~~will~~ will be endorsed therein by the respective CsDA.
- (d) If in any case, the individual is on extended period of probation as on 1.4.87 in the grade of SO (A), he can be promoted, if found fit, only from the date following the completion of his probation and not from 1-4-87.

Yash Pal Singh

contd .. 7

- (9) That in the said instructions Zone of consideration to be included in DPC papers as under :-

U/R Pt. SO (A) Roster as on 1.1.83 from Roster No. 938 to 3124 (Last name Shri MADAN LAL). ~~Offg. SO (A) Roster as on 1-1-83 from Roster No. 1 to 677 (Last name Shri H.D. TRIPATHI).~~

Offg. SO (A) Roster as on 1-1-83 from Roster No. 1 to 677 (Last name Shri H.D. TRIPATHI).

Res. SC/ST - All individuals who were promoted as SO (A) upto 31.12.1984 and were serving as SO (A) as on 1.4.87, (Promotion in respect of those who complete 3 years of service after 1.4.87 will take effect only after they complete 3 years of service as SO (A)).

- (10) That the above mentioned instructions required the ACR grading for 1982, 83, 84, 85 and 86 and it was further provided whether any disciplinary case is pending/vigilance case is in progress; penalty if any awarded during 5 years and whether still in force and if so the period of operation of penalty and whether any sanction of suspension/prosecution has been accorded though formal disciplinary action is yet to be initiated.

- (11) That the applicant was in the zone of consideration, his roster No. being 2266

AID

in permanent SO's (A) Roster as on 1-1-83 as required besides he fulfilled all the criteria, i.e. 3 years service in that grade and completion of probation period. No adverse remarks in ACRs were ever communicated to the applicant since his appointment including the period 1982 to 1986. No sanction for suspension/prosecution of the applicant was ever granted.

- (12) That in view of the above the applicant was eligible and entitled for consideration for promotion to the post of A.A.O. after restructuring of SOs (A) grade in the Department.
- (13) That under the authority of respondent No.2 who is also the appointing authority for the post of Assistant Accounts Officer and who had constituted the D.P.C., which gave its recommendations in or about April 1988, the promotion list was notified in respondent no.3 Part II order No. 555 dated 9-5-88 in which the applicant's name was not included while more than 1500 SOs (A) junior to the applicant were promoted in the Department. The true copy of Part II order No. 555 dated 9-5-88 is annexed As Annexure No. 5.
- (14) That on coming to know about the publication of promotion list the applicant moved an application dated 16-5-88 to respondent no.3 drawing his attention that he is serving as SO (A) since 15.6.76 and his name is not

(14)

included in the promotion list and requested that his case may be examined and his promotion be published ~~as AAO~~ in AAO's Grade as it seemed to be an omission due to the reasons not known to him. The true copy of said application dated 16-5-88 is annexed as Annexure No. 6.

- (15) That the respondent No. 4 vide letter dated 20-6-88 intimated the applicant that the respondent no. 3 has intimated that some disciplinary proceedings are pending against him and necessary action will be taken in this regard on its finalisation. A true copy of letter dated 20-6-88 of respondent no. 4 is annexed as Annexure No. 7.

- (16) That again the applicant vide application dated 23-6-88 submitted to respondent no. 3 that he is not aware of any disciplinary proceedings pending against him. He has not done anything which may warrant any disciplinary proceedings. His record and ~~fix~~ confidential reports are clear. If any disciplinary action has been initiated full details of case may be intimated to him to clarify the position. He further requested for consideration of his case for promotion on the basis of his clear service record. A true copy of application dated 23-6-88 is annexed as Annexure No. 8.

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- (17) That the respondent No. 4 vide letter dated 27.7.88 conveyed to the applicant that respondent no. 3 has intimated that applicant's case for promotion to AAO's post was considered by the D.P.C. but kept pending till finalization of disciplinary proceedings initiated against him by the Department in which he served on deputation. A true copy of letter dated 27.7.88 is annexed as Annexure No. 9.
- (18) That vide application dated 4-8-88 the applicant submitted to respondent no. 3 that on 20-7-88, he explained about his case to respondent no. 3 at Lucknow while he visited to the office of respondent no. 4, the applicant personally contacted Asstt. Chief Controller of Imports & Exports (Adm. Branch) Kanpur on 28-7-88 who after due verification of records confirmed that no such case was initiated and the respondent no. 5 on being contacted informed that he was also not aware of any such proceedings initiated or pending. The applicant requested respondent No. 3 for intimating the full facts of disciplinary case, if any, against him to enable him to clarify the position. The applicant further requested for consideration of applicant's promotion and copies of said application dated 4-8-88 were sent to respondent nos. 2 and 5. The true copy of said application dated 4-8-88 is annexed as Annexure No. 10.

Yash Pal Singh

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- (19) That vide letter dated 13-9-88, respondent no. 4 intimated the applicant that respondent no. 3 has intimated that reasons for not promoting the applicant to higher functional grade has already been communicated to him and it was not found administratively convenient to send the representation to the addressee and endorsee. The true copy of letter dated 13-9-88 is annexed as Annexure No. 11.
- (20) That the applicant again requested the respondent No. 3 vide application dated 21-11-88 for intimation of full facts of disciplinary proceedings said to have been initiated against him and requested to give him benefit of promotion w.e.f. 1-4-87 from which date his juniors have been promoted but no reply has been received. A true copy of said application dated 21-11-88 is annexed as Annexure No. 12.
- (21) That the applicant was served with Memorandum of charges dated 27-1-89 from respondent no.3 through respondent no. 4 under letter dated 2-3-89 containing vague and contradictory charges requiring submission of written statement within 10 days. True copies of letter dated 2-3-89 and Memorandum of charges dated 27-1-89 are annexed as Annexures Nos. 13 and 14 respectively.

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- (22) That the applicant vide application dated 9-3-89 requested the respondent no. 3 to supply copies of relevant documents and statements of witnesses referred to in Annexures III & IV respectively to the memo. of charges. The applicant requested for one month's time to go through the documents and statements and to submit his reply. True copy of application dated 9-3-89 is annexed as Annexure No. 15.
- (23) That the applicant submitted his application dated 29-5-89 to the respondent No.2 and copies of the same were endorsed to Financial Adviser, Ministry of Finance (Def.) and respondent no. 3 and 5 mentioning therein his full & facts of the case informing that he has worked as per procedure prescribed in the office of the respondent no. 5 and there was no lapse on his part and requested for his promotion as AAO w.e.f. 1-4-87 and for expunging the charges framed against him. The true copy of application dated 29-5-89 is annexed as Annexure No. 16.
- (24) That on 27-6-89 the applicant sought an interview with the respondent No. 3 on his visit to Lucknow and orally submitted his case and problems concerning his promotion and the respondent no. 3 informed the applicant that his case for promotion to AAO's grade was

Yash Pal Singh

contd .. 13

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was considered by D.P.C. and its ~~xxx~~ (2)
recommendation has been kept in sealed cover.

- (25) That the respondent no. 2's decision that the applicant's request for promotion was examined by the respondent no. 2 and it is stated that the same will be considered only after the outcome of the disciplinary proceedings was communicated to the applicant by respondent no. 4 vide letter ~~xxx~~ (2) dated 1-9-89 which is Annexure No.1.
- (26) That the respondent No. 3 supplied copies of documents mentioned at Serial Nos. 2 and 3 relating to Article II mentioned in Annexure III of memorandum of charges dated 27-1-89 through respondent no. 4 under letter dated 11-9-89 but remaining documents have not been supplied to the applicant inspite of repeated requests vide applications dated 18-9-89, 27-11-89 and 2-5-90 to the respondent no. 3 and applications dated 5-12-89 and 15-2-90 to to the Inquiring Authority Shri Dori Lal, IDAS, DCDA I/c. PAO (ORs) BEG&C, Roorkee and further application dated 20-2-90 addressed to respondent no. 2 through respondent no. 3 and 4.
- (27) That in order to expedite the disciplinary proceedings, the applicant submitted his partial written statement dated 18-9-89 to the respondent no. 3, the true copy of which is annexed as Annexure No. 17.

Yash Pal Singh

- (28) That the respondent No. 3 vide order dated 19-10-89 appointed Shri Dori Lal, DCDA I/C PAO (ORs) BEG&C Roorkee as Inquiring authority to enquire into the charges framed against the applicant.
- (29) That the Inquiring Authority Shri Dori Lal fixed preliminary hearings on 5-12-89 and 15-2-90 respectively but the presenting officer Shri Y. Sharma, S.I. did not appear before the Inquiring Authority on both occasions and the inquiry could not proceed and the same was adjourned and no further date has been fixed for any proceedings till now. However after drafting of the application the Inquiring Authority has fixed 26 & 27 July 1990 in the matter.
- (30) That the applicant submitted application dated 28-12-89 to respondent no. 2 mentioning therein that the charge memo. in question were related to the cases dating back to over six years. The frauds in question were detected some times in July 1982 and that too at the instance of observations of applicant's section. No charges were levelled against him by that deptt. during his further stay of over two years. It was further mentioned that the sealed cover procedure also contemplates that if there is delay of more than two years in the conduct of departmental inquiry the sealed cover may be opened and the results of the same may be given effect to subject to result of proceedings. The applicant further drawn attention regarding Full Bench decision

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of Central Administrative Tribunals in the case of K. Ch. Venkata Reddy and Others Vs. Union of India & others, reported in ATR 1987 (1) CAT-547 in which it has been held that consideration of promotion cannot be withheld merely on the ground of pendency of disciplinary proceedings against an officer and the sealed cover procedure can be resorted only after a charge memo. is served on the concerned official and the charge sheet filed before the Criminal Court and not before. It was further mentioned in the said application that in applicant's case, both the points decided by the Full Bench of Hon'ble Tribunal have been totally overlooked. The applicant requested to reconsider his promotion case in the light of above mentioned case-law and grant him legitimate promotion w.e.f. 1-4-87 with all consequential benefits. The true copy of said application dated 28.12.89 is annexed as Annexure No. 18.

(31) That the respondent no. 2 communicated through respondent no. 4 vide letter dated 6-2-90 that his application has not been acceded to under the extent order. True copy of letter dated 6-2-90 is annexed as Annexure No. 19.

(32) That it is important to note that applications for grant of Cash compensatory support on exports of handicrafts submitted by M/s. Global Enterprises, Moradabad and M/s. Decorative

Yashpal Gulati

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Handicrafts, Moradabad and M/s. English Brass Art Emporium, Moradabad were received in the office of respondent No. 5 and after acceptance of documents and claim by Scrutiny Section the same were received in the Verification Unit of which the applicant was Section Officer. The dealing assistant Shri R.A. Manjhi of this section raised certain doubts regarding genuineness of documents and requested for verification of documents before issue of cheques. The applicant supported the same which was approved by Dy. Chief Controller of Imports and Exports and the file was returned to Scrutiny Section for doing the needful.

(33) That instead of complying the order dated 14.5.82 passed by Dy. Chief Controller, Shri B.S. Pal, Assistant Chief Controller Incharge of Scrutiny Section resubmitted the cases for orders on the grounds that the objections raised by applicant's section are for the sake of objection and are not mentioned in any of the instructions vide his note dated 15-5-82 but the Dy. Chief Controller ordered that the earlier orders be complied.

(34) That as per orders of Dy. Chief Controller, dealing assistant of Scrutiny Section put up letters addressed to issuing Department before Shri B.S. Pal, ACC, who did not sign the same and again put up his note ~~xxx~~ dated 2-6-82 mentioning therein that after finalisation of

Yash Pal Gupta

contd .. 47

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of these cases reference be made to the concerned authorities for verification of genuineness of the documents in one case. But ultimately respondent no. 5 ordered on 3-6-82 to get Shipping bills and bank certificates verified from the customs and Banks respectively in every case at the earliest following the finalisation of these cases even though everything seems to be proper.

(35) That in compliance of order dated 3-6-82 passed by respondent no. 5, the files were sent to Verification Section for finalisation and cheques were issued and thereafter files were returned to Scrutiny Section on 8-6-82 from where letters were sent to the Banks and Customs on 8-7-82 on which it was informed by the Banks and custom authorities that no such Bank certificates and Shipping bills were issued by them in respect of M/s. Global Enterprises, Moradabad and M/s. Decorative Handicrafts, Moradabad. Thus the above frauds were detected at the instance of applicant's Section.

(36) That the matter was subsequently referred to C.B.I. for investigation who submitted charge sheet in the Court of Special Magistrate, CBI, Lucknow and a complaint U/S 120 B read with 420, 468 / 471 I.P.C. and Section 5 of Imports and Exports (C) Act 1947 and substantive offences U/S 420, 468/471 I.P.C. and Section 5

Yash Pal Guleri

contd .. 18

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of Imports and Exports (C) ^{Act} of 1947 were filed against Shri B.S. Pal A.C.C. and three others in both the cases. Both the cases were registered as Case No. 60/89 and 61/89 respectively. The applicant is cited as witness in these cases.

(37) That said Shri B.S. Pal, A.C.C. against whom the above mentioned cases were pending after C.B.I. investigation, has already been promoted as Dy. Chief Controller of Imports & Exports long back in the office of Joint Chief Controller of Imports and Exports, Bombay.

(38) That the applicant's promotion can not be kept pending on the ground of contemplated disciplinary proceedings of which even respondent Nos. 2 and 3 had no definite idea at the time of consideration of promotion by D.P.C.

57.

Grounds for

Relief Sought : with legal provisions :-

In view of the facts mentioned in para ⁴ above the applicant prays for the following reliefs on the grounds mentioned below :-

(a) G R O U N D S :

(i)- Because following sealed cover procedure by the D.P.C. in case of applicant's promotion was quite illegal as no disciplinary proceedings were pending against the applicant till the

Yashpal Singh

contd .. 19

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date of D.P.C. meeting held in or about April 1988. Hence non-inclusion of applicant's name in the panel of promotion vide Part II order dated 9-5-88 (Annexure No. 5) is illegal and order dated 1-9-89 (Annexure No. 1) passed by respondent no. 2 is fit to be quashed and the applicant is entitled to promotion to the post of A.A.O. from 1-4-1987 from the date his juniors have been promoted in accordance with respondent No. 2 letter dated 5-12-87 (Annexure No.4) with the salary and other allowances and benefits etc. from the said date and giving seniority at appropriate place above his juniors without any delay.

(ii)- Because the sealed cover procedure could only be followed after charge sheet have been served. In the present case the charge sheet was served on the applicant on 2-3-1989 vide Annexure No. 13 ^{and} ~~as~~ it cannot be said that applicant's conduct was under investigation or the disciplinary proceedings have been initiated on the date of D.P.C. meeting. Hence following sealed cover procedure in applicant's case is quite illegal.

(iii)- Because in the present case the respondent No. 3 ² had not formed any opinion that a charge sheet may be issued to applicant on specific imputations on consideration of result of investigation either by C.B.I. or by any other agency departmental or otherwise before

Yashraj Singh

contd .. 20

D.P.C. Hence sealed cover procedure could not be followed in the case of the applicant and his promotion can not be kept pending.

- (iv)- Because the respondent no. 3 even failed to take into consideration the facts mentioned by the applicant in his representations and even failed to forward the same to the respondent No. 2 who also failed to take proper action according to law and decisions of Central Administrative Tribunals. Hence the order dated 1-9-89 (Annexure No.1) passed by respondent no. 2 is also liable to be quashed.
- (v)- Because the applicant has been illegally denied the promotion to the grade of A.A.O. for which he is entitled to as per rules and law and various decisions of Central Administrative Tribunals and High Courts and Hon'ble Supreme Court.
- (vi)- Because the disciplinary proceedings are vague and being not prosecuted by the respondent no. 3 after initiating the same after more than 6 years of the alleged incident and thereafter even failed to supply the relevant documents to the applicant and otherwise prosecute the proceedings. Thus it is in contravention of Rule 14 of the Central Civil Services (Classification, Control,

(121)

and Appeal) Rules and principles of natural justice and hence the charge memo dated 27.1.89 issued by respondent No.3 (Annexure No. 14) and disciplinary inquiry under it against the applicant is liable to be quashed.

6. Details of remedies exhausted :

The applicant declares that he has availed of all the remedies available to him under his service rules as mentioned in para 4 above.

7. Matter previously filed or pending with any other Court

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

8. RELIEFS SOUGHT:

WHEREFORE, the humble applicant prays for the following reliefs against the respondents:-

- i) A direction may be issued to respondents Nos. 1 to 3 to consider and promote the applicant to the post of Assistant Accounts Officer with effect from 1.4.87 and to place him at appropriate place of seniority.
- ii) A direction may be issued to Respondent No. 1 to 3 for payment of arrears of salary and other allowances, benefits etc. to the applicant for the post of Assistant Accounts Officer w.e.f.01.04.87.
- iii) The order dated 1.9.39(Annexure No.1) passed by respondent No.2 and communicated by respondent No.4 may be quashed so far the applicant is passed over for promotion to the post of Assistant Accounts Officer.

...contd....22

Yash Pal Singh

A-2

- iv) The disciplinary proceedings initiated by the Respondent No.3 vide Charge Memo dated 27.1.89 (Annexure No.14) may please be quashed.
- v) Cost of the present proceedings be awarded to the applicant against the respondents.
- vi) Any other relief deemed fit and proper for which the applicant is found entitled in the circumstances of the case may also be awarded in the favour of the applicant against the respondents.

9. Interim Order, if any prayed for:

Pending final decision on the application the applicant seeks issue of the following interim orders:-

The applicant may be ordered to be promoted to the post of Assistant Accounts Officer as his junior have already been promoted to the said post and his promotion has been illegally kept pending although his case has been considered by D.P.C.held in or about April 1988.

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 within intimation regarding the date of could be sent to him.

contd.....23

Yash Pal Singh

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A/33

11. Particulars of Postal Order in respect of the Application Fee:

1. Number of Indian Postal Order : 8 02 436862
Amount: Rs. 50/-
2. Name of the issuing Post Office P.O. Aminabad,
Lucknow.
3. Date of issue of Postal Order(s) 30.6.90
4. Post Office at which payable G.P.O.
Allahabad.

12. List of Enclosures:

- (a) Application WITH Index
- (b) Annexure No. 1 to 19.
- (c) Postal Order No. 8 02 436862 dated 30.6.90 for Rs. 50/-
- (d) Vakalatnama.

VERIFICATION

I, Yash Pal Gulati s/o late Shri C.S. Gulati aged 47 yrs working as Section Officer(A) in the office of

contd.....24

Yash Pal Gulati

(2)

JCDA I/c. PAO (ORs) A.M.C., Lucknow Cantt. resident of House No. 69, Near Railway Crossing, Purana Kila, Lucknow, do hereby verify that the contents ~~of~~ from 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Place - Lucknow

Dated 24th July 1990

Yash Pal Guleri
SIGNATURE OF APPLICANT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

O.A. No. of 1990

YASH PAL GULATI ... Applicant
Vrs.
UNION OF INDIA & OTHERS ... Respondants.

ANNEXURE NO. 1

Yash Pal Gulati

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- COPY -

confd.

NO. AM/14/8300677

PAC (ORS) AME

Lucknow

Dated - 1-9-89

The Shri Y P. Gulati

S.O. (A) 8300677

Subject - Discipline - DAD estt

Ref - your application dt 29-5-89

It has been intimated by M.O. that your request for promotion to A to grade has been examined by the CSA New Delhi and it has been stated that the same will be considered only after the outcome of the disciplinary case pending against you.

Yours faithfully,
A to Adm,

CERTIFIED TRUE COPY

R. S. Chandra

C.P.S. CHAUDHAN

LIEUT

A.R.O

MOR. OIC-RECORDS



Central Administrative Tribunal

ब अदालत श्रीमान्

महोदय

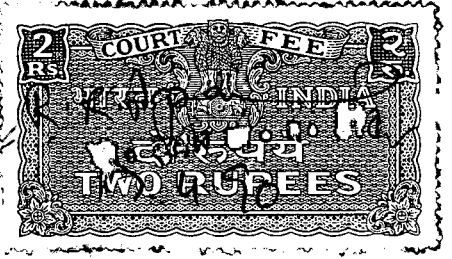
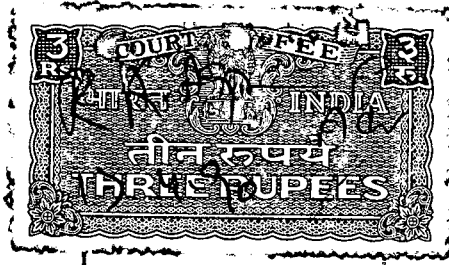
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प्रतिवादी [रैस्पान्डेन्ट]

वकालतनामा



Yashpal Gulati

वनाम प्रविवादी (रैस्पान्डेन्ट)

नं० मुकदमा

सन्

पेशी की ता०

१९८ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

Ram Karan Agarwal (Enrollment No. 1424/62)

Agarwal, R.M. Agarwal, 111 Topkhana Bazaar, Lucknow

एडवोकेट

महोदय

वकील

Sachin Bagari, Lucknow

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करना हूं। और लिखे देता हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देहो व प्रश्नोत्तर करें या कोई कागज़ दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकदमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें -- वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण है और समय पर काम आवे।

हस्ताक्षर Yashpal Gulati

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

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स्वीकृत

6/7/90

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

C.A. No. ... of 1990

YASH PAL GULATI ... Applicant
Vrs.
UNION OF INDIA & OTHERS ... Respondants.

ANNEXURE NO. 2

Yash Pal Gulati

- COPY -

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(H35)

Office of The A.O. & P.A.O. (ORs) C.M.P.
Admin order No. 24 * BANGALORE

dt. 15.7.76

39

Subj. Promotion of S.A.S. Examination PT. II
passed auditors to The Regular vacancies
of Section officers (Accounts)

The under mentioned PT. Auditors
serving in this office have been promoted to
offg. Section officers (Accounts) grade w.e.f. 15.7.76
(F.N.) and have assumed the duties of SO(A)
with effect from the same date.

(Authority :- C.D.A. (ORs) South Madras. Comptt.
No. AN/11/1883 dt. 6.7.76

File No. AN/13 dt. 15.7.76

		Ac No.
1. S/S. P. Ranganath	PT Auditor	8294866
2. L. M. Lal	PT Auditor	8289289
3. I. C. Srinivasan	PT Auditor	8292921
4. Yashwanth Gulati	PT Auditor	8300677

(S) X X X X X

Account Officer I/C

P.A.O. (OR), C.M.P. BANGALORE

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Copy to :-

1. The C.D.A. (ORs) South Madras-18 (AM Sec. 2)
2. The individuals concerned.
3. Guard File
4. Leave task

[Signature]

Account Officer I/C

P.A.O. (ORs) C.M.P. BANGALORE

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Attested Copy
Pay Ap
[Signature]

[Signature]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

C.A. No. of 1990
YASH PAL GULATI ... APPLICANT
VERSUS
UNION OF INDIA & OTHERS ... RESPONDENTS.

ANNEXURE NO. 3

- COPY -

Office of the A.C.D.A. i/c P.A.O. (ORs) A.M.C. Lucknow

Admin Order No 4 Dated:- 4.1.80

Sub:- Confirmation in Section Officer(Accounts) Grade
.....

The CDA(ORs)North Meerut has appointed the u/m Section Officers (Accounts) in a substantive capacity w.e.f. the date noted against each.

- | | | | | | |
|------|--------|-------------------|---------|-----|-----------------------|
| 1. | OA/537 | Shri N.K.Bajpai | 8294977 | ... | 1.3.79(on deputation) |
| 2. | OA/621 | " S.K.Tripathi | 8300644 | ... | 1.3.79 |
| 3. | OA/641 | " R.K.Sinha | 8294948 | ... | 1.3.79 |
| 4. | OA/649 | " P.K.Gupta | 8295224 | ... | 1.3.79 |
| 5. | OA/686 | " K.N.Agarwal | 8296726 | ... | 1.3.79 |
| 6. | OA/724 | " R.K.Tewari | 8298966 | ... | 1.3.79 |
| ✓ 7. | OA/757 | " Yash Pal Gulati | 8300677 | ... | 1.3.79 |

Auth:- CDA(ORs)North Meerut Pt II OO No 1141 dt 19.12.79

No AN/26
Dated:- 4.1.80

Sd/- S.P.BAHL
A.C.D.A. i/c

Copy to:- 1. The CDA(ORs)North AN/A, AN/Pay Sections, Meerut
2. Individuals concerned (3)Lve Gp (4)Pay Gp
5. AN/1 (6) G/File (7) Shri N.K.Bajpai SO(A),
Office of the Director of Education and National
Research and Training, New Delhi.

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A.O.(AN)

Yash Pal Gulati

Allocated Copy
Pay Dept
Adv

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

C.A. No. of 1990
YASH PAL GULATI ... APPLICANT
VERSUS
UNION OF INDIA & OTHERS ... RESPONDENTS.

ANNEXURE NO. 4

- copy -

CONFIDENTIAL/IMPORTANT

No.AN/XI/11060/1/Vol-I
Office of the C.G.D.A.,
West Block-V, RK Puram,
NEW DELHI-110066

Dated the 5th December 87

To

All CsDA (By name)
C of A (Fys) Calcutta (By name)
(Including C of A (Fys) Jabalpur, Kanpur, Ishupore, Kirkee
and Avadi (By name).
Jt.C.D.A.(Funds), Meerut (By name)

Sub: HIGHER FUNCTIONAL GRADE IN SECTION OFFICER
(ACCOUNTS) GRADE IN D.A.D.

Ref: G of I, Ministry of Finance OM No.F5(12)/E/III/86/Pt.II
dated 12.6.87 circulated under our AN/XIV/14162/III 4th
PC dated 15.6.87.

The following Instructions are issued in regard to implementa-
tion of the restructuring of SOs(A) grade in the Department.

2.1 Strength of the functional higher grade in Section Officer (Accounts):

The strength of the functional higher grade has been determined on the basis of authorised strength of the Department as a whole as on 1.4.87 and also includes the strength of the SG SOs(A) who have already been granted the revised scale of Rs.2000-3200 as personal to them under the CCS(RP) Rules, 1986. Hence CsDA need not separately fix the strength of the new cadre independently.

3.1 Designation:

After restructuring from 1.4.87, the designation of the lower and the functional higher grade will be as under:

20% Section Officers(A)
Scale of pay Rs.1640-2900

80% Assistant Accounts Officer
Scale of pay Rs.2000-3200
(Functional higher grade)

3.2 Classification:

(i) While the post of SO(A) will continue to be group 'C', the post of AAO is proposed to be classified as Group 'B'.

(ii) For framing of Recruitment Rules also to govern future promotions, necessary action is being taken separately.

3.3 Effective date of promotion to functional higher grade of AAO.

(i) The order restructuring the grade is effective from 1.4.87. The promotion of those coming within the zone of consideration for promotion will be made with retrospective effect from 01.4.87.

Contd....p/2

Attested Copy
Yash Pal Gulati
Adv.

Yash Pal Gulati

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- (ii) Individuals (coming within the zone of consideration for promotion) who were in service as SO(A) on 1.4.87 are also eligible for promotion to AAOs grade w.e.f. 1.4.87 irrespective of the fact whether they have become non-effective/promoted to AO's grade after 1.4.87 etc.
- (iii) Vacancies already generated by the promotion/retirement etc. of the AAOs upto 31.12.87 (mentioned in 3.3.(i) & (ii) above) will also be filled up by promotion from eligible candidates in the feeder grade of SO(A) from the date the vacancies arise.

1.4

Criteria for promotion to AAO's grade/composition of DPC.

- (a) SOs(A) with 3 years' service in that grade and who have successfully completed their probation will be eligible for consideration by the DPC. The category of SO(A) does not include the Cost Accountants unless they pass SAS Part I & II Exams.
- (b) The promotion to the grade of AAO will be on seniority basis, subject to rejection of the unfit on the recommendation of the DPC to be constituted centrally by this office, as per DP&R OM No.22011/6/75/Estt(D) dated 30.12.76 (i.e. Group 'B' DPC), with CGDA as appointing authority.
- (c) While preparing the DPC papers, a certificate of successful completion of probation period in SOs(A) grade will be endorsed therein by the respective CsDA.
- (d) If in any case, the individual is on extended period of probation as on 1.4.87 in the grade of SO(A), he can be promoted, if found fit, only from the date following the completion of his probation and not from 1.4.87.

3.5

Reservation of S/C & S/T

The Govt orders on reservation will apply to the promotion from the grade of SO(A) to AAO, being made from 1.4.87 and in respect of future promotions also.

4.

Financial benefits:

On promotion to the functional higher grade from 1.4.87, the pay of the individuals will be fixed under FR 22-C from 1.4.87. If any promotee was on leave on 1.4.87, the financial benefits would be given from the date of joining duty after leave. In respect of SG SOs(A) who were allowed the higher scale as personal to them under Revised Pay Rules, 1986 and who are being absorbed against vacancies in the functional grade, there will be no fresh fixation of pay. If any anomaly of these personnel getting less pay than their juniors promoted now comes to notice, detailed proposals for stepping up of pay in such cases should be sent to this office in due course through the auditing CDA.

5.

Probation

The AAOs will be on probation for a period of 2 years. C.G.D.A. has however, the discretion to count any period of having successful officiated in any higher service towards the probationary period.

Contd.....p/3

Accessed Copy
P. K. Singh
Adm.

Yash Pal Singh

6. Individuals on deputation

Those SOs(A) who are due for promotion as AAO and who were/are on deputation as on 1.4.87 will be given proforma promotion under NBR, provided all the conditions for grant of such proforma promotions are fulfilled in their cases. If these conditions are not fulfilled in any case, the promotion to the grade of AAO will accrue to them only from the date the conditions are fulfilled. However, the benefit of notional pay fixation from date of proforma promotion in such cases will be given from the date of their reversion to the parent Department.

7. The promotions from 1.4.87 may please be given "Insitu" to the eligible personnel. However, these individuals may be detailed on more important areas of work at the discretion of the CsDA.

8. Since the DPC is to be held at the HQrs' office, all CsDA may please send DPC papers in quadruplicate in the proforma annexed as Annexure I arranging the names seniority-wise to this office so as to reach this office by 20th Dec.87 positively. For preparing the DPC papers, CsDA may constitute a Board of Officers (including one IDAS officer) to verify the details recorded in the DPC papers and the Board should certify to the correctness of the details recorded therein. The following points should be kept in view while preparing DPC papers:-

- i) For zone of consideration, please see para 9.
- ii) For adjudication purposes, the DPC papers will be prepared according to the inter-se seniority in the SOs(A) grade with reference to the Roster of Pt.SOs(A) as on 1.1.83 and Offg.SO(A) as on 1.1.83. Only those SOs(A) serving in your organisation, including those on proforma basis, coming within the zone of consideration, should be included in the DPC papers.
- iii) Attention is also invited to Ministry of Defence (Finance) No.7(48 Estt.I/C/86 3952 E-I) dated 22.8.86, circulated under our letter No.AN/XII/12502/Seniority/Vol III dated 14.10.86. Such of those SOs(A) who have lost their original seniority by virtue of their supersession in confirmation in SO(A) grade by their erstwhile juniors will not be included for consideration for promotion alongwith their conferers. However, if their cases for confirmation from original date are pending for any reason such as being a sealed cover case/pendency of a disciplinary case, their cases will be considered alongwith their conferers, subject to following the "sealed cover" procedure etc.
- iv) If any disciplinary case has been Instituted against any SO(A) and the same is pending unfinalised, all the columns in the DPC paper against his name will be left blank with annotation (see Appex.'A'). Appex.'A' will bear the same columns as in the DPC papers and will cover all cases against whom disciplinary cases are pending. This is essential so that the DPC can take a view as to whether its proceedings will be kept in sealed cover.

attested copy
Dy. Secy
Adm.

Yam Lal Singh

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- (v) In the remarks column of DPC papers, the fact whether the SO(A) was awarded any penalty during the period from 1.1.82 to date and if so, the nature of penalty (including 'Censure'), currency of penalty i.e. from..... to....., may please be indicated. The details of the disciplinary case leading to imposition of penalty may be attached in a narrative form for all such cases to enable the DPC to take a view on their fitness or otherwise.
- (vi) A certificate that the integrity of the individuals is certified, and no case from vigilance angle is under investigation will also be endorsed in the DPC papers. As provided in Cl.(iv) above, cases wherever vigilance investigation is pending/progressing, will be furnished in a separate statement.

9. Zone of consideration to be included in DPC papers.

U/R Pt.SO(A) Roster as on 1.1.83 from Roster No. 938 to 3124 (Last name Shri MADAN LAL)

Offg.SO(A) Roster as on 1.1.83 from Roster No. 1 to 677 (Last name Shri H.D. TRIPATHI)

Res. SC/ST - All individuals who were promoted as SO(A) upto 31.12.1984 and were serving as SO(A) as on 1.4.87. (Promotion in respect of those who complete 3 years of service after 1.4.87 will take effect only after they complete 3 years of service as SO(A)).

10. ACR Dossiers

ACR dossiers of the SO(A) included in DPC papers will not be sent to this office along with DPC papers. They will be sent through courier on receipt of instructions from this office.

11. After approval of DPC proceedings, orders will be issued by this office promoting the concerned SO(A) as AAO.

12. Miscellaneous

- i) Cases of transfer from the organisation of one CDA to that of another CDA.

To ensure that the SOs(A) who are falling within the zone of consideration for promotion, but have been transferred from the organisation of one CDA to another are not omitted to be considered for promotion, the CsDA, from whose organisation such individuals have been transferred may include such cases, in their DPC papers, if their Service Books/ACR dossiers have not been sent to the new CDA. If their Service Books/ACR dossiers have already been sent, the new CDA may include their names in their DPC papers irrespective of whether they have reported or not.

- ii) Cases of wanting ACRs

If in any case, relevant ACRs are awaited from the borrowing department etc. in respect of such SOs(A) falling within the zone of consideration for promotion from 1.4.87, their names should also be included in the DPC papers and efforts should be made to obtain their ACRs from the borrowing department so that their adjudication is not delayed. However, if for unavoidable reasons they could not be adjudicated immediately, their vacancies will be left unfilled. Names of such individuals should also find a place in the DPC papers with suitable remarks.

Contd....p/5

Attested Copy
Payal
Selo

Yashpal Singh

13. The existing SG SOs(A) may please be reclassified as AAOs from 1.4.87, as no adjudication is required in their cases.

14. Hindi version will follow.

15. Please acknowledge receipt of this memo through Telex/Telegram.

[Signature]

(D.K.Chet Singh)

Addl. Controller General of Defence Accounts (Admin.)

Copy to:-

1. AN-IV Section (Local) - for information and compliance with this order in respect of SOs(A) serving in the office of the C.G.D.A.
2. AN-XII section (local) - for information.
3. AN-II section (local) - for information.
4. AN/IX section (local) - for information in respect of SOs(A) who are on deputation with borrowing departments.
5. AN-VIII section (local) - for taking necessary action immediately for framing of Recruitment Rules etc.

[Signature]

(T.S. Madhavan)

Asstt. Controller General of Defence Accounts (AN)

[Signature]

18-

....p/2

Selected Copy
P. Jay A. M. V.

ANNEXURE - I

Sl No	Roster No of SO (A) Pt/Offg	Orgn in which serving	Name	Whether S/C, S/T or U/R	Date of Birth	Date of Apptt in DAD	Date of promotion as SO (A)	ACR Gradiings			
								1902	83	84	85 06
1	2	3	4	5	6	7	8				9

Whether Integrity was certified during the entire period 1902 to 06	Remarks
10	11

- NOTE :
- 1 Certificate of verification of details given above will be endorsed on these pages by a Board of Officers constituted by CDA.
 - 2 This will be accompanied by a certificate of "Integrity" to be personally signed by the CSDA as under :-

"The Records of service of the following Officers who are to be considered for promotion/confirmation in the grade have been carefully scrutinised and it is certified that there is no doubt about their integrity."

In the Remarks Column in addition to other Misc Remarks deemed Fit the following aspects also should be specifically brought out :- (i) If serving on deputation, the name of the organisation the period of deputation and year of pay of deputation may be mentioned (ii) Whether any disciplinary case is pending/vigilance case is in progress. (iii) Penalty, if any awarded during the last five years and whether it is still in force and if so the period of operation of penalty (iv) Whether any sanction for suspension/prosecution has been accorded though formal disciplinary action is yet to be initiated.

Yashpal Singh

*Attested Copy
Payal Singh*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

O.A. No. of 1990

YASH PAL GULATI ... Applicant
Vrs.
UNION OF INDIA & OTHERS ... Respondants.

ANNEXURE NO. 5

Yash Pal Gulati

- COPY -

OFFICE OF THE CONTROLLER OF DEFENCE ACCOUNTS (ORs) NORTH, MEERUT.
Pt. II CD No. 555 Dated 9-5-88

Subject:- Higher Functional Grade in SO(A) grade in DAD-Promotion to AAO grade (Gp. 'B').

Having been selected for promotion to the grade of Assistant Accounts Officer, the CDA (ORs) North, Meerut hereby appoints the SOs(A) whose names are shown in the Annexure to this C.O. as Assistant Accounts Officer (Group B) in the Scale of pay of Rs 2000-60-2300-EB-75-3200 with effect from 1.4.87 in the Offg. Capacity till successful completion of their probation. These Officers will be on probation for a period of 2 years wef 1-4-87.

2. Officers who desire to have their pay fixed as AAO in terms of DP & T CM No. 1/2/87-Estt/Part I dated 9/11/87, may exercise their option within a period of One month from the date of issue of this order and the option once exercised will be treated as final. No request for condonation of delay in exercising the option will be entertained.

Authority:- CGDA New Delhi Strictly Confidential No. AN/XI-A/11061/I/Promotion/AAO/I dated 22-4-88.

AN/A/30
Dated 9-5-88

Sd/-
(G.S. RAJAWANI)
CONTROLLER OF DEFENCE ACCOUNTS.

Copy to:-

1. The C.G.D.A., West Block-V, R.K. Puram, New Delhi-68.

2. The C.D.A. (P) Allahabad (2 Copies).

3. Pay Section (Local)

On promotion to the functional higher grade from 1.4.87, the pay of the individuals will be fixed under FR 22-C from 1.4.87. If any promotee was on leave on 1-4-87, the financial benefits would be given from the date of joining duty after leave. In respect of SGSOs(A) who were allowed the 1st scale as personal them under Revised Pay Rules 1986 and who are being absorbed against vacancies in the functional grade, there will be no fresh fixation of pay. If any anomaly of these personnel getting less pay than their juniors promoted now comes to notice, detailed proposals for stepping up of pay in such cases should be sent to C.G.D.A. in due course, through the auditing C.D.A.

SOs(A) who were on deputation as on 1.4.87 are also promoted as Asstt. Accounts Officer from 1.4.87 only if NER conditions are fulfilled. If these conditions are not fulfilled in any case, the promotion to the grade of A.A.O. will accrue to them only from the date the conditions are fulfilled. However, the benefit of notional pay fixation from date of proforma promotion in such cases will be given from the date of their reversion to the parent Deptt.

CONFIDENTIAL-2

Alleshi Copy
P. C. S. /
Del.

Yashpal Singh

- 2-----
4. The Officer I/C. (All PAOs) PAO(ORs) _____
5. All Sections in Main Office. _____
- Registered Post Acknowledgement due and also to send acknowledgement to your orders. Action to watch ackt. and certificate that the orders have been noted/sent to the concerned officers at their leave/Ty. Duty addressad may also please be taken.
6. C.D.A., PD Meerut.
7. C.D.A., Gauhati.
8. C.D.A. Patna.
9. C.D.A., WC, Chandigarh.
10. C.D.A. CC, Meerut.
11. C.D.A. (AF) Dehradun.
12. C.D.A. (HQrs) New Delhi.
13. C.D.A. (SC) Poona.
14. C.D.A. R & D New Delhi.
15. Min. of Fin. DEA (Office of the CAA & A) New Delhi.
16. The Employee Provident Fund Organisation Shillong.
17. Shri Y.P. Chadha, Superintendent P-II
The Indian Agricultural Research Institute New Delhi.
18. The Secy. Min. of Def. (Fin.) Division New Delhi.
19. Grih Kalyan Kendra New Delhi- Under Deptt. of Personnel & Training New Delhi.
20. Regional Manager, CSD (Central) Lucknow.
21. Delhi Administration, New Delhi.
22. Cabinet Secretariat, Lucknow.
23. Deputy Chief Controller of Imports & Exports, Varanasi.
24. Shri D. Srinivasan, Under Secretary to Govt. of India Min. of Transport, Border Roads Development Board 'B' Wing 4th Floor Sena Bhawan, New Delhi.
25. Central Council for Research in Ayurveda & Siddha, New Delhi.
26. Shri Jagdish Chandra, Dy. Financial Adviser, Slum Wing DDA Vikas Kuteer I.T.O. New Delhi.
27. D.P.D.O. Hamirpur.
28. D.P.D.O. Ferozepur.
29. D.P.D.O. Butala.
30. A.O. (P) Hirak, Koyla Nagar Dhanbad.
31. A.O. (MES) Port Blair.
32. G.S.L.A. (AF) Gwalior (MP)
33. D.P.D.O. Kanpur.
34. Shri V.V.N. Rao, APFC (HQrs),
Office of the CPFC 9th Floor Mayur Bhawan, Connaught circus New Delhi.

The contents of this order may please be got noted by the individuals or send copy of the same to their leave/Ty. duty address if they are on leave etc. through

CONTD....3...

Attested Copy
(Signature)

Yashbir Singh

ANNEXURE TO OFFICE ORDER NO. 555 DATED: 9 /5/88.

Sl No.	Name S/Shri	Roster No.in SOs(A) Grade	Office where serving
1	2	3	4
1.	Chandrapad Sharma	A/982	PAO(ORs) 58 GTC Shillong.
2.	Brij Nath Gaur	A/983	PAO(ORs) ARC Shillong.
3.	Hukum Singh	A/999	D.P.D.O. Hamirpur (HP)
4.	Karam Vir Singh	A/1001	CDA Gauhati
5.	Baldev	A/1003	D.P.D.O. Ferozepur
6.	H.D.Sinha	A/1006	CDA Patna(AO(P) Hirak)
7.	Manvir Singh	A/1011	D.P.D.O. Batala
8.	D.P.Sharma	A/1035	PAO(ORs) ASC(AT) Gaya
9.	V.K.Rastogi	A/1044	PAO(ORs) AMC Lucknow.
10.	Chandrika Rai	A/1048	PAO(ORs) AMC Lucknow.
11.	Hari Har Nath Pandey	A/1066	PAO(ORs) BRC Danapore
12.	V.K.Srivastava	A/1076	PAO(ORs) AMC Lucknow.
13.	R.N.Verma	A/1118	PAO(ORs) JRC Bareilly
14.	S.K.Nanda	A/1119	PAO(ORs) BEG&C, Roorkee
15.	Ved Ram	A/1151	O/A CAA&A, Ministry of Finance, DEA, New Delhi
16.	R.N.Rai	A/1152	PAO(ORs) BRC Dinapore.
17.	M.K.Dhupar	A/1171	PAO(ORs) AMC Lucknow.
18.	K.D.Pant	A/1210-A	PAO(ORs) KRC Ranikhet
19.	A.C.Sharma	A/1214	M.O. CDA(ORs) North
20.	Ahmed Raja	A/1235	PAO(ORs) KRC Ranikhet
21.	H.S.Dollia	A/1309	PAO(ORs) KRC Ranikhet
22.	Narain Jha	A/1330	PAO(ORs) BRC Banapore.
23.	R.K.Shukla	A/1385	On deputation to Employees Provident Fund Organisation, Shillong.
24.	Dori Lal Pachauri	A/1412	PAO(ORs) Para Regt, Agra.
25.	S.N.Chaturvedi	A/1419	PAO(ORs) AMC Lucknow
26.	K.C.Verma	A/1431	Main Office, CDA(ORs) North
27.	Ram Prasad	A/1440	PAO(ORs) Para Regt, Agra.
28.	Kundan Lal Arora	A/1444	PAO(ORs) RRC Fatehgarh.
29.	S.S.Santoshi	A/1498	PAO(ORs) KRC Ranikhet
30.	S.K.Sharma	A/1588	PAO(ORs) BEG&C, Roorkee.
31.	R.N.P.Singh	A/1597	PAO(ORs) BRC Danapore.

Contd....2....

Selected by
 10/05/88
 M.

Yash Lal Singh

1	2	3	4
32.	Ramesh Chandra	A/1607	DDA Slum & JJ, New Delhi.
33.	K.M.L. Mehra	A/1654	Main Office, CDA(ORS) NORTH
34.	B.N. Pandey	A/1682	PAO(ORS) KRC Ranikhet
35.	S.N. Upadhyay	A/1698	PAO(ORS) AMC Lucknow.
36.	C.B. Singh	A/1718	PAO(ORS) AMC Lucknow
37.	H.O.P. Gupta	A/1348	PAO(ORS) JRC Bareilly
38.	R.P. Singh	A/1866	PAO(ORS) PRC Ramgarh
39.	G.P. Mishra	A/1868	PAO(ORS) PRC Ramgarh.
40.	Deen Dayal	A/1880	PAO(ORS) AMC Lucknow
41.	L.P. Naithani	A/1939	M.O. CDA(ORS) North
42.	D.R. Kansal	A/1940	Deputation - Indian Agricultural Research Institute, New Delhi.
43.	Manohar Singh	A/1947	AO(MES) Port Blair Under CDA SC Pune.
44.	G.K. Ajmani	A/1959	PAO(ORS) Para Regt, Agra
45.	S.N. Malhotra	A/1974	PAO(ORS) AMC Lucknow.
46.	Narain Singh	A/1983	PAO(ORS) KRC Ranikhet
47.	D.S. Tripathi	A/2016	PAO(ORS) 39 GTC Varanasi.
48.	R.P. Tripathi	A/2022	PAO(ORS) AMC Lucknow
49.	S.P. Verma	A/2100	PAO(ORS) AMC Lucknow
50.	J.P.S. Bhandari	A/2113	PAO(ORS) BEG&C Roorkee.
51.	M.I. Siddiqui	A/2119	C.D.A., WC, Chandigarh
52.	R.K. Sinha	A/2156	On deputation to the Ministry Defence(Finance) New Delhi
53.	S.R. Singh	A/2158	PAO(ORS) AMC Lucknow
54.	P.K. Gupta	A/2163	PAO(ORS) BEG Roorkee
55.	B.D. Shukla	A/2172	PAO(ORS) 39 GTC Varanasi.
55-A	K.N. Agarwal	A/2198	PAO(ORS) AMC Lucknow
56.	R.K. Goswami	A/2205	PAO(ORS) AMC Lucknow.
57.	V.N. Lal	A/2207	PAO(ORS) GR Lansdowne
58.	Swaranjit Singh	A/2215	EDP Centre, Meerut.
59.	S.B. Singh	A/2254	PAO(ORS) AMC Lucknow.
60.	Shiv Raj Singh	A/2260	M.O. CDA(ORS) NORTH
61.	R.B. Srivastava	A/2304	PAO(ORS) AMC Lucknow.

Contd...3...

Attested by
P. J. Singh

Yashpal Singh

1	2	3	4
62.	D.K.Pandey	A/2319	M.O.CDA(ORs) North, Meerut.
63.	S.D.Jindal	A/2356	On Deputation to Grib Kalyan Kendra, New Delhi from JRC Bareilly
64.	S.C.Bhatnagar	A/2370	M.O. CDA(ORs) North, Meerut
65.	R.N.Saxena	A/2371	On Deputation to CSD Central, Lucknow.
66.	J.P.C.Srivastava	A/2389	PAO(ORs) DRC Faizabad
67.	M.D.Swami	A/2414	M.O. CDA(ORs) North
68.	Trinetra Kumar	A/2424	PAO(ORs) RRC Fatehgarh.
69.	Amin Pandey	A/2434	PAO(ORs) AMC Lucknow
70.	J.L.Sgarwal	A/2457	CGDA(Hindi Cell) New Delhi
71.	Jaipal Singh	A/2477	C.D.A., CC, Meerut.
72.	G.K.Saxena	A/2481	PAO(ORs) 58 GTC SHILLONG
73.	M.P.S.Tomar	A/2502	A.A.O. Delhi Cantt
74.	Tula Ram	A/2515	PAO(ORs) AMC Lucknow
75.	P.B.Bajpai	A/2543	PAO(ORs) DRC Faizabad
76.	A.P.Asthana	A/2547	PAO(ORs) AMC Lucknow
77.	P.K.Wadhawan	A/2551	On deputation to Delhi Administration from PAO(ORs) RRC Fatehgarh.
78.	K.B.L.Agarwal	A/2559	PAO(ORs) JRC Bareilly
79.	Harish Kumar Agarwal	A/2628	PAO(ORs) AMC Lucknow, EDP Centre, Meerut.
80.	C.S.S.Raghav	A/2634	On deputation to Delhi Administration from RRRC Delhi Cantt.
81.	RAMJI Lal	A/2648	PAO(ORs) ERC Dinapore
82.	T.N.Agarwal	A/2671	PAO(ORs) RRRC Delhi Cantt.
83.	Brij Kishore	A/2721	PAO(ORs) RRRC Delhi Cantt.
84.	M.P.Sharma	A/2736	M.O.CDA(ORs) North
85.	H.K.Srivastava	A/2768	PAO(ORs) AMC Lucknow.
86.	K.P.Agarwal	A/2771	M.O. CDA(ORs) North
87.	Shri Ram	A/2772C	M.O.CDA(ORs) North
88.	M.M.Bhatnagar	A/2779	PAO(ORs) BEG&C Roorkee.
89.	V.K.Chopra	A/2805	PAO(ORs) AMC Lucknow
90.	Smt. M.M.K.Bhasin	A/2821	M.O. CDA(ORs) North

Contd...4...

Selected Copy
 P. K. Chaudhary
 A. K. Singh

Yash Lal Singh

1.	2.	3.	4.
1.	Jagan Nath Singh	A/2824	PAO(ORs) BRC Danapore
2.	A.K.Bhattacharjee	A/2858	C.D.A. Gauhati
3.	J.C.Sharma	A/2869	PAO(ORs) BEG&C, Roorkee
4.	S.L.Malhotra	A/2871	PAO(ORs) AMC Lucknow
5.	S.V.Khan	A/2923	PAO(ORs) SLI Fatehgarh
6.	C.P.Gupta	A/2924	PAO(ORs) JFC Bareilly
7.	K.A.Singhal	A/2945	GSLA (AF) Gwalior
8.	N.N.Misra	A/2946	CDA(HQrs), New Delhi
9.	Mahesh Malviya	A/2952	On deputation to Cabinet Sec- retariat, Lucknow
10.	BRS Thukral	A/2958	PAO(ORs) RRRC Delhi Cantt
11.	W.C.Sharma	A/2991	C.D.A., WC, Chandigarh
12.	A.C.Sethi	A/3004	PAO(ORs) RRRC Delhi Cantt
13.	S.P.Srivastava	A/3012	PAO(ORs) AMC Lucknow
14.	M.C.Funetha	A/3020	PAO(ORs) AMC Lucknow.
15.	R.K.Saxena	A/3036	PAO(ORs) BEG&C Roorkee.
16.	S.D.Sharma	A/3100	M.O. CDA(ORs) North
17.	Wahed Ahemed	A/3104	PAO(ORs) 58 GTC Shillong.
18.	B.N.Tiwary	OA/0012	PAO(ORs) BRC Dinapore
19.	K.M.Saxena	OA/21A	PAO(ORs) JFC Bareilly.
110.	J.M. Wahi	OA/28	M.O. CDA(ORs) North
111.	V.P.Gupta	C./64	On deput tion to CC of Imports and Exports, New Delhi.
112-	R.P.Mehta	OA/68	PAO(ORs) BRC Bareilly.
113.	S.P.Roy	OA/80	PAO(ORs) AMC Lucknow.
114.	M.P.Tripathi	OA/93	PAO(ORs) RRC Fatehgarh
115.	Abdul Aziz	OA/97	PAO(ORs) ASC(AT) Gaya
116.	I.D.Sharma	OA/108	PAO(ORs) BEG&C, Roorkee
117.	B.K.Verma	OA/113	PAO(ORs) BEG&C, Roorkee
118.	R.A.Shukla	OA/118	PAO(ORs) AMC Lucknow.
119.	R.N.Singh	OA/131	PAO(ORs) AMC Lucknow.
120.	S.M.Singh	OA/164	PAO(ORs) RRC Fatehgarh.
121.	R.P.Shukla	OA/172	PAO(ORs) 11 GRRC Lucknow.
122.	R.B.Shukla	OA/173	PAO(ORs) ARC Shillong
123.	Ram Avtar	OA/175	PAO(ORs) 11 GRRC Lucknow

Contd...5...

Selected Copy
 J. C. P. Singh
 14.11.2014

Yashpal Singh

1	2	3	4
124.	Virendra Kumar Gupta	OA/187	PAO(ORs) JRC Bareilly.
125.	Pitamber Pandey	OA/203	PAO(ORs) KRC Ranikhet
126.	B.M.Tiwari	OA/215	PAO(ORs) DRC Faizabad
127.	Babu Ram	OA/224	PAO(ORs) BEG&C, Roorkee
128.	S.N.Pandey	OA/225	PAO(ORs) DRC Faizabad
129.	Kanti Prasad	OA/250	On deputation with ERDB, New Delhi
			Muradnagar C Of A, Fy Cell
130.	Inder Dev Singh	OA/255	PAO(ORs) 39 GTC Varanasi
131.	V.C.Sharma	OA/256	PAO(ORs) BEG, Roorkee
132.	Vinod Chandra	OA/257	M.O. CDA(ORs) North, Meerut
133.	S.K.Nigam	OA/386	D.P.D.O. Kanpur
134.	Lakshmi Dass Arora	OA/332	M.O. CDA(ORs) North, Meerut
135.	Hareesh Chandra Dhillon	OA/359	PAO(ORs) BEG, Roorkee
136.	R.P.Singh	OA/365	PAO(ORs) J&KLI Srinagar
137.	APS Tyagi	OA/369	PAO(ORs) RRRC Delhi Cantt.
138.	S.R.Dey	OA/376	PAO(ORs) ARC Shillong
139.	R.D.Gautam	OA/404	PAO(ORs) 14 GTC Subathu
140.	B.K.Singh	OA/414	PAO(ORs) BEG&C, Roorkee
141.	S.C.Asthana	OA/462	On deputation with the Central Council for Research in Ayurveda and Medicine Siddha, New Delhi.
142.	R.S.Sharma	OA/482	PAO(ORs) BEG&C, Roorkee.
143.	D.S.Sajyan	OA/533	U.A., G.E., Lansdowne
144.	D.L.Verma	OA/539	PAO(ORs) KRC Ranikhet
145.	Shiv Kumar Mishra	OA/549	PAO(ORs) 39 GTC Varanasi
146.	Mahinder Kumar	OA/571	PAO(ORs) BEG&C, Roorkee
147.	Bhagwan Singh	OA/595	PAO(ORs) Para Regt, Agra
148.	K.Jha	OA/599	CDA SC Pune
149.	M.S.Bist	OA/646	CDA, R&D, New Delhi
150.	<u>G.R.AWASTHI</u>	OA/667	PAO(ORs) <u>AMC Lucknow</u>
151.	Ram Bir Singh	OA/700	PAO(ORs) SRC Ramgarh.

Contd....6...

Relief to Com
Copy of
Adv.

Yashpal Singh

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-6-

1	2	3	4
152.	Mohan Lal	OA/949	PAO(ORs) SLI FATEHGARH
153.	S.K.Chaudhary	OA/981	PAO(ORs) 58 CTC Shillong
154.	G.R.Gautam	OA/1048	PAO(ORs) RRC Fatehgarh
155.	Raghubir Singh	OA/1085	M.O. CDA(ORs) North
156.	Baldev Raj	OA/1470	PAO(ORs) SLI Fatehgarh
157.	S.Tirkeya	OA/1469	PAO(ORs) SRC Ramgarh.

ONE HUNDRED FIFTY SEVEN INDIVIDUALS ONLY

(G.CHANDRA)
ACCOUNTS OFFICER(AN)

Subscribed Gm
Pay Af
Advo
Yashpal Singh

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

C.A. No. of 1990

YASH PAL GULATI ... Applicant
Vrs.
UNION OF INDIA & OTHERS ... Respondants.

ANNEXURE NO. 6

Yash Pal Gulati

47

-COPY-

(R53)

To,

The C.D.A. (ORs) North
MeerutSubject - Higher Functional Grade in SO(A)
grade in DAD - Promotion to AAO
grade (Grp. B)Refce - M.O. Pt II 00 No 555 Dt 9-5-88
- x - y -

Sir,

W. r. t. M.O. Pt II 00 No 555 Dt
9-5-88, I beg to say that I am
serving as Section officer (A) since 15-7-76
I am serving in this P.A.O. since 1-8-85
after reversion from deputation from the
office of the J.C. I & E Kanpur (Min. of Com.).
I am sorry to note that my name is
not included in the list of promotion
published in above Pt II 00. Kindly
examine my case & publish my
promotion from 1-4-87 in AAO's grade as
I feel that it is an omission due to
the reasons not known to me.

Yours faithfully,

Yash Pal Gulati

(YASH PAL GULATI)

SO(A)

A/c No 8300677

PAO (ORs) AMC
Lucknow

Yash Pal Gulati

Dt 16-5-88

Attested Copy
Copy A / Adv.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

C.A. No. ... of 1990
YASH PAL GULATI ...

APPLICANT

VERSUS
UNION OF INDIA & OTHERS ...

RESPONDENTS.

ANNEXURE NO. 7

- COPY -

No: AN/11
PAO(ORs) AMC,
Lucknow.
Dt: 20.6.88.

To

Shri Y.P. Gulati,
SO(A)
A/c No. 8300677

Sub:- ~~Disciplinary~~ Higher Functional Grade
in SO(A) grade in DAD-Promotion to
AAO grade (Gp 'B').

.....

Ref:- Your application dt: 16.5.88.

.....

It has been intimated by the CDA(ORs)
North Meerut that ^{some} disciplinary proceedings are
pending against you and necessary action in this
regard will be taken on its finalisation.

mgc
A.O(AN)

Yashpal Gulati

Attested Copy
P. Deep A. A. No.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

C.A. No. of 1990
YASH PAL GULATI ... APPLICANT
VERSUS ...
UNION OF INDIA & OTHERS ... RESPONDENTS.
ANNEXURE NO. 8

- COPY -

To,

The CDA(ORs) North,
Meerut Cantt.

(THROUGH PROPER CHANNEL)

Subject: Higher Functional Grade in SO(A) grade in DAD Promotion to
A.A.O. grade (Gp'B').
x-x-x

Sir,

In response to my application dt.16.5.88, I have been informed by PAO(ORs)AMC Lucknow vide their letter No.AN/11 dt.20.6.88 that main office has intimated that necessary action, for consideration of my case for promotion to A.A.O. grade, will be taken after finalisation of some disciplinary proceedings which are pending against me. In this connection, it is stated that I am not aware of any disciplinary case instituted against me. I have not done anything which may warrant any disciplinary proceedings. My record and any confidential reports are clear.

If any disciplinary action has been initiated against me, the full details of the case may kindly be intimated to me to enable me to clarify the position.

Meanwhile, it is requested that my case for promotion to A.A.O. grade may kindly be considered on the basis of my record of service.

Thanking you,

Yours faithfully

Yash Pal Gulati

(YASH PAL GULATI)
SO(A)

A/C No.8390677
PAO(ORs) AMC, Lucknow

Dated: 23.6.88

*Alleged copy
Copy of
Sd/-*

Yash Pal Gulati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

C.A. No. of 1990

YASH PAL GULATI

VERSUS

UNION OF INDIA & OTHERS

APPLICANT

RESPONDENTS.

ANNEXURE NO.9

- COPY -

Conjdi.

NO. AN/11.

Office of the JCDA i/c,
PAO (ORs) ANC,
Lucknow-2.

Dated 27-7-88.

To

Shri Y.P. Gulati,
S.O.(A),
A/C No. 8300677.

SUB : Promotion to higher functional grade.

REF : Your application dated 23-6-88.

- - - x - - -

It has been intimated by CDA (ORs) North that your case for promotion to AAO's grade was considered by the D.P.C. but kept pending till finalisation of disciplinary proceedings initiated against you by the department in which you served on deputation.

[Signature]
Accounts Officer (AN)

*Attested Copy
by copy of
[Signature]*

Yash Pal Gulati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

C.A. No. of 1990

YASH PAL GULATI

....

...

Applicant

Vrs.

UNION OF INDIA & OTHERS

...

Respondants.

ANNEXURE NO. 10

Yash Pal Gulati

- COPY -

To,

The CDA(ORS)North,
Meerut Cantt.

Through Proper Channel

Subject: Promotion to Higher Functional Grade of A.A.O.
Reference: JCDA I/c PAO(ORS)AMC Lucknow Confdl. letter No. AN/11 dated 27.7.88 in response to my application dt. 23/6/88 addressed to main office. x-x-x

Sir,

I have been informed vide above cited communication that M.O. has intimated that my case for promotion to AAOs grade was considered by D.P.C. but kept pending till finalisation of disciplinary proceedings initiated against me by the department where I served on deputation.

2. In this connection it is reiterated that I am not at all aware of any disciplinary case initiated against me by that department (i.e. office of the Joint Chief Controller of Imports & Export, Kanpur) where I served on deputation from Nov'1980 to Nov'1984. Neither I have ever received any adverse comments nor anything in writing so far from that department. I have also not done anything which may warrant disciplinary proceedings. This is causing great anxiety and mental torture. In this context I had also sought an interview with Honourable CDA(ORS)North Meerut on 20.7.88 when he visited PAO(ORS)AMC Lucknow and explained him about this case. He assured me for the needful.

3. On receipt of above letter on 27.7.88 I took leave on 28.7.88 and went to that Department to enquire about the disciplinary proceedings initiated against me by them. I had personally contacted the present Asstt. Chief Controller of Imports and Exports (Admin Branch) in the above context, who after due verification of records had confirmed that no such case was initiated/pending against me. Then I contacted the present Joint Chief Controller of Imports & Exports, Kanpur in the same context. He is also not aware of any such disciplinary proceedings initiated/pending against me.

4. In view of the foregoing, it is requested that full facts of the disciplinary case initiated against me, if any, may be intimated to me so as to enable me to clarify the position. Since I had left that deptt. in Nov'1984 and they have never asked me to explain anything about any disciplinary case so far, it is requested that my promotion to AAOs grade (which came from 1.4.87 - along with my other colleagues) may kindly be considered at the earliest to avoid further mental torture and tension to me.

Thanking you.

Dt. 4-8.88

Copy to:

The CGDA,
West Block-V

R.K.Puram, New Delhi For information and necessary action.

2. The Joint Chief Controller of Imports & Exports,
L-444 Kakadeo,
Kanpur

Kindly refer to paras 2 & 3 ante and issue necessary confirmation to the effect that no disciplinary proceedings are pending against me in your department to the CDA(ORS)North Meerut for consideration of my case for promotion to A.A.Os grade w.e.f. 1.4.87. An early reply is requested

Yours faithfully
Yash Pal Gulati
(YASH PAL GULATI)
SO(A)

A/c No. 8300677
PAO(ORS)AMC LUCKNOW

Yash Pal Gulati
(YASH PAL GULATI)
A/c No 8300677

Initiated/
Attested Copy
Copy A
Adm.

Yash Pal Gulati

ASS

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

C.A. No. of 1990

YASH PAL GULATI

APPLICANT

VERSUS

UNION OF INDIA & OTHERS

RESPONDENTS.

ANNEXURE NO. 11

-COPY-

CONFIDENTIAL

NO. AN/11.

Office of the JCDA i/c,
PAO (ORs) AMC,
Lucknow-2.

Dated 13-9-88.

To

Shri Y.P. Gulati,
S.O.(A),
A/C No. 0300677

SUB : Promotion to Higher Functional Grade SO(A) to
AAOs Grade.

REF : Your representation dt 5-8-88.
- - - x - - -

It has further been intimated by Main Office
that the reasons for not promoting you to Higher
Functional has already been communicated to you.

In view of this it has not been found
administratively convenient to send your representation
submitted by you ~~has not been~~ to the addressee and
endorse.

Jatindra
Jt.C.D.A. i/c.

Recd on 16/9

16/9

Delivered copy
P/ary A/
on file

Yash Pal Gulati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

C.A. No. of 1990
YASH PAL GULATI ... APPLICANT
VERSUS
UNION OF INDIA & OTHERS ... RESPONDENTS.
ANNEXURE NO. 12

-COPY-

To,

The C.D.A. (ORS) North,
Meerut Cantt.

Through : Proper channel.

Subject:- Higher Functional Grade in S.O.(A) grade in
D.A.D.--Promotion to A.A.O. grade (G2.B).

Ref:- PAO (ORS) AMC Lucknow confidential letter Nos.
AN/11 dt. 20.6.88, 27.7.88 and 13.9.88 in response
to my applications dated 16.5.88, 23.6.88 and
4.8.88 respectively addressed to Main Office.

Sir,

It would be seen from above cited communications that despite my repeated requests neither my promotion to AAO grade due from 1.4.87 has been considered nor full facts of the disciplinary proceedings said to have been initiated against me by the department where I served on deputation from Nov.'80 to Nov' 84, has so far been intimated to me. In absence of the same I am not in a position to clarify myself. Even Exam copies of my application dated 4.8.88 (referred to above) which were endorsed to the C.G.D.A. New Delhi and the department (where I served on deputation) were not forwarded to them by the Main Office. I had also sought interviews with Hon'ble C.D.A. (ORS) North, twice during his visits on tour to PAO (ORS) AMC, Lucknow on 20.7.88 and 12.10.88 respectively but nothing is heard so far. This is causing great anxiety and mental torture. It is not understood as to whose door should I knock now to get justice.

However, it is again requested that full facts of the disciplinary proceedings said to have been initiated against me, may be intimated to me for clarification OR to give me benefit of promotion w.e.f. 1.4.87 viz. the date of giving the benefit of promotion to my next junior within 21 days (three weeks) failing which I shall be compelled to take the shelter of court of Law for justice.

Thanking you,

Your's faithfully,

Yash Pal Gulati

(YASH PAL GULATI)
S.O.(A) A/c.No.8300677
PAO (ORS) AMC., Lucknow.

Dated: 21.11.1988.

Alister Copy
Copy of

Yash Pal Gulati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

C.A. No. of 1990

YASH PAL GULATI

APPLICANT

VERSUS

UNION OF INDIA & OTHERS

RESPONDENTS.

ANNEXURE NO. 13

- COPY -

CONFIDENTIAL

NO. AN/14/8300677.

Office of the JCDA i/c,
PAO (ORs) AIC,
Lucknow-2.

Dated 2-3-89.

To

Shri YASPAL GULATI,
S.O.(A),
A/C No. 8300677.

SUB : Discipline - D.A.D. Establishment.

- - - x - - -

REF :

Please find herewith the enclosed Memorandum bearing No. AN/A/61/8300677 dated 27-1-89 together with Statement of imputations referred therein. The Memorandum having received by ~~thax~~ you is to be acknowledged under your dated signature. You are required to submit written explanation within 10 days from the date of receipt of the Statement of imputations.

(JACOB DAVID)

Jt.C.D.A. i/c.

Yash Pal Gulati

Attested Copy
Copy of
Adm.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

C.A. No. of 1990

YASH PAL GULATI

APPLICANT

VERSUS

UNION OF INDIA & OTHERS

RESPONDENTS.

ANNEXURE NO. 14

- COPY -

AN/ N/61/8300677

Office of the Controller of Defence Accounts
(Other Ranks) North, Meerut.

Dated: the 27-1-89.

MEMORANDUM

The undersigned proposes to hold an inquiry against Shri/Smt. Y.P. Gulati, SO(A), A/c No. 8300677 under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct and misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure -II). A list of documents by which, and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure III and IV).

2. Shri/Smt. Y.P. Gulati, SO(A), A/c No. 8300677 is directed to submit within 10 days of the receipt of this memorandum a written statement of his/her defence and also to state whether he/she desires to be heard in person.

3. He/She is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He/She should, therefore, specifically admit or deny each article of charge.

4. Shri /Smt. Y.P. Gulati, SO(A), A/c No. 8300677 is further informed that if he/she does not submit his/her written statement of defence on or before the date specified in para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rules 14 of the CCS (CCA) Rules, 1965, or the orders/directions issued in pursuance of the said Rule the inquiring authority may hold the inquiry against him/her ex-parte.

5. Attention of Shri/Smt. Y.P. Gulati, SO(A), A/c No. 8300677 is invited to Rule 20 of the Central Civil Services (Conduct) Rules 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his/her interests in respect of matters pertaining to his/her service under the Government. If any representation is received on his/her behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Shri/Smt. Y.P. GULATI, SO(A), A/c No. 8300677 is aware of such a representation and that it has been made at his/her instance and action will be taken against him/her for violation of Rule 20 of the CCS (Conduct) Rules 1964.

The receipt of this Memorandum may please be acknowledged.

Yash Pal Gulati
Attested Copy
P. C. Singh

(G.S. RAJAMANI)

CONTROLLER OF DEFENCE ACCOUNTS
(ORS) NORTH, MEERUT CANTT.

27/1

ANNEXURE-I

Statement of Article of charges framed against Shri Y.P.Gulati, SO(A), A/c No. 8300677, Now serving in the office of the PAO(ORs) AMC Lucknow.

.....

ARTICLE-I

The said Shri Y.P.Gulati, while functioning as a Section Officer in the office of the Joint Chief Controller of Imports & Exports, Kanpur during the year, 1982 on deputation, committed misconduct while processing the file of M/S Global Enterprises, Moradabad (U.P.) in as much as he being directed by Shri B.S.Paul to make verifications in the case after issuance of the cheque to the party. He failed to take firm action as ordered to him and did not raise any objection on the amended orders thereto because of which a non-existing firm M/S Global Enterprises, Moradabad were issued, a government cheque for Rs. 53,294/- causing loss to the Government and he thereby failed to maintain devotion to duty and acted in a manner unbecoming of a Govt. servant thereby violating Rule 3(1) (ii) (iii) of Central Civil Service (Conduct) Rules, 1964.

ARTICLE-II

That the said Shri Y.P.Gulati, while functioning as a Section Officer in the Verification Cell of the said office during the year, 1982 on deputation committed mis-conduct while processing the file of M/S Decorative Handicrafts, Moradabad (U.P.) in as much as, he being directed by Shri B.S.Paul to make verifications in the case after issuance of the cheque to the party, he failed to take firm action as ordered to him and did not raise any objection on the amended orders thereto, because of which the non-existing firm M/S Decorative Handicrafts, Moradabad, were issued a Govt. cheque for Rs. 45,746/- causing loss to the Government and he thereby failed to maintain devotion to duty and acted in a manner un-becoming of a Govt. servant violating Rule 3(1)(ii) (iii) of Central Civil Service (Conduct) Rules, 1964.

Yash Pal Gulati
Alleged Cmp
P. Jay Ap
Adm.

ANNEXURE-II

Statement of Imputation of mis-conduct/mis-behaviour in support of the Article of charges framed against Shri Y.P.Gulati, SO(A), (A/c No. 8300677) now serving in the office of the PAO(ORs) AMC Lucknow.

.....

ARTICLE-I

The said Shri Y.P.Gulati was functioning as Section Officer in verification Cell of the office of the Joint Chief Controller of Imports & Exports, Kanpur, during the Year, 1982 on deputation. Shri Y.P.Gulati had dealt with the file of firm M/S Global Enterprises, Moradabad (U.P.) a non-existing firm, in the said office during the said period, which related to cash compensatory support and E.P.Licence.

The said M/S Global Enterprises, Moradabad, were issued a cheque of Rs. 53,294/- as a cash compensatory support on 5.6.82 and the file was endorsed to Shri Y.P.Gulati by Shri B.S.Paul, Asstt. Chief Controller of Imports & Exports, Kanpur for making verification. But Shri Gulati did not take such action.

The said Shri Gulati after making a different suggestion amended the note and recommended its acceptance to his superior officers which was done. The aforesaid action of Shri Gulati favoured the accused persons and resulted in loss to the government.

He, therefore, committed mis-conduct and failed to maintain devotion to duty and thus acted in a manner un-becoming of a govt. servant thereby contravening the provisions of Rule 3(1) (ii) & (iii) of Central Civil Service (Conduct) Rules, 1964.

ARTICLE-II

The said Shri Y.P.Gulati, was functioning as Section Officer in verification Cell of the office of the Joint Chief Controller of Imports & Exports, Kanpur, during the year, 1982 on deputation. Shri Y.P.Gulati had dealt with the file of M/S Decorative Handicrafts, Moradabad (U.P.), a non-existing firm, in the said office during the said

Contd...2....

Y.P. Gulati
Attested
Pay A/c
Adm.

period, which related to cash compensatory support and R.E. Licence.

The said M/S Decorative Handicrafts, Moradabad, were issued a cheque of Rs. 45,746/- as cash compensatory support on 5.6.82 and the file was endorsed to Shri Y.P.Gulati by Shri B.S.Paul, Assistant Chief Controller of Imports & Exports, Kanpur for making verifications. But Shri Gulati did not take such action.

The said Shri Y.P.Gulati after making a different suggestion and amended note recommended its acceptance to his superior officers which was done. The aforesaid actions of Shri Gulati favoured the accused persons and resulted in loss to the Government.

Thus the said Shri Y.P.Gulati, SO(A) committed misconduct and failed to maintain devotion to duty and acted in a manner un-becoming of a government servant, thereby contravening the provisions of Rule 3(1) (ii) & (iii) of Central Civil Service (Conduct) Rules, 1964.

Personal signature

Attested Copy
Pay Dp
Adv.

ANNEXURE-III

List of documents by which Article of Charges framed against Shri Y.P.Gulati, SO(A), A/c No. 8300677 is to be sustained.

.....

ARTICLE-I

1. FIR of case R.C.9/E/83-DLI.
2. Regn. File in respect of M/S Global Enterprises, Moradabad maintained in All India Handicrafts Board, Lucknow marked Q.106 to Q-122.
- 3.. Two letters dt. 4.6.82 and 2.11.82 from Global Enterprises to Jt. C.C. I & E, Kanpur, marked to 123, 124, 125, 126 respectively.
4. Seizure Memo dt. 23.5.83 of Jagan Nath, Controller, regarding handing over of Licensing file.
5. Covering letters dated 15.3.82 of accused firm to the Jt. CCI&E, Kanpur alongwith papers marked Q-127, 128, 129, 135, 136.
6. Covering letter dt. 2.4.82 of accused firm to Jt. CCI&E, Kanpur alongwith paper marked Q-137 to Q-146.
7. Covering letter dt. 24.12.81 of accused firm to Jt. CCI&E, Kanpur alongwith Q-147 to Q-157.
8. Covering letter dt. 24.12.81 of accused firm to Jt. CCI&E, Kanpur alongwith papers marked Q-158 to Q-170 for CCS claim.
9. Covering letter dt. 15.3.82 of accused firm to Jt. CCI&E, Kanpur alongwith papers marked Q-171 to Q-198 for CCS Claim.
10. Bank Certificate marked Q-199 to Q-226, alongwith file No. 666 of M/S English Brass Art Emporium, Moradabad(U.P.)
11. Note Portion dt. 15.6.82 to Note portion dt. 3.6.82.
12. Application for opening current account in favour of Manager, Andhra Bank, Moradabad, Marked Q-1 to Q-5 alongwith papers marked Q-12.
13. Account opening form Central Bank Of India, Kanpur dt. 30.3.82 in respect of Global Enterprises marked Q-13 to Q-23.
14. Two cheques No. 069029 and 069030 for Rs. 45,000/- & 725/- respectively marked Q-24 to Q-31.
15. 3 Pay-in-Slips dt. 15.6.82 and 20.6.82 marked Q-31 to Q-33.
16. Application dt. 28.11.82 in Hindi from Global Enterprises to Manager, United Commercial Bank, Moradabad, alongwith account opening form etc, marked Q-37 to Q-44 and Q-227.

Contd....2...

Yashpal Singh
Attested Copy
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sdh.

-2-

17. Letter dt. 13.8.81 of Global Enterprises regarding
* issue of certificate for local sale.
18. Delivery slip dt. 11.2.82 of Beat No. 24 of PO G.P.O.
Moradabad marked Q-70 to Q-72.
19. Delivery slip for Beat No. 24 of P.O., Moradabad
marked Q-73 and Q-74 dt. 11.6.82.
20. Application for allotment of Code No. dt. 25.6.81
marked Q-75, Q-76 alongwith papers marked Q-77 to
Q-82.
22. Letter dt. 16.8.82 in Hindi of M.Naeem for Decorative
Handicrafts in favour of Manager, Andhra Bank,
Moradabad Q-85 alongwith papers marked Q-83 and Q-84.
22. Receipt Memo dt. 23.12.83 of Shri G.N.Mehrotra,
R.B.I., Kanpur.
23. Letter No. KANEC HD 848 C NXM/81-82 dt. 10.9.81
allotment of Code No.
24. Receipt Memo dt. 14.1.81 of Virender Kumar, Postal
Asstt., GPO, Moradabad.
25. Receipt Memo dt. 17.9.83 of Mansoor Ahmed, Record
Clerk, GPO, Moradabad.
26. Receipt Memo dt. 2.12.83 of O.P.Tiwari, CA,
Moradabad, U.P.
27. Letter dt. 3.12.83 to S.T.O. Moradabad by Sohan Lal,
Insp, CBI, EOW Delhi Branch (Retired).
28. Report of Mukhtiyar Singh, SDO-II, Moradabad in Hindi
also recorded on this letter.
29. Seizure Memo dt. 23.12.83 from Jagan Nath, Controller
of I&E, Kanpur.
30. Seizure Memo dt. 23.12.83 ~~from~~ of Jagannath,
Controller of I&E, Kanpur.
31. Emitage Tape C-90 Jan'1979 made in U.K. recorded
conversation of Shahbudin M.Naeem and Bank Officers.
32. Letter No. S/6-1546/82 Exp dt. 12.10.83 of Shri VTX
Narayanan.
33. Report No. CFSL-84/D-313 of CFSL, New Delhi
dt. 21.5.83.
34. A register of Himachal Hotel & Restaurant, Kanpur
marked Q-2 to Q-8.
35. Specimen writings.

Contd...3....

Yashpal Singh
Selected Copy
P. Jay Singh
10/10/83

ARTICLE-II

1. File of M/S Decorative Handicrafts, Moradabad, maintained in the office of the Jt. C&E, Kanpur for issue of CCS Claim, noting portion regarding process of application dt. 11.3.82.
 2. Receipt Memo regarding handing over the file of M/S Decorative Handicrafts, Moradabad, to the Investigating Officer.
 3. File of M/S English Brass Art Emporium, Moradabad maintained in the office of Jt. CCI&E, Kanpur, noting portion regarding processing of application, objections and verification dt. 15.5.82 of Shri B.S.Paul, Banarsi Dass dt. 17.5.82 and another noting dated 2.6.82 of Shri Banarsi Dass and Jt. CCI&E Shri A.P.Sharma on 3.6.82.
-

Yash Pal Singh

*Attention Copy
May 1982
Adm.*

ANNEXURE-IV

List of witnesses by whom Article of charges framed against Shri Y.P.Gulati, SO(A), A/c No. 8300677 are proposed to be sustained.

.....

ARTICLE-I

1. Shri Y.N.Sharma, UDC Office of the Jt.CCI&E, Kanpur.
2. Shri R.A.Manji, LDC, Office of the Jt.CCI&E, Kanpur.
3. Shri Banarsi Dass, Dy. CCI&E, Office of the Jt. CCI&E, Kanpur.
4. Shri Rajesh Kumar Shukla, LDC, Office of the Jt. CCI&E, Kanpur.
5. Shri Jagannath, Controller, Kanpur.
6. Shri Sohan Lal, Inspr, CBI, SCB, New Delhi.

ARTICLE-II

1. Shri R.A.Manji, Dealing Asstt., Office of the Jt. CCI&E, Kanpur.
2. Shri P.K.Arora, Dealing Asstt., Office of the Jt. CCI&E, Kanpur.
3. Shri Banarsi Dass, Dy. CCI&E, Office of the Jt. CCI&E, Kanpur.
4. Shri A.P.Sharma, Jt. CCI&E, Kanpur.
5. Shri R.N.Haldar, Controller of Kanpur office.

Yashpal Singh

*allisted Copy
P. Jay Singh
Adm.*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

C.A. No. of 1990
YASH PAL GULATI ...

APPLICANT

VERSUS
UNION OF INDIA & OTHERS ...

RESPONDENTS.

ANNEXURE NO. 15

-COPY-

To,

The CDA (ORs) North
Meerut Cantt.

Through : JCDA I/C PAO(ORs) AMC Lucknow

Re :- Discipline : DAD Establishment

Sir,

1. With great surprise I have received your Memorandum No AN/A/61/8300677 dated 27.1.89 with enclosures from JCDA I/C PAO (ORs) AMC Lucknow under his confidential letter No AN/14/8300677 dated 2.3.89.

2. At the outset I may state that I was on deputation to the office of the Joint Chief Controller of Imports and Exports, Kanpur for 4 years from Nov 1980 to Nov 1984 and it is now over 4 years that I have left that office and the two cases referred to in the Memorandum dated back to over 6 years. Your honour will thus appreciate that it is not possible rather impracticable to remember each and every case that was dealt with in my section. In order, therefore, to enable me to explain my position in detail, I would earnestly request you to kindly supply me photo-copies of the relevant documents and statements of witnesses referred to in the Annexures III & IV respectively to the above memorandum. I may also be granted one month's time to access these documents/ statements and to give suitable reply.

Thanking you.

Yours faithfully,

(Y.P. GULATI)

S.O.(A) A/C No 8300677

Dated : 09 Mar 89.

Yashpal Gulati
attested copy
Y.P. Gulati
Adm.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

O.A. No. of 1990

YASH PAL GULATI ... Applicant
Vrs.
UNION OF INDIA & OTHERS ... Respondants.

ANNEXURE NO. 16

Yash Pal Gulati

-copy-

To,

The Controller General of Defence Accounts,
West Block V, R.K. Faram,
New-Delhi.

Through-proper-channel

Subject: Discipline- DAD Establishment.

Reference My application dated 4.3.88 addressed to
CDA (ORs) North, Meerut & Copy endorsed
to you & Joint Chief Controller of Imports
& Exports, Kanpur.

Sir,

With due respect I beg to state that the statement of Articles of charges framed against me has been served to me on 2.3.89 whereas my promotion to the grade of Assistant Accounts Officer was due on 1.4.87 vide CDA (ORs) Meerut Pt II 00 No. 555 dated 9.5.88. Without serving any charge sheet or prior intimation of any pending case my name was excluded from the promotion list. It is ultra-vires of the Constitution and Rule of Law. On my objection over it vide my application dated 16.5.88 I was informed by the CDA (ORs) North Meerut that some disciplinary proceedings are pending against me & necessary action in this regard will be taken on its finalisation-(PAO(ORs)AMC Lucknow letter No. AN/11 dated 20.6.88 refers). Then I had requested vide my application dated 23.6.88 for full details of the disciplinary case pending against me to enable me to clarify the position as I was not aware of any such case initiated against me but details of the case were not forwarded by the CDA (ORs) North Meerut except the intimation that my case for promotion is kept pending till the finalisation of disciplinary proceedings initiated against me by the department where I served on deputation-(PAO (ORs) AMC Lucknow letter No. AN/11 dated 27.7.88 refers). Then I went to the office of the Joint Chief Controller of Imports & Exports, Kanpur on 28.7.88 to enquire about the disciplinary proceedings initiated against me by them but after due verification of records, they had confirmed that no such case was initiated/pending against me. Again I had appealed to CDA (ORs) North Meerut & copies endorsed to you & Joint Chief Controller of Imports & Exports Kanpur vide my application dated 4.8.88 that neither I have ever received any adverse comments nor any thing in writing so far from the said department which I had left long back (i.e. in the year 1984) & it is not understood as to what case is pending against me. In this context I had also sought interviews with the Honourable CDA (ORs) North Meerut on 20.7.88 and 12.10.88 respectively when he had visited to PAO (ORs) AMC Lucknow. But further details were not given to me & copies of my

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Yashpal Singh
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application dated 4.8.88 endorsed to you & JCCI & a Kanpur were also not forwarded to the endorsees without giving any reason-(PAO (ORS) AMC Lucknow letter No. AN/11 dated 13.9.88 refers).

Then again I had requested vide my application dated 21.11.88 to intimate me the full facts ^{of} the disciplinary case as it is causing great mental torture. On repeated requests as stated above, the articles of charges were served to me by the PAO (ORS) AMC Lucknow vide their letter No. AN/14/8300677 dated 2.3.89. As the two ones which have been referred to in the CDA (ORS) North Meerut memorandum No AN/A/61/8300677 dated 27.1.89 dates back to over 6 years & it is not humanly possible rather impracticable to remember each & every case dealt with in my section, I had, therefore, requested vide my application dated 9.3.89 to supply me photo-copies of the relevant documents & statement of witnesses so as to enable me to access the documents & to give suitable reply with facts. But it is painful to state that CDA(ORS) North Meerut has not supplied the relevant documents so far & thus I am being unnecessarily harassed & mentally tortured. Due to this persisting mental tension for the last over one year I have become a patient of blood sugar, urine sugar & blood pressure.

In the absence of documents (i.e. without accessing them) whatever I can recollect through my memory it is stated that articles of charges I & II are baseless & have no legs. These are not relevant to the duties of Verification Unit which was supervised by me in that office at that time. In this connection the brief of the functioning of the office of the JCC I & E and in particular the functions of the REP sections (Rep-lemishment/Scrutiny sections) & Verification Unit (V.Cell) where the instant cases were dealt with and following facts in support of my defence are given below for your kind & sympathetic consideration.

The cases for grant of Cash Compensatory Support (C.C.S)/or Cash Assistance (CA) from registered exporters are received in the REP Sections for main scrutiny of Export documents and they work out the Cash Assistance entitlement on the values of exports admitted after due verification/acceptance of export documents. The deficiencies found if any by them are got made good by entering into correspondence with the parties/banks/customs/registering authorities etc. The CCS cases of the parties concerned after due acceptance/approval of CCS entitlements by the Controller/Assistant Chief Controller incharge of the REP sections are sent to Verification Unit for their second look & issuance of cheques. All required correspondence work with out agencies viz- parties/banks/customs/registering authorities etc. was done by REP

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Sections. The REP I Section was headed by Shri B.S. Pal AGC at that time (Now DCC I & 2 in the office of JCC I & 2 Bombay).

The Verification Unit was working directly under Head of office viz JCC I & 2 and not under the charge of a lower officer viz. DCC I & 2 to whom powers were delegated to approve/section cash assistance claims to the extent of Rs. below One lac. The main function of Verification Unit was to give a second look to the claims of CA admitted by the REP section & issuance of cheques in respect of the claims admitted & approved by DCC/JCC. The deficiencies found if any were recorded on the note portion of the files by Verification Unit and put up to the disbursing officer & after his approval the files were sent back to the REP sections for compliance & getting the discrepancies removed at their end. After the needful was done in REP sections the files were again sent to the Verification Unit for reconsideration and issuance of cheques. No other correspondence work was done by Verification Unit. This section was supervised by me at that time.

As far as I can recollect my memories some deficiencies were pointed out in those cases by Verification Unit & REP I section was advised for getting the documents verified from the issuing departments before finalisation of the cases in the first instance in both the cases and files were returned to REP I section for the needful. This had the approval of DCC I&E (the disbursing officer).

After lapse of some time the REP I section instead of making compliance of orders of DCC V. Unit again forwarded those cases alongwith some other case file perhaps of M/O English Brass Art Emporium, Hyderabad (as mentioned at serial no. 3 of Article II referred to in Annexure III of above memorandum) containing the orders of JCC I & 2 Kanpur (Head of office) for finalisation of certain such cases of these nature in the first instance & then making post verification of export documents after issuance of cheques for ascertaining their genuineness from issuing departments. The above two cases were also listed in the cold file & were required to be finalised on the same lines. Both cases also were proposed for finalisation in the light of the orders of JCC I&E and cheques were issued. Simultaneously the files were returned to REP I section for getting the post verification of documents from the

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departments concerned as desired by JOC I&E. This was done by REP I section in all such cases & the above two cases were found fraudulent/bogus.

It would thus be seen that I was not directed by Shri B.S. Pal AOC to make verification in both the cases (referred to in the articles I & II) after issuance of cheques to the parties concerned and he was also not competent to order me for doing so as I was not working under him. Further my suggestions for getting documents verified before finalisation of cases were got overruled by REP I section from JOC I&E via head of office. I had no other alternative except to propose for finalisation of the cases in the light of orders of JOC I&E because as per para 79 of Manual of Cash Assistance Instructions (1973) as applicable at that time which reads "If the head of office who is the disbursing officer does not agree with the views of the verification unit it will be open to him to overrule the objections raised by the latter and order disbursement". I was therefore compelled to obey the orders of Head of office as I was directly working under him.

In view of the foregoing it would be seen that there is no fault on my part. I did my duties sincerely as per procedure and orders of head of office and not acted as stated in the articles I&II. Both the charges are therefore baseless/not correct.

Therefore it is again requested that I may kindly be promoted as Assistant Accounts Officer with effect from 1.4.87 with due financial effects under Rules of Law as no charge-sheet or intimation was served to me before publication of CDA (ORS) North Meerut Pt II 00 No. 555 dated 9.5.88. In this connection my whole blotless career of service may also be looked into for your kind consideration. The baseless charges framed against me by said department may be expunged and if it is not feasible for any reason, the requisite documents as called for in my application dated 9.3.89 to CDA (ORS) North Meerut may be forwarded to me for justifying myself.

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Yash Pal gupta

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If your honour is unable to do justice I may kindly be permitted to seek justice in the court of law and this application be treated as notice for finalising the case within two months.

I am really sorry to bother you & hope to be saved from further mental tension. I am also confident to get justice from your hands.

Thanking you,

Your's faithfully,

Yash Pal Gulati

(YASH PAL GULATI)
S.O. (A), A/C No.8300677
EDP Centre
PAO (ORs) AMC
Lucknow.

Dated: 29.5.1989

Copy for information & similar action to the :-

1. Financial Adviser, Ministry of Finance(Defence), New-Delhi.
2. CDA (ORs) North, Meerut.
3. Joint Chief Controller of Imports & Exports,
L-444 KAKADEO,
KANPUR (U.P.)

Dated: 29.5.1989

Yash Pal Gulati

(YASH PAL GULATI)
S.O. (A), A/C No.8300677
EDP Centre
PAO (ORs) AMC,
Lucknow.

Dated: 29.5.89.

Advance Copy sent to C.G.D.A. west Block-V R.K. Puram New Delhi as delay is anticipated in sending the documents through proper channel.

Re-5 copies.
25/5

Yash Pal Gulati

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Page 1 of 1
Adm.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

C.A. No. of 1990

YASH PAL GULATI ... Applicant
Vrs.
UNION OF INDIA & OTHERS ... Respondants.

ANNEXURE NO. 17

Yash Pal Gulati

— COPY —

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To,

The C D A (ORs) North
Meerut Cantt

Through Proper Channel

Subject : Discipline - D A D Establishment

Ref. : P A O (ORs) AMC Lucknow Confidential
Letter No. AN/14/830677 dt. 11.9.89.

Sir,

I hereby acknowledge with thanks the documents supplied to me through above cited communication. In this connection, it is stated that in my application dated 9.3.89 I had requested for supply of photo-copies of relevant documents and statements of witnesses referred to in Annexure III & IV to the main office Memorandum No. AN/A/61/830677 dated 27.1.89 (served to me on 2.3.89) but main Office has supplied me photo-copies of documents mentioned in list of documents for Article II of Annexure III only. Further, at Sl. No. 1 of list of documents for Article II is the file of M/s Decorative Handicrafts, Moradabad for issue of CCS (Cash Compensatory Support) claim but main office has supplied me photo-copies of documents relating to firm's file for issue of Import Licence which was not subjected to audit by me in that Department. Thus, it would be seen that I have not been provided with copies of the documents listed at Sl.No. 1 to 35 of Article I and Sl. No. 1 of Article II of Annexure III & statements of witnesses listed in Annexure IV respectively on the basis of which statements of articles of charges have been framed against me. However, before submitting my statement of defence on the basis of documents now supplied to me, I would like to draw your kind attention towards my application dated 29.5.89 addressed to CGDA New Delhi and copy endorsed to Main Office amongst others wherein I had explained the brief of the functioning of the Office of the Jt. Chief Controller of Imports and Exports and in Particular the functioning of REP Sections (Scrutiny Cell) and Verification Unit (V. Cell) where the instant cases were dealt with and also intimated certain facts in support of my defence as per my memory. Now I am re-submitting the following facts in support of my Defence on the basis of photo-copies of note portion of file No. 656 of AM 82 of M/s English Brass Art Emporium Moradabad (supplied to me) for your kind perusal and sympathetic consideration.

2. (a) It may be seen from the notings on Page 3/N of the file that on receipt of the case in Verification Cell it was given a second look and an objection regarding absence of "Ashok Chakra" in the seal of Custom affixed on the Shipping Bills was raised and Verification of Shipping Bills and Bank Certificates respectively was required by my Section before issue of cheque. This objection was also approved by Dy. Chief Controller, and file was returned to REP I Section for the needful.

- (b) Then Sh. B S Pal, ACC had protested and refuted at his best against the above objection of V.Cell. He had also discussed those observations at length (citing reference of other case file Nos. 597, 566, 554 of AM 82 wherein similar observations were also raised by V Cell), in Officers meeting held on 22.5.82 and again discussed

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them with DCC and JCC on 2.6.82. He had ultimately suggested for finalisation of all such held up cases and after finalisation of the cases in one case reference be made to the concerned authorities for verification of genuineness of documents. His views were accepted by DCC and JCC both but at the same time JCC desired verification of relative Shipping Bills and Bank Certificates from Customs and Banks respectively in every case at the earliest following the finalisation of these cases even though every thing seems to be proper - notes of ACC REP I, DCC & JCC's orders dated 3.6.82 on page 4 to 6/N refers. The extracts of JCC's orders dated 3.6.82 (in the above file) were circulated to REP II and V. Cell for taking similar action on all such types of held up cases and also for future guidance. He had also forwarded the above case file to V. Cell for taking necessary action in the light of JCC's orders dated 3.6.82.

(c) Accordingly the case was finalised in V. Cell by way of issue of cheque on 5.6.82 in the light of JCC's orders dated 3.6.82 and then file was returned to ACC REP I for taking further action i.e. for getting verification of Shipping Bills and Bank Certificates from Customs and Banks respectively at the earliest as desired by JCC - my notes dated 4.6.82 and 8.6.82 on page 7 and 8/N respectively refer.

Note - As per practice and procedure of that office all correspondence with Parties, Customs, Banks and Registering Authorities etc; was made by REP Sections only.

(d) (i) Then REP I Branch referred the relative Shipping Bills and Bank Certificates to the Customs and Banks respectively for ascertaining their genuineness - Their note dated 8.7.82 refers.

(ii) They issued reminders to Banks and Customs for the said purpose on 24.9.82 - See Page 15/N.

(iii) Bank confirmed the genuineness of the Bank Certificates - See note on P 16/N.

(iv) Further reminder to Customs was issued on 23.10.82 and ultimately Customs have also confirmed the genuineness of Shipping Bills - See their notes on page 17 to 23/N.

Thus this case was found genuine as per confirmations received from Banks and Customs respectively.

3. The two cases viz. File Nos 597 and 566 of AM 82 related to M/s Decorative Handicrafts, Moradabad and M/s Global Enterprises, Moradabad (referred to in the Statements of Article of Charges I and II to Annexure I of Main Office Memorandum dated 27.1.89) were also held up in REP I Section due to similar observations of V. Cell - see note of ACC REP I on page 5/N. So far I recollect my memory, these cases were also received in V. Cell alongwith extracts of JCC's orders dated 3.6.82 for finalisation on the same lines.

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Yashpal Singh
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 by A. J. Adm.

Accordingly, these cases were also finalised on the same lines and Cheques were issued on 5.6.82. Thereafter, files were returned to REP I Section for further necessary action as desired by JCC. The REP Section then referred all the relative Shipping Bills and Bank Certificates to the Customs and Banks respectively for ascertaining their genuineness. As a result of that all the Shipping Bills and Bank Certificates relating to both the cases were declared fake (Bogus) and thus frauds were detected.

4. The statements of articles of charges I and II relating to M/s Global Enterprises Moradabad and M/s Decorative Handicrafts Moradabad that I was directed by Sh. B.S. Pal to make verifications in the cases after issue of Cheques to the Parties concerned & I failed to take firm action as ordered to me and did not raised any objections on the amended orders thereto because of which above non-existing firms were issued Cheques for Rs.53,294/- and Rs. 45,746/- respectively causing loss to the Govt. and I, thereby, failed to maintain devotion to the duty and acted in a manner unbecoming of a Govt. servant thereby violating Rule 3 (i) (ii) (iii) of CCS (Conduct Rules) 1964, are NOT TRUE AND VAGUE because no such notings are available in the file. It is further evident from the notings in file No. 656 of AM 82 of M/s English Brass Art Emporium Moradabad (- supplied to me) that Sh. B.S. Pal ACC had never directed me to make verification after issue of cheque to the party and no such endorsement was made by him. I have also not made any different suggestion, amended the note and recommended its acceptance to my superior officers and it was never done. However, it may be seen from Page 4 to 6/N of the file that amendment of the orders for getting the documents verified after issue of Cheques in place of getting the documents verified before issue of Cheques was obtained by Sh. B.S. Pal, ACC from Superior Officers and not by me. Therefore, this is a clear case of misrepresentation of facts and the charges are quite baseless and absolutely incorrect.

5. The main Office has also supplied me the Photo-copies of File No. 678 of AM-82/H.Lic/REP I of M/s Decorative Handicrafts Moradabad relating to issue of Import Licence. A licence of Rs.1,82,984/- was issued to the said Firm on the basis of the same Shipping Bills and Bank Certificates which were subsequently declared fake (Bogus). This file was not subjected to audit by me in that Department and as can be seen it was never sent to my Section. Therefore, it is an irrelevant file.

6. Since I have not been provided with copies of notings of File Nos - 597 and 566 of AM/82 related to M/s Decorative Handicrafts Moradabad and M/s Global Enterprises Moradabad, I am unable to offer my definite comments. However, as far as I recollect from my memory, no omission occurred on my Part.

7. Thus, it is clear from copies of documents supplied to me that frauds in question were detected only at the instance of observations of my Section. Had it been complied with before issue of cheques as suggested, the frauds could have been avoided. The notings in the above file are self explanatory and speaking the truth. Instead of getting any credit for observations of my Section which detected the frauds, I have been charge sheeted and harrassed for no omission on my part.

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Yash Pal Singh
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 Day 21/11/82
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8. I, therefore, specifically deny the Statements of article of Charges I & II to Annexure I of Main Office Memorandum dated 27.1.89 and also desire to be heard in person if NOT satisfied with my above Statement of Defence.
9. In view of the aforesaid facts, I hope the authorities will absolve me of the charges and close the case.

Thanking you,

Yours faithfully,

Dated: 18th Sept. 1989.

Yash Pal Gulati

(YASH PAL GULATI)
S.O. (A) Roster No A/2266
Account No 8300677
EDP Centre, PAO (ORs) AMC
LUCKNOW - 2

Yash Pal Gulati

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P. Singh
A. Singh

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

C.A. No. of 1990

YASH PAL GULATI

...

APPLICANT

VERSUS

UNION OF INDIA & OTHERS

...

RESPONDENTS.

ANNEXURE NO. 18

-COPY-

To,

The Controller General of Defence Accounts,
West Block V, R.K. Puram,
New Delhi.

Through - the proper channel.

Subject - Promotion to the A.A.Os. grade-Shri Y.P.
Gulati S.O. (A), Roster No. A/2266.

Sir,

I have been informed by PAO (ORs) AMC Lucknow vide their letter No. AN/14/8300677 dated 6.11.89 that in view of the decision of CGDA New Delhi already given on my application dated 29.05.89, my case for promotion to AAO grade will be considered only after the outcome of the disciplinary case pending against me. Therefore my further representation dated 26.09.89 was not forwarded to your office by CDA (ORs) North and the same was returned to me. Earlier I was informed vide PAO (ORs) AMC Lucknow letter No. AN/11 dated 27.07.88 that my case for promotion to AAOs grade was considered by D.P.C. but kept pending till finalisation of disciplinary proceedings initiated against me by the department in which I served on deputation. In this connection it is reiterated that my name was not included in the list of promotion of S.Os. (A) to AAOs grade wef 1.4.87 whereas juniors to me were promoted as per CDA (ORs) North Meerut Pt II O.O.No. 555 dated 9.5.88 notifying such promotions. On my repeated representations for the same, the CDA (ORs) North Meerut Charge-Memo No. AN/A/61/8300677 dated 27.1.89 was served on me under PAO (ORs) AMC Lucknow confidential Memo No. AN/14/8300677 dated 2.3.89.

2. The articles of charges referred to in the aforesaid charge-memo were relating to the cases dating back to over six years. The frauds in question were detected sometimes in July, 1982 and that too at the instance of observations of my section. No such charges were levelled against me by that department during my further stay of over two years after the detection of frauds in that department. Instead of getting any credit for detection of those frauds I have been harassed for nothing. In this connection my defence statement dated 18.9.89 refers (-copy enclosed). Had

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Yashpal Gulati
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the charge memo served on me in time, I could have made my position clear long back and would have not suffered for my legitimate promotion alongwith all consequential benefits. I have been unnecessarily harassed, deprived of my legitimate promotion and thus facing great financial hardships and mental torture. Due to unduly prolonged delay in finalisation of disciplinary proceedings I have become victim of unnecessary harassment, mental torture and thereby suffering with so many diseases such as diabetes (Blood and Urine Sugar both), Blood Pressure and vision (eye-sight) trouble etc.etc. As a result of that if something wrong happens to me, then the department will be held responsible for the same.

3. Further all the basic conditions prescribed for promotion of S.Os. (A) to AAOs grade wef 1.4.87 were fulfilled in my case. My promotion to the said grade was considered by D.P.C. but kept pending in a sealed cover till finalisation of disciplinary proceedings initiated against me by the department in which I served on deputation. For sealed cover cases the Government has prescribed a six monthly comprehensive review. The sealed cover procedure also contemplates that if there is a delay of more than two years in the conduct of departmental enquiry, the sealed cover may be opened and the results of the same be given effect to tentatively subject to ultimate result of proceedings. The authorities concerned are also required to ensure that the interest of the official concerned is sufficiently and fully safeguarded and the disciplinary cases instituted against any Government servant is not unduly prolonged and all efforts to finalise expeditiously the proceedings should be taken so that the need for keeping the case of a Government servant in a sealed cover is limited to the barest minimum. I am sorry to say that the prescribed procedure has not been adhered to in my case and I have not been promoted so far.

4. Incidentally it is seen from the case -law -latest decision of the Full Bench of Central Administrative Tribunal in the case of K.Ch. Venkata Reddy and others v. Union of India and others, 1987 (2) SLJ (CAT) 115 (F.B) : ATR 1987 (1) CAT 547 that it modifies the old sealedcover procedure and concludes as under :-

(i) Consideration of promotion, selection grade, crossing the efficiency bar or higher scale of pay cannot be withheld merely on the ground of pendency of disciplinary or criminal proceedings against an official;

For per signature

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(ii) The sealed cover procedure can be resorted only after a charge memo is served on the concerned official or the charge sheet filed before the criminal court and not before.

In my promotion case the above two points have been totally overlooked. Firstly my promotion has been kept pending till finalisation of disciplinary proceedings and secondly the sealed cover procedure has been adopted before the charge memo is served on me. My promotion is due wef 1.4.87 and the charge memo is served on 2.3.89. Thus it is in contravention of rulings of Central Administrative Tribunal i.e. contempt of court.

5. I, therefore, request your honour to kindly reconsider my promotion case in the light of above said latest case-law (-copy attached for ready reference) and grant me the legitimate promotion to A.A.Os. grade wef 1.4.87 with all consequential benefits and disciplinary proceedings may also be got finalised at the earliest to avoid any further harassment and mental torture.

Thanking you,

Encls: Copies of defence
Statement, ^{representation} & case-law
mentioned above.

Yours faithfully,

Yash Pal Gulati
28-12-89

Dated: 28-12-1989

(YASH PAL GULATI)
S.O. (A) A/c No. 8300677
E.D.P. Centre PAO (ORs) AMC
LUCKNOW.

Advance copy sent to CGDA, New - Delhi as delay is anticipated in sending the documents through proper channel.

Dated: - 12-1989

(YASH PAL GULATI)
S.O. (A) A/c No. 8300677
E.D.P. Centre PAO (ORs) AMC
LUCKNOW.

Yash Pal Gulati

attested by
Rajy A. / as

To

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

Through proper channel

Subject : Higher Functional Grade in Section Officer
(Accounts) Grade in DAD

Reference: PAO (ORs) AMC Lucknow confidential letter
No AN/14/8300677 dt 1.9.89.

Sir,

I have been informed vide above cited communication that my request for promotion to AAO's grade has been examined by the CGDA and the same will be considered only after the outcome of the disciplinary case pending against me.

Sir, in this connection, your kind attention is invited towards the basic conditions (as given below) of promotion to AAO's grade wef 1.4.87.

Conditions for promotion

1. Pt. S.O.(A) as on 1-1-83 and upto Roster No 3124 and completed 3 years of service in the grade.
2. No disciplinary case should have been instituted against the S.O.(A) or is pending unfinalised on the date of promotion ie, 1-4-87.
3. ACRs gradings from 1982 to 1986 should have no adverse remarks.

Sir, from the above, it may be clearly seen that all the conditions of promotion as on 1-4-87 have been fulfilled in my case but my name was excluded from the promotion list published in the CDA (ORs) North Meerut Pt II OO No 555 dt 9.5.88.

Apparently, my case of promotion, seems to have been dealt with in the light of CDA (ORs) North Meerut Memo No AN/A/61/8300677 dt 27.1.89 served to me on 2.3.89 which interalia states that while serving on deputation (in the office of the Joint Chief Controller of Imports & Exports, Kanpur) during 1980 - 1984 some charges were framed against me by the borrowing department. My written explanation dt 18-9-89

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against these charges have already been submitted (copy enclosed for ready reference). From there, it may clearly be seen that the charges framed against me were totally false and the said department had misrepresented the facts. Moreover, the memo for statements of article of charges was served to me much later than the crucial date of promotion viz 1-4-87. Even my ACRs gradation for the period 1982-1986 bear no adverse remarks. Thus, I have been unnecessarily deprived of my legitimate dues for no fault on my part.

Sir, in view of the aforesaid facts, I request your honour to kindly reconsider my case of promotion to AA0's grade and relieve me of mental torture and harassment faced by me for the last 18 months.

Thanking you,

Yours faithfully,

Yash Pal Gulati

Encls : As above

Date : 26th Sep 89

(YASH PAL GULATI)
Section Officer (A)
Roster No A/2266
A/C No 8300677
EDP Centre, PAO (CRs) AMC
Lucknow-226002

Yashpal Gulati

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Pay As per memo

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

C.A. No. ... of 1990
YASH PAL GULATI ... APPLICANT
VERSUS
UNION OF INDIA & OTHERS ... RESPONDENTS.
ANNEXURE NO. 19

- COPY -

NO. AN/14.

Office of the JCDA 1/c,
PAO (ORs) AMC,
Lucknow-2.

Dated 6-2-90.

To

Shri Y.P. GULATI,
S.O.(A),
Roster No. 2266.

SUB : Promotion to PROMOTION TO THE AAO'S GRADE.

REF : YOUR APPLICATION DATED 26-12-89.

An advance copy of the above application sent to C.G.D.A. by you regarding Promotion to AAO's grade w.e.f. 1-4-87 was examined by that Office and intimated that the same has not been acceded to under the extent order.

This has also been observed by the H.Q. Office that he should not furnish direct application to CGDA New Delhi in future.

(TRILOK CHAND)
Jt.C.D.A. 1/c.

Yashpal Gulati

Advocate Copy

Page 2 of 2

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, Lucknow

Fixed for date 4-1-91

O.A . No.229 of 1990

Y.P. Gulati

... Applicant

-versus-

Union of India and others

... Respondents

APPLICATION FOR CONDONATION OF DELAY.

The Respondents above named begs to submit as under:-

1. That the respondents could not file the counter affidavit in time due to want of certain records and for obtaining approval from Ministry of Law. Now the counter affidavit is ready for filing and the same is being filed herewith along with this application for taking the same on record after condoning the delay.

2. That it is expedient in the interest of justice the ~~Respondents~~ counter affidavit may kindly be taken on record after condoning the delay.



(VK Chaudhari)

Addl. Standing Counsel for Central Govt.

(Counsel for the Respondents)

Lucknow,

Dated: 4.1.91

Filed today
4/1/91

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH , LUCKNOW

O.A. No.229 of 1990

Y.P. Gulati ... Applicant

-versus-

Union of India and others ... Respondents

COUNTER AFFIDAVIT ON BEHALF OF OPPOSITE PARTIES.

I, Trilok Chand, aged about 42⁶ years,

son of SHRI MATHURA PRASHAD⁴

at present posted as Joint Controller of

Defence Accounts, Incharge, PAO (ORs), AMC

Lucknow do hereby solemnly affirm and state

as under:-

1. That the deponent has been authorised to file this counter affidavit on behalf of Respondents.
2. That the deponent is well acquainted with the facts of the case and the facts deposed hereinunder in reply thereof.
3. That the deponent has read and understood the contents of the case filed by the applicant.

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AFFIDAVIT
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DIST. COURT
U.P.

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TRILOK CHAND
J. C. D. 1/0
PAO (ORs) AMC
LUCKNOW

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4. That the contents of para 3 of the application needs no comments.

5. That the contents of para 4(1) to 4(10) of the application are matter of facts as such no comments are required to be offered.

6. That in reply to the contents of para 4(11) of the application it is submitted that it is true that the applicant was in the Zone of promotion to the AAO grade. In this connection it may be added that pursuant to the CBI investigation report it was decided by the respondent no.2 for initiating action as for Major penalty against the applicant under rule 13(ii) of CCS(CC&A) Rules 1965 for misconduct ie. lack of devotion to duty and exhibition of conduct unbecoming Government servant.

7. That in reply to the contents of para 4(12) of the application it is submitted that in view of the fact of the initiation of disciplinary action as mentioned in para 6 above, the recommendations of the DPC in his case has been kept under 'Sealed cover' procedure as enunciated in Government of

16/10/90
TRILOK CHAND
J CDV/HG
FAO (CC&A) AMC
LUCKNOW

India, Ministry of Home Affairs (DP & AR) OM No.220011/1/7

Estt.(A) dated 30.1.1982 read with OM No.39/4/56-Estt.

(A) dated 3.11.1958 and OM No.39/3/59-Estt.(A)

dated 31.8.1960 for action in due course.

8. That in reply to the contents of para 4(13) of the application it is submitted that it is not relevant in view of the fact stated at para 6 & 7 above, Incidentally it may be affirmed that Respondent no.3 is the appointing authority for the post of AAO and not the Respondent no.2 as held out by the applicant.

9. That the contents of para 4(14) to 4(17) of the application are matters of facts as such needs no comments from the answering deponent.

10. That the contents of para 4(18) of the application are incorrect as stated, hence denied and in reply it is submitted that the concluding para under heading 'Explanation of defence of suspect/accused persons' of C.B.I. report on case No.RC.8/E/83-Delhi that the applicant admitted his note in the relevant files but he could not explain as to why ~~xxx~~ he did not record his action without Jt. C.C. IBE on first approval the notes which were amended subsequently in favour of the accused firm", shows clearly

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his involvement in the case where departmental inquiry has been set up against him. Therefore, his contention of being innocent, as projected by him is not true.

11. That the contents of para 4(19) to (29) of the application are being statement of the facts, as such no comments are required.

12. That in reply to the contents of para 4(30) of the application it is submitted that whereas the facts narrated in the first three sentences needs no comments for the obvious reasons, his contention that the recommendation of the DPC kept under sealed covers is not covered under the extant orders. As regards the case law cited by the applicant need not be commented upon since the decision has not been implemented by the Government of India, Ministry of Law.

13. That the contents of para 4(31) of the application need no comments being statement of facts.

14. That in reply to the contents of para 4(32) to 4(35) of the application it is submitted that the fact remains that the department's action has been initiated against the applicant for the delinquency

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TRILOK CHAND
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 FAO (Ops and)
 LUCKNOW

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committed by him when he served on deputation with respondent no.5, In pursuance of CBI's investigation report as already mentioned against para 4(11) above.

15. That the contents of para 4(36) to 4(37) of the application need no comments.

16. That the contents of para 4(38) of the application are reiterated the comments given above against para 4(11) and 4(12) of the application.

17. That the contents of para 5(i) to 5(ii) of the application are not tenable in view of the facts and circumstances and rule position cited against para 4(11) and 4(12) of the application as mentioned above.

18. That the contents of para 5(iii) of the application ~~ixxxx~~ are not tenable. On file it was decided to hold disciplinary proceedings as for major penalty vide decision of the competent disciplinary authority as conveyed through his office communication Confidential No. AN/XIII/13500(278)/87/5 dated 16.12.87.

19. That the contents of para 5(iv) of the application are not tenable. Since he was suitably informed that his request for promotion to AAO grade will

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TRIPLOK CHAND
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LUCKNOW

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be considered only after the outcome of the disciplinary case which is pending against him.

20. That the contents of para 5(v) of the application are incorrect as stated, hence denied and in reply it is submitted that the applicant's case has been kept under sealed cover procedure under the existing orders.

21. That the contents of para 5(vi) of the application are incorrect as stated, hence denied and in reply it is submitted that moreover the matter is already being inquired into by an Inquiry officer appointed by the competent authority.

22. That the contents of para 6 of the application need no comments.

23. That the contents of para 7 of the application need no comments.

24. That in reply to the contents of para 8(i) of the application it is submitted that as mentioned against para 5(iv) of the application as cited above, his case would be considered after the outcome of the disciplinary case is notified, causing opening of sealed cover in his case after pursuing the extent prescribed procedure as contained in Govt. letters cited ibid against para 4(12) above.

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TRILOK CH ND
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25. That the contents of para 8(ii) of the application needs no comments.

26. That the contents of para 8(iii) & (iv) of the application are not tenable in the eyes of law in view of the facts and circumstances stated above.

27. That the contents of para 8(v) & (vi) of the application need no comments.

28. That in reply to the contents of prayer in para 9 of the application it is submitted that these are not relevant since he faces departmental inquiry properly instituted against him under the CCS(CC'SA) Rules 1965. Pending finalisation of Departmental action against him, his request can not be taken up.

29. That the contents of para 10 of the applicant need no comments.

30. That the reliefs sought by the applicants are not tenable in the eyes of law and as such he is not entitled to get any relief.

31. That in view of the facts, reasons and circumstances stated in the foregoing

TRILOK CHAND
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FAO (ORS) AMG
LUCKNOW

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To

The Deputy Registrar
Central Administrative Tribunal,
Bikaner Bench, Bikaner.

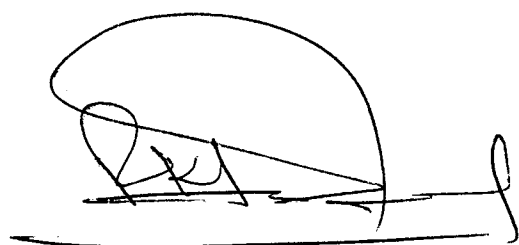
Ref:- Original Application No 229/104)
Yash Pal Gulati Union Indus
F.F. 4.1.91

Si.

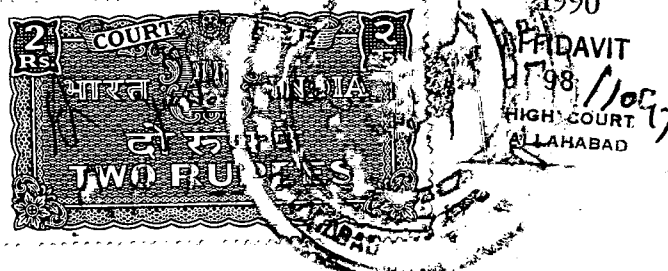
It is submitted that the respondents
in the above noted application have
delivered the applicant a copy of Court's
affidavit on 2.12.90, The respondent's
affidavit is being filed herewith.
Now the application is up for hearing.

Wherefore it is respectfully
prayed that you honor may
be pleased to fix 4.1.91 in the
case for hearing before Hon'ble
Tribunal.

10/12/90



Counsel for Applicant



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT BENCH
AT LUCKNOW.

O.A. No.229/90(L)

Yash Pal Gulati

....

Applicant.

Versus

Union of India and others

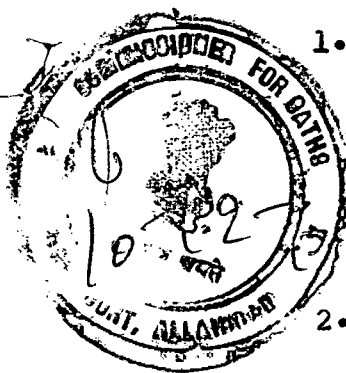
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Respondents

REJOINDER AFFIDAVIT.

I, Yash Pal Gulati aged about 47 years, son of Late Shri C.S. Gulati, resident of H.No.69, Near Railway Crossing, Purana Kila, Lucknow-226001, working as Section Officer (A), Pay Accounts Officer (Other Ranks) Army Medical Corps, Lucknow - 226002, do hereby solemnly affirm as under:-

Filed today
10/12



1. That the deponent is applicant in the above noted case. He is fully conversent with the facts of the case deposed hereunder.
2. That the deponent has read and understood the contents of the counter affidavit filed on behalf of the respondents.
3. That the contents of paras 1 and 2 of the application are not disputed by the respondents.

Yash Pal Gulati

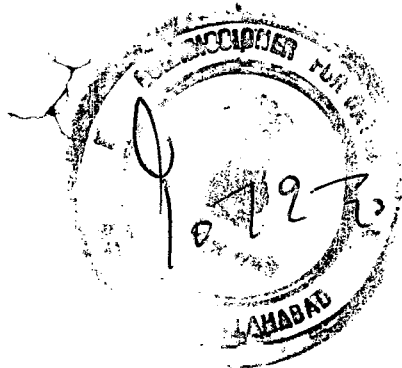
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4. That the contents of para 3 of the application are reaffirmed which have not been denied by the respondents.
5. That the contents of para 5 of the counter affidavit do not call for any reply.
6. That the contents of first sentence of para 6 of the counter affidavit do not call for any reply. Rest of the contents are denied as alleged. The respondent No.3 has communicated to the applicant through office of respondent No.4 vide letter dated 27.7.88 (Annexure No.9) that the disciplinary proceedings were initiated against him by the department in which he served on deputation (respondent No.5). Thus the allegations are contradictory to the previous stand taken by respondent No.3.
7. That in reply to the contents of para 7 of the Counter Affidavit it is submitted that the disciplinary proceedings starts with the



Yash Pal Singh

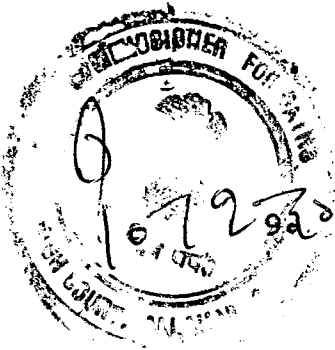
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issuance of charge sheet. Hence unless a charge sheet is issued, it can not be said that a departmental enquiry is pending or a disciplinary action is initiated against an employee. Thus the recommendations of D.P.C. could not be kept under sealed cover in view of instructions of Government of India Ministry of Home Affairs letters.

8. That in reply to the contents of Para 8 to the counter affidavit it is submitted that it makes no difference even if Respondent No.3 is the appointing authority for the post of A.A.O.



That the contents of para 9 of the Counter Affidavit do not call for any reply.

10. That the contents of para 10 of the Counter Affidavit are denied and those of para 4(18) are reaffirmed. The rest of the allegations are contradictory to letter dated 27.7.88

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Yash Pal Gupta

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(Annexure No.9) and charge memo dt.27.1.89
(Annexure No.14). The alleged C.B.I. report
is not before the Hon'ble Tribunal. The detailed
facts have already been mentioned in para 4(32)
to 4(37) of the application. It is important
to note that the deponent supported the objections
raised by his section which were not prescribed
under any of the rules and due to which the
frauds were detected. The objections were dis-
cussed twice in the officer's meetings. The
action was to be taken on the objection of
deponent's section - Verification Cell by the
Scrutiny Section headed by Shri B.S.Pal, Assistant
Chief Controller, who refuted the objections and
put up the matter in subsequent officers' meeting
and got the orders amended and accordingly
action was taken by different sections. There
was no inaction on the part of the deponent.
Therefore there is no question of deponent's
involvement in the said matter.

11. That the contents of para 11 of the Counter
Affidavit do not call for any reply.

Yash Pal Gulati

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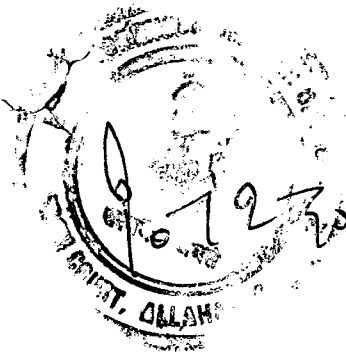


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12. That in reply to the contents of para 12 of the Counter Affidavit, it is submitted that binding nature of decision in the case of K.Ch.Venkata Reddy and others Vs. Union of India & Others reported in ATR 1987 (1) CAT-547, can not be ineffective by non-implementation of the same by Respondent No.1.
13. That the contents of para 13 of the Counter Affidavit do not call for any reply.
14. That the contents of para 14 are denied and those of para 4(32) to 4 (35) of the application are reaffirmed. Full facts have already been mentioned in para 10 above.
15. That the contents of para 15 of the Counter Affidavit do not call for any reply.
16. That the contents of para 16 of the Counter Affidavit are denied and those of para 4(38) of the application are reaffirmed.
17. That the contents of paras 5(i) and 5(ii) of the application are reaffirmed and those of para 17 of the Counter Affidavit are denied.



Yash Pal Singh

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18. That the contents of para 5 (iii) of the application are reaffirmed and those of first sentence of para 18 of Counter affidavit are denied. Nothing was communicated to the deponent nor any opinion was formed that a Charge sheet may be issued to the deponent on specific imputations.
19. That in reply to contents of para 19 of the Counter Affidavit, the contents of para 5(iv) of the application are reaffirmed. It is further submitted that the second sentence of para 19 of the Counter Affidavit confirms para 5(iv) of the application.
20. That the contents of para 20 of the Counter Affidavit are denied and those of para 5(v) of the application are reaffirmed. The sealed cover procedure could not be applied in deponent's case in view of Full Bench ruling reported in ATR-1987(1) CAT-547.
21. That the contents of para 21 of the Counter Affidavit are denied and those of para 5(vi) of the application are reaffirmed. It is further submitted that in the disciplinary enquiry full documents sought for by the deponent have yet

Yashpal Gulati

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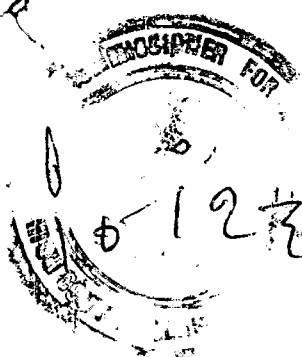
not been supplied while several adjournments were taken for submitting documents and even the Presenting Officer absented himself twice on the dates of enquiry without any intimation and only four witnesses have been examined even after three adjournments for the purpose in Lucknow and Roorkee and now 7th Jan. 91 was been fixed for examination of witnesses at the place of witnesses i.e. at Delhi and it is not known how long it will be lingered on by the department.

22. That the contents of para 22 need no reply.
23. That the contents of para 23 of Counter Affidavit need no reply.
24. That the contents of para 24 of the Counter Affidavit are denied. The sealed cover procedure could not be applied in the case of the deponent as mentioned earlier.
25. That the contents of para 25 of the Counter Affidavit need no reply.
26. That the contents of para 26 of the Counter Affidavit are denied. The reliefs prayed for in para 8(iii) and 8(iv) are fit to be granted to the deponent considering the facts and circumstances mentioned in the application and

in the rejoinder affidavit.

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Yashpal Gupta



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27. That the contents of para 27 of the Counter Affidavit do not call for any reply.
28. That the contents of para 28 of the Counter Affidavit are denied.
29. That the contents of para 29 of the Counter Affidavit do not call for any reply.
30. That the contents of para 30 of the Counter Affidavit are denied. The application is fit to be allowed for the reliefs prayed for.
31. That the contents of para 31 of the Counter affidavit are denied. The application of the deponent is fit to be allowed with costs.

Lucknow,

Dated: 10.12.1990

Yash Pal Guleri

DEPONENT.

Verification.

I, the deponent named above, do hereby verify ² that the contents of paras 6, 8 to 11 & 13 to 23 (except second sentence of Para 20) ^{are true to} my personal knowledge and those of paras 28 to 31, ^{are believed to be true and those of paras 7, 12,} ^{2nd sentence of Para 20 & 24 to 27} ^{are based on legal advice believed to be} true by me. No Part of this affidavit is false and nothing material has been concealed.

Lucknow,

Dated: 10.12.90

Yash Pal Guleri

DEPONENT.



Identified by the deponent who has signed before me personally known to me.
10/12/90

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH AT LUCKNOW.

O.A. No. 229 of 1990 (L)



1990
AFFIDAVIT
56/09
HIGH COURT
ALLAHABAD

Yash Pal Gulati

Applicant

Versus

Union of India and others

Respondents.

SUPPLEMENTARY REJOINDER AFFIDAVIT.

I, Yash Pal Gulati, aged about 47 years, son of Late Shri C.S. Gulati, resident of H.No. 69, Near Railway Crossing, Purana Kila, Lucknow - 226 001, working as Section Officer (A), Pay Accounts Office (Other Ranks) Army Medical Corps, Lucknow - 226 002, do hereby solemnly affirm as under :

1. That the deponent is applicant in the above noted case. He is fully conversant with the facts of the case deposed hereunder.
2. That the deponent has read and understood the contents of the supplementary counter affidavit filed on behalf of the respondents.
3. That the contents of para. 4 of the supplementary counter affidavit are denied. Full facts were already in the knowledge of the opposite parties.

Yash Pal Gulati

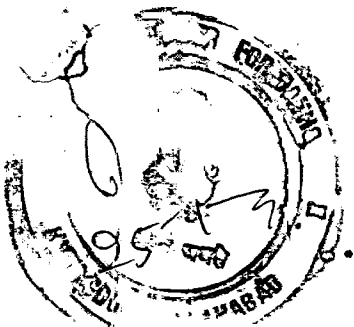
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4. That the contents of para. 4(a) of the supplementary counter affidavit do not call for any reply.
5. That in reply to the contents of para. 4(b) of the supplementary counter affidavit, it is submitted that the designation of the deponent was as Section Officer, although the deponent had joined as S.A.S. Accountant which makes no difference in the matter in controversy in the present application.
6. That the contents of para. 4(c) of supplementary counter affidavit do not call for any reply.
7. That in reply to the contents of para. 4(d) of supplementary counter affidavit, it is submitted that from the allegations it is clear that the respondent No. 5 has not initiated any disciplinary proceedings as mentioned by respondent No. 3 and letter dated 27.7.88 (Annexure No.9) and also failed to deny deponent's assertions contained in para. 4(32) of the application. However, the seizure of documents cannot be equated with starting of disciplinary proceedings.



That the contents of para. 4(e) of the supplementary counter affidavit further confirms the contents of para. 4(18) of the application of the deponent.

9. That in reply to the contents of para. 4(f) of the supplementary counter affidavit it is submitted that the assertions of the applicant contained in para. 4(32), 4(33), 4(34) and 4(35) of the application have not been denied. The department could have verified the facts from the records, where they are, in case it choose to do so.

Yash Pal Singh

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10. That the supplementary counter affidavit does not deny the contents of application of the deponent.
11. That in view of the above, the application of the deponent is fit to be allowed.

Yash Pal Guleri

Lucknow;

Deponent.

Dated : 25th Jan. 1991

VERIFICATION

I, the deponent, named above do hereby verify that contents of paras. 1 to 10 of the supplementary rejoinder affidavit are true to my personal knowledge and those of para. 11 are believed by me to be true on the basis of legal advice. No part of it is false and nothing material has been concealed.

Signed and verified this 25th day of January, 1991 at Lucknow.

Yash Pal Guleri

Deponent.

I identify the deponent who has signed before me.

His personally known to me

[Signature]
Advocate.

U.S. A. Guleri
Deponent
who is known to me
and I have read the contents of this affidavit
and have read out and explained the contents of this affidavit to him.

R.K. Agarwal
Advocate

[Signature]
JATH COMMISSIONER
25-1-91

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH

Gandhi Bhawan, Opp. Residency, Lucknow

No. CAT/1112/JLD/

6970-74

dated the 22-02-90

Registration No.

C.A. No. 229/90 (1990)

O/C

Yash Pal Gubati

APPLICANT

VERSUS

Union of India

RESPONDENT

① Union of India through Secretary, Govt. of India
Ministry of Defence (Finance), New Delhi

② The Controller General of Defence Accounts,
West Block V, P.K. Puram, New Delhi 110066

③ The Controller of Defence Accounts (Other Accounts)
North, Meerut Cantt.

④ The Joint Controller of Defence Accounts, Lucknow
Please take notice that the applicant above named has
presented an application, a copy whereof is enclosed herewith,
which has been registered in this Tribunal, and the Tribunal
has fixed _____ day of _____ 1990 for the
hearing of the said application.

1-10-90

If no appearance is made on your behalf by yourself
your pleaser or by some 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 of _____ 1990.

17-8-90

DEPUTY REGISTRAR

⑤ The Joint Chief Controller of Imports &
Exports, Government of India, Ministry
Commerce, 177/414, Kakadeo, Kanpur

End:- Copy of petition with court order
on 16-8-90

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCULAR ORDER LUCKNOW

O.A. NO. 229 of 1990 (L)

Yash Pal Gulati

.....

Applicant.

Versus

Union of India & Others

.....

Respondents.

AC-1-1990

Hon'ble Mr. P. Brinivasan, A.M.

Hon'ble Mr. J.E. Sharma, J.M.

Shri A.R. Agrawal for the applicant.

Board.

Acctt.

Orders on prayer for Interim Relief.

The question whether the applicant was ~~not~~ rightly deprived promotion to the post of Acctt. Accounts Officer, has itself to be considered when the application is heard on merits. In the meanwhile we are not inclined to pre-judge the issue and direct his promotion to the post of Acctt. Accounts Officer by way of interim relief. Interim prayer is therefore, rejected. We, however make it clear that promotions made to the post of Acctt. Accounts Officer or persons over whom applicant claims seniority, will be subject to the outcome of this application.

Issue notice to respondent to file reply within 4 weeks to which applicant may file rejoinder within 2 weeks thereafter.

Call on 1-10-1990 before D.R. (J).

Sd/-

J.M.

Sd/-

A.M.

// True Copy //

RM/

[Signature]
Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow

[Signature]
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clerk
[Signature]
21/8/90

In The Central Administrative Tribunal
Lucknow Bench Lucknow

22/1/93

1990
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To,

The Deputy Registrar,
Central Administrative Tribunal,
Lucknow Bench Lucknow

OA No. 229/90 (L)

Y.P. Guleri ——— Applicant
vs
Union of India and others ——— Respondent

Decided on 9.12.1991

Decided by Hon'ble Justice U.C. Srivastava VC,
Hon'ble Mr. ~~Justice~~ AM

Document of which copy is required
Copy of the Judgement dated 9.12.1991

Copy issued
to deny Regd
22/1/93

kindly supply me certified copy on
ordinary basis of the document noted above
in the mentioned case.

Necessary court fee has been affixed
Postal order no. 4 28 433457
Issued on 22/3/93 for Rs 57-

Yours faithfully

L.P. Seikh

Name L.P. Seikh
Advocate

Address B3/25, Om Nagar
Kaulbagh, Lucknow

Incluse
Dated 22-3-1993

Recd on
13/4/93
13/4/93