

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH

OA/TA/RA/CP/MA/PT 09.244 of 20.9.0

R. B. S. Pal.....Applicant(S)

Versus

U.O.3.....Respondent(S)

INDEX SHEET

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Certified that the file is complete in all respects.

Signature of S.O.

Signature of Deall. Hand

Central Administrative Tribunal
Registration No. 244 of 1989 (16)

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 244 of 1989 (16)

APPLICANT(S) Shri R. B. S. Pal

RESPONDENT(S) Geological Survey of India

<u>Particulars to be examined</u>	<u>Endorsement as to result of examination</u>
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 ?	Yes
c) Has sufficient cause 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 B.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

Particulars to be ExaminedEndorsement 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? *no*
 Nos. _____ pages Nos. _____ ?

13. Have the file-size envelopes bearing full addresses of the respondents been filed? *yes*

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? *yes*
 b) Under distinct heads? *yes*
 c) Numbered consecutively? *yes*
 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*

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*ok P
118*

(A)

244190 (2)

(A/I)

11-9-90

Hon'ble Justice K. Math. v/c
" Mr. M. Singh A.M.

Due to non-attendance of
Hon'ble Justice K. Math. case is
adjourned to 12-9-90

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8.8.90 17/9/90

(121)
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Central Administrative Tribunal, Circuit Bench,

Lucknow.

Registration (O.A. No. 244 of 1990)

R.B.S. Pal

... Petitioner

vs.

Union of India and others

... Opp. Parties

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

Hon'ble Mr. M.M. Singh, AM

JUDGMENT

(Delivered by Hon'ble Justice K. Nath, VC)

This application under Section 19 of the Administrative Tribunals Act, 1985, is for a direction to the respondents to review the D.P.C. proceedings by which the applicant was denied promotion.

2. The applicant is present in person and points out that he has made a number of representations and the respondents have not replied for almost a year.

3. On a perusal of record we find that while the applicant retired on 30-9-1989, he made his first representation (Annexure-2) on 9-10-1989 to the Secretary, Ministry of Mines & Metal, which was followed by a supplementary representation dated 27-12-1989 (Annexure-3). When the applicant heard nothing, he moved Minister and vide Annexure 4-A he was informed that the ~~Secretary~~ of the Department of Mines was being ~~requested~~ to review the applicant's case and send him a reply. No such reply has been received.

4. We think that the interests of justice would

better be served if the respondents are directed to consider and dispose of the applicant's representations within a specified time.

5. This application is, therefore, disposed of with a direction to the respondent no. 1 to consider and pass final orders on the applicant's representations dated 9-10-1989 (Annexure-2) read with dated 27-12-1989 (Annexure-3) within a period of four months from the date of receipt of a copy of this order.

M. M. S.

(A.M.)

JK

(V.C.)

Dated : Lucknow

September 12, 1990

ES/

(AGLY)

ORDER SHEET

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

Contempt

18

OF 1991 (U)

P. B. & S. Pat

vs.

P. Lahan

Sl. No.	Date	Office Report	Orders
		<p><u>BR</u></p> <p>HC for the applicant bentled Contempt An. No 10/91(L) against the judgement dt 12.9.90 paned by Hon. Justice K. Nath, V.C & Hon. Mr. M. M. Singh.</p> <p>S. P. O.</p> <p>19/4/91</p> <p>Received a copy B. Chakraborty 23/5/91</p>	

(A71)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW.

Contempt No. 18/1991

In

O.A. 244/90

Shri R.B.S. Pal

Applicant.

versus

Shri P. Lahiri (I.A.S.)
and another

Respondents.

Hon. Mr. D.K. Agrawal, J.M.
Hon. Mr. K. Obayya, A.M.

(Hon. Mr. D.K. Agrawal, J.M.)

Applicant in person.

Shri B.D. Chaddha brief holder of Shri G.D. TeWari
for opposite parties.

We have heard the applicant. We have also perused
the judgment dated September 12, 1990 passed in O.A.
244/90 wherein a direction was given for disposal
of the representation of the petitioner dated 9.10.89
read with 27.12.89. We have further perused the order
dated 21.12.90 communicated by Director personnel to
the petitioner that his representation has been disposed
of by the appropriate authority. Thus, from the above
facts we infer that our judgment has been complied with
in as much as representation has been disposed of. The
petitioner may pursue his remedy according to law as
^{Contempt}
advised. The petition is rejected.

A.M.

DR. D. K. Agrawal
J.M.

Shakeel/

Lucknow Dated: 22.4.91.

COMPILATION 1

Page I

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL
BENCH ALLAHABAD AT LUCKNOW.I N D E X

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4. AFFIDAVIT		14-16

COMPILATION-2

5. LIST OF ANNEXURE ENCLOS ED		
6. Representation (Addressed to the dated 9.10.89 Secretary dated New Delhi and D.G. G.S.I. Calcutta ANNEXURE -2.		17-19
7. Representation -do- ANNEXURE-3 Dated 27.12.89		20-21
8. Representation (Addressed to Hon'ble Dated: 12.10.89 Minister of State (Home & Personnel) Ministry of Home, New Delhi) ANNEXURE-4.24A		22-23
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10. Reminder 1 to 7th (Addressed to the Dated 18.11.89, 6.2.90, Secretary, New Delhi 5.3.90, 5.4.90, 9.5.90, and D.G., G.S.I., 5.6.90, & 21.6.90. Calcutta)		25
ANNEXURES-6, 7, 8, 9, 10, 11 & 12.		26-36
11. Reminder 4 Nos. (Addressed to Hon'ble Dated 6.4.90, 9.5.90, Minister, Govt. of 5.6.90 & 21.6.90. India, Ministry of Steel & Mines, New Delhi.		37-40
ANNEXURES- 13, 14, 15 & 16.		
12. Vakalatnama	ANNEXURE - 17.	41

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Q36
18/90

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL
BENCH ALLAHABAD AT LUCKNOW.

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7. Representation Dated 27.12.89 "do" ANNEXURE-3	Page 20-21
8. Representation (Addressed to Hon'ble Dated 12.10.89 Minister of State (Home & Personnel) Ministry of Home, New Delhi) ANNEXURE-4.	Page 22-23 Page 24 24A
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10. Reminder 1 to 7th (Addressed to the Dated 18.11.89, 6.2.90, Secretary New Delhi 5.3.90, 5.4.90, 9.5.90, and D.G., G.S.I., 5.6.90, & 21.6.90. Calcutta) ANNEXURES-6, 7, 8, 9, 10, 11 & 12.	Page 25-36
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contd....2

D. K. Patel

A3/2

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

(FOR USE IN TRIBUNAL'S OFFICE)

Central Administrative Tribunal
Circuit Bench Lucknow
Date of filing 18/10/90
Date of Reg'd 11/10/90
Past
Dep... Registrar (I)
8th Oct
17/10

DATE OF FILING

REGISTRATION NO.

SIGNATURE

REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL
BENCH ALLAHABAD AT LUCKNOW (U.P.)

BETWEEN

R.B.S. PAL

.....APPLICANT.

A N D

1. THE SECRETARY TO THE GOVT. OF INDIA,
MINISTRY OF STEEL & MINES
(DEPARTMENT OF MINES)
SHASTRI BHAWAN,
NEW DELHI - 110001.

2. THE DIRECTOR GENERAL
GEOLOGICAL SURVEY OF INDIA
27, JAWAHARLAL NEHRU ROAD,
CALCUTTA- 700016.

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DETAILS OF APPLICATION

PARTICULARS OF THE APPLICANT:

I. NAME OF THE APPLICANT R.B.S. PAL

III. DESIGNATION AND OFFICE- SUPERANUATED CHEMIST (SR)
IN WHICH EMPLOYED) CHEMICAL DIVISION
GEOLOGICAL SURVEY OF INDIA
NORTHERN REGION, LUCKNOW.

PRESENTLY RESIDING AT A-465 E
H. I. G. INDIRA NAGAR, LUCKNOW.
226016.

IV. OFFICE ADDRESS

BECAUSE OF SUPERANUATION ALL
CORRESPONDENCE TO BE MADE
AT THE RESIDENTIAL ADDRESS
DETAILED ABOVE AT III.

V. ADDRESS FOR SERVICE
OF ALL NOTICES

R. B. S. PAL
A-465 H.I.G.
INDIRA NAGAR
LUCKNOW-226016

PARTICULARS OF THE RESPONDENTS:

No.	DESIGNATION OF THE RESPONDENTS	OFFICE ADDRESS OF THE RESPONDENTS.	ADDRESS FOR SERVICE OF ALL NOTICES.
1.	SECRETARY TO THE GOVT. OF INDIA (MINISTRY OF STEEL & MINES) (DEPARTMENT OF MINES)	SHASTRI BHAVAN NEW DELHI 110001	SHASTRI BHAVAN NEW DELHI. 110001

2. DIRECTOR GENERAL
GEOLOGICAL SURVEY
OF INDIA. 27, JAWAHARLAL
NEHRU ROAD,
CALCUTTA-
700016. 27 JAWAHAR LAL
NEHRU ROAD,
CALCUTTA-
700016.

contd. . . . 4

Dr. B. N. Patel

PARTICULARS OF THE ORDER AGAINST WHICH APPLICATION
IS MADE:-

- I. The application is against the following order:-
The D.P.C. held in October 1988 for promotion of
Chemist (Sr.) to The post of Director (Geochemistry)
in Geological Survey of India.
- II. Against the second D.P.C. held in October, 1989 of
Chemist (Sr.) to the post of Director (Geochemistry)
- III. Against non-disposal of the Representations of
the applicant for his promotion to the post of
Director (Geochemistry) through Annexures Nos.
2, 3, 4 & 5 (Page 17-25) followed by Seven Reminders
to The Secretary, New Delhi & Director General,
G.S.I. Calcutta Annexures Nos. 6, 7, 8, 9, 10, 11
& 12.
- IV. Application to Ministry of Personnel Public
Grievances & Pensions Deptt. of Administrative
Reforms & Public Grievances, Sardar Patel Bhavan,
New Delhi and their reply Annexure 4 and
Annexure 4A (Page 29-34) transmitting the
application to the Ministry of Steel & Mines for
disposal which has not been attended to.
- V. Against Non-Disposal of the Representations
Annexure 5 by The Minister, Ministry of Steel &
Mines, Shastri Bhavan, New Delhi inspite of 4
Reminders Annexure Nos. 13, 14, 15 & 16.

contd.....5

SUBJECT IN BRIEF

I. That the applicant was selected by Union Public Service Commissioner in the March, 1963 as Assistant Chemist and he joined G.S.I. in August, 1963.

II. That the applicant was selected by U.P.S.C. through direct recruitment in March 1966 to the post of Chemist (Jr.) (Class one) which he was allowed to join in June, 1969.

III. That subsequently in October, 1981 the applicant was promoted as Chemist (Sr.) in which post he joined in October, 1981 and continued as such till his superannuation on 30.9.89.

IV. That in October 1988 the respondents held a D.P.C. for promotion to the post of Director (Geochemistry) out of the cadre of Chemist (sr.)

V. It is understood that the D.P.C. was held for selection to the post of Director (Geochemistry), based on Seniority cum fitness subject to rejection of unfit. The D.P.C. cleared the name of six persons synchronising with the available number vacancies. But it was learnt that while recommending the following six persons also recommended the name of the seventh persons in the order of seniority. The seventh name was recommended to be kept in waiting list as described below (in the order of seniority).

1. Shri Vinod Kumar,
2. Shri K.K. Mazi (SC)
3. Shri K.P. Modi (SC)
4. Shri P.R. Paul
5. Shri K.S.K. Rao
6. Shri A.D. Baride
7. Shri H.B. Das (Waiting list)

VI. That the petitioner's name stands at No. 8. just below the name of Shri H.B. Das kept in waiting list out of the above list Mr. A.D. Baride retired on 30.11.88 against which vacancy Shri H.B. Das was appointed in December, 1988. It has to be kept in

mind that Shri A.D. Baride was in office just for one month only after his joining the post on promotion as Director (Geochemistry) (From 1st Nov., 1988 to 30th November, 1988).

VII. That the applicant's name according to seniority stood at No. 8 just below of H.B. Das. In view of this background the applicant's name being within the consideration zone was entitled to be brought in the waiting list.

VIII. The service records of all the 8 persons named above were available to the D.P.C. at the time of finalising the selection and preparation of the waiting list.

IX. That the D.P.C. took into consideration the name of Shri H.B. Das and providing for his promotion through the waiting list knowing fully well that Shri A.D. Baride would last for a tenure of 30 days only (1st Nov. 88 to 30th Nov. 88). This is where the trouble started. The applicant was discriminated by his name not been brought into the waiting list. There was enough material available to the D.P.C. to foresee the date of superannuation of Shri A.D. Baride to visualise the certainty of the anticipated vacancy calling for provision to fill in that vacancy which they appear to have done by placing Shri H.B. Das in the waiting list.

X. The next vacancy occurred on 1st March, 89. Again a second and third vacancy occurred on 1st April, 1989. All the above three vacancies occurred within a period of six months from the date of holding the D.P.C. in October, 1988. Non-inclusion of the name of the applicant foreclosed the opportunity of promotion to the applicant. The applicant has a strong feeling that inspite of his seniority and eligibility his case was

D. Barde

purposefully neglected to shut him out. The panel prepared by D.P.C. being valid for the period of six months it was necessary to make provision of the above described three vacancies caused by retirement of Shri K. M. S. Bhattadripad Director (Geochemistry) on 28.2.89, Shri C.S. Krishnan Director (Geochemistry) on 31.3.89 and due to the promotion of Shri K. Venkaji Director (Geochemistry) to the post of Dy. Director General in the first week of April, 89. At least two of the above vacancies arising out of retirement of incumbents were in full knowledge of the respondents and D.P.C., their intentions by overlooking the records of the outgoing incumbents without making provisions for filling up of these vacancies is questionable. Had the respondents been fair and just they would have made provision keeping the above in mind. This could have helped in not inflicting this wrong upon the applicant by stagnating as a Chemist (sr.) till his retirement.

XI. The applicant fell victim to the above well calculated planning to shut him out inspite of his merit and seniority.

XII. Had the waiting list taken into consideration the above facts the applicant would have been able to get his promotion on the occurrence of the second vacancy on 28.2.89. The previous one occurring on 30th Nov., 88 going to Shri H.B. Das standing at seventh position just one position above the applicant.

XIII. The above wrong was further perpetuated against the applicant by not holding a fresh D.P.C. until his retirement on 30.9.89 after seven months. In the alternative if the respondents has placed his name in the waiting list alongwith Shri H.B. Das he would have got the promotion straight away on 1st March, 89 falling within the period of validity of the D.P.C. proceedings lasting six months.

contd....8

JURISDICTION OF THE TRIBUNAL

(2) The applicant declares that the subject matter of the inaction through discrimination and persistent / by the Respondents. refusal to dispose of his representations/is within the jurisdiction of the Tribunal.

L I M I T A T I O N

(3) The applicant avowedly declares that this application is within the limitation prescribed in Section 21 of the Administrative Tribunal Act, 1986, the wrong done to him is of recurring nature affecting his emoluments and pension.

(4) FACTS OF THE CASE

I. The applicant joined G.S.I. in August, 1963 as as Asstt. Chemist. Consequent to it he was selected by U.P.S.C. in March, 1966 to the post of Chemist (Jr) class one and was allowed to join in June, 1969. Following to it he was promoted as Chemist (Sr.) through D.P.C. and took over the charge of the post in October, 1981 and has since been stagnating at this stage until his superanuation on 30.9.89.

II. That the stagnation was a direct result of indifferent handling of the situation by the Respondents overlooking basic requirements to meet elementary principles extending justice to the employees.

III. The mischief started in October, 1988 while the respondents held a D.P.C. for selection of six Directors (Geochemistry) out of the cadres of Chemist (Sr) based on seniority and fitness subject to rejection of unfit.

IV. Accordingly the following six persons in the seniority order were selected and a seventh man just

R.B. Patel contd....9

below them in seniority was kept in the waiting list as reflected below:-

1. Shri Vinod Kumar
2. " K.K. Mazi (SC)
3. " K.P. Modi (SC)
4. " P.R. Paul
5. " K.S.K. Rao
6. " A.B. Baride
7. " H.B. Das (waiting list).

V. According to the seniority list the applicant's name stands at Sl. No.8 in the above continuation as on 1.9.88 in the cadre list of Chemist (Sr.) . Annexure I.

VI. It is presumed, as provided in the recruitment rules the D.P.C. while considering the promotions was required to consider at least 24 eligible candidates falling within the category of consideration zone along with their complete records of service and background, including the date of their retirement. This also proves that at the time of finalisation of list the D.P.C. was fully aware of dates of superanuation of the selected candidates and those covered within the consideration zone. Obviously they appeared to have overlooked this by adopting a preferential consideration to Shri H.B. Das by placing him alone in the waiting list ignoring the claim of the applicant standing just below Shri H.B. Das at the 8th position according to seniority.

VII. There are no logical reasons for adopting this pick and choose method shutting out the applicant, overlooking his claim.

VIII. Following to the holding of D.P.C. in October, 88 three vacancies arose due to superanuation and promotion of Shri K. Venkaji to the post of Deputy Director General (geochemistry) on first week of April and retirement of Shri K.M.S. Bhattadripad Director (Geochemistry) on 28.2.89 and Shri C.S. Krishnan Director (Geochemistry) on 31.3.89. Thus it reveals that the three vacancies



contd....10

occurred within six months of holding the D.P.C. in October, 1988. This also goes to show that if the respondents has not been preferential in keeping the name of Shri H.B. Das in the waiting list overlooking the others just below him in the seniority list. The applicants' position being at No. 8 just below Shri H.B. Das was thus discriminated and was methodically eliminated and shut out.

IX. The above proves that the applicant was dealt in an unfair way calculatedly. This is further corroborated by the fact that the Respondents purposely did not hold a second D.P.C. until the superanuation of the applicant to deprive him the benefit of promotion.

5. RELIEF (S) SOUGHT

In view of the facts submitted above the applicant most respectfully prays for the following reliefs:-

I. Direction to be issued to the Respondents to review the D.P.C. proceedings held in October, 1988 with directions to include applicant's name in the revised waiting list on the basis of seniority cum fitness subject to the rejection of unfit. By virtue of his seniority at the 8th position the applicant was fully entitled to be brought in the waiting list, for promotion as Director (Geochemistry).

II. Since, because of the superanuation of the applicant w.e.f. 30.9.89 he cannot be physically restored to the position of the Director (Geochemistry) the Respondents be ordered to fix his pay and financial benefits w.e.f. 1st March, 89 retrospectively alongwith directions to revise his pension and other benefits accruing to him with interest.

contd.....11

R.B. Das

6. INTERIM ORDER, IF PRAYED ANY

7. DETAILS OF REMEDIES EXHAUSTED:

I. 1. Representation addressed to the Secretary New Delhi
Dated 9.10.89 and D.G., G.S.I. Calcutta (Annexure 2)

2. Representation -do- -do- (Annexure 3)
Dated 27.12.89

3. Representation Addressed to Hon'ble Minister of
Dated 12.10.89 State (Home & Personnel) Ministry
of Home, New Delhi.
(Annexure 4)

4. Representation Addressed to Hon'ble Minister
Dated 6.3.90 Ministry of Steel & Mines,
Govt. of India, New Delhi.
(Annexure 5).

5. Reminders 1 to 7 Addressed to The Secretary,
Dated: 18.11.89, New Delhi and D.G., G.S.I.,
6.2.90, 5.3.90, Calcutta (Annexure, 6, 7, 8, 9, 10, 11
5.4.90, 9.5.90, and 12).
5.6.90, and
21.6.90

6. Reminders 4 Nos. Addressed to the Hon'ble
Dated 6.4.90, Minister, Govt. of India,
9.5.90, 5.6.90, New Delhi.
& 21.6.90 (Annexure 13, 14, 15, and
16).

II. Inspite of the above numerous representations and
Reminders from the level of Director General, Secretary
to the Ministry, The Hon'ble Minister and the Ministry
of Grievances the (Dept. of Home), the applicant has
not been communicated any reply regarding disposal of the
representations. It is for this reason that the applicant
has moved this petition before this Hon'ble Bench of the
Tribunal.

8. MATTER NOT PENDING WITH ANY COURT :

No other case has been filed on the subject
matter neither any proceedings are pending in any other
court.

xx

R.S.R

contd.....12

A/3/13

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

(1) Number of I.P.O. : 8 02 423409 Dt. 30.7.90
for Rs 50/- only

(2) Name of Issuing Post Office : Ram Sagar Misra Nagar, Lucknow.

(3) Date of issue of I.P.O. : 30.7.1990.

(4) Post Office at which payable. : G.P.O. Allahabad.

10. DETAILS OF INDEX :

An index in ~~Duplicate~~ Duplicate containing details of documents to be relied upon is enclosed
(Page 1-2).

11. LIST OF ENCLOSURES APPENDED AT PAGE 1

12. VERIFICATION :-

I, R.B.S. Pal S/O Late Sri R.C. Pal aged about 59 years, superanuated Chemist (Sr.) Geological Survey of India, Northern Region, Lucknow, Resident of A-465 H.I.G. Indira Nagar, Lucknow, do hereby verify that the contents of proforma from 1 to 12 of the petition are true to my personal knowledge and belief and that I have not suppressed any material fact.

Lucknow

Dated: 1st Aug. 1990


Signature of the Applicant.

TO,

THE REGISTRAR,
CENTRAL ADMINISTRATIVE TRIBUNAL,
ADDITIONAL BENCH, ALLAHABAD,
AT LUCKNOW.


Signature of the Applicant.

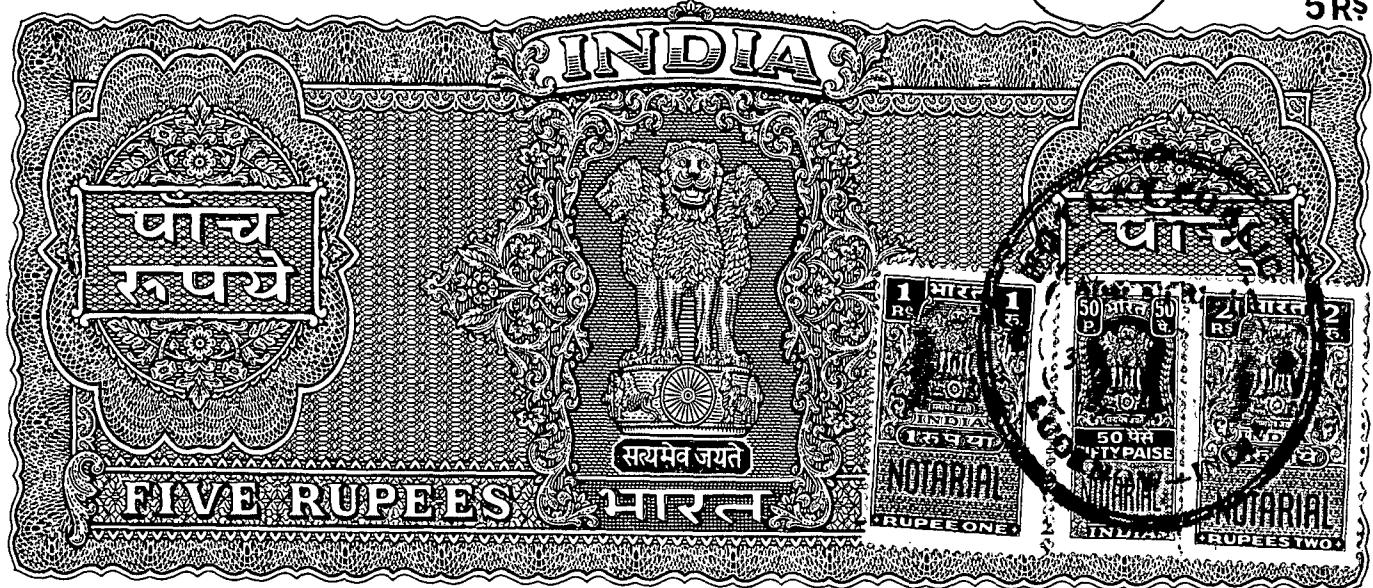
An extract of the Seniority list of the officers
in the grade of Chemist(Sr.) as on 1.9.1988 in
G.S.I. :-

1. Shri Vinod Kumar
2. Shri K.K. Mazi (SC)
3. Shri K.P. Modi (SC)
4. Shri P.R. Paul
5. Shri K.S.K. Rao
6. Shri A.D. Baride
7. Shri H.B. Das
8. Shri R.B.S. Pal
9. Shri A.K. Khandekar
10. Shri M. Roy
11. Shri G.P.S. Nair
12. Shri S.S. Lal

ATTESTED TRUE COPY

YDmud 1.8.90
(G. D. Tewari) Advocate

Qashel



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH,
AT LUCKNOW (U.P.)

BETWEEN

R.B.S. Pal..... Applicant

AND

1. Secretary
to Govt. of India,
Ministry of Steel & Mines,
(Department of Mines),
Shastri Bhawan,
New Delhi.
2. The Director General,
Geological Survey of India,
27 Jawahar Lal Nehru Road,
Calcutta. Respondents.

A F F I D A V I T

I, R.B.S. Pal S/O Late R.C. Pal aged about 59 years,
superannuated as Chemist (Sr.) Geological Survey of India,
Northern Region, Lucknow resident of A-465 H.I.G. Indira
Nagar Lucknow declare on oath:-

AFSAR ALI RIZVI
Advocate & Notary
M. Asharabad Deen Dyal Road
LUCKNOW-2

30-7-98

1. That the applicant entered Geological Survey of India on 22.8.1963 as Assistant Chemist through direct selection by Union Public Services Commission in the scale of Rs.350-900 now revised to 2000-3500.

(contd..Page...2..)

R.B.S. Pal

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AU/3/

2. That, again through direct recruitment by Union Public Service Commission was selected as Chemist(Jr.) in the scale of Rs.400-950 now revised to Rs.2200-4000 and, was allowed to join the post on 9th June, 1969.
3. That following to the above the deponent was promoted as Chemist (Sr.) in the scale of Rs.1100-1600 now revised to Rs.3000-4500 and joined the post on 21.10.1981 continued as such until superanuation on 30.9.89.
4. That in October, 1988 the Respondents held a D.P.C. for selection of Directors (Geochemistry) from the cadre of Chemist (Sr.) based on seniority cum fitness subject to the rejection of unfit.
5. That the D.P.C. selected six persons to the post adding the seventh man in the waiting list in the order of seniority.
6. That the sixth man (Shri A.D.Baride) retired within one month of taking over the charge of the Director (Geochemistry) thus enabling the 7th man (with solitary name in the waiting list) was also promoted as Director (Geochemistry).
7. That 3 vacancies accrued in the cadre of the Directors (Geochemistry) in the month of 28.2.89, 31.3.89 because of superanuation and promotion.
8. That on the date of holding D.P.C. the deponent's name stood at No. 8 according to the seniority list.
9. That by limiting the list of the waiting list to only one person's name just one position above the deponent, he was purposefully shut out from the promotion.
10. There are no logical reasons for this special treatment for the seventh man above to be placed in the

.....3--

AFSAR ALI RIZVI
Advocate & Notary
Ahsanabad Deen Dowl Road
LUCKNOW
30.7.90

R.B.R.

16
A4/4

waiting list.

11. That on the date of holding D.P.C. the Respondents were fully seized of the position of the expected vacancies likely to arise in March 89 and April 89.

12. That due to this discrimination and indiscreet action the deponent was made to suffer stagnation, indignity and financial loss.

13. That 3 vacancies arose within six months period of holding the D.P.C. and the period of validity of the list the Respondents purposefully acted in the above way to keep him out.

14. That the Respondents were fully aware of the likely 3 vacancies arising soon, their intentions in keeping only one single person in the waiting list is malacious.

15. That in view of the above there does not appear any logical reason to keep only one man in the waiting list.

16. That the deponent being at the 8th position would have been in, if the waiting list had been prepared in with the ensuing vacancies in the cadre of Director (Geochemistry).

17. That the entire exercise was arbitrary, discriminatory to keep the deponent out and in violation of the principles of natural justice besides being illegal.

That the contents of para 1-17 are true to my personal knowledge based upon the records and I believe those to be true and no part of it is falls and nothing material has been concealed. So help me God.

Lucknow:

Dated: 30.7.1990

That the applicant is known to me and has signed in my presence.

Q.B. Rizvi
DEPONENT. 387

Q.B. Rizvi
ADVOCATE. 387

To

The Secretary,
 Ministry of Mines & Metal,
 Govt. of India,
 Shastri Bhawan,
 New Delhi.

THROUGH: Director General G.S.I. Calcutta.

Sub:- Arbitrary suppression in Promotion to the post of Director
 (Geochemistry) G.S.I.

Sir,

The brief facts of this case are submitted below for kind consideration and redressal of the injustice done in my case.

1. That I was selected by U.P.S.C. in the year 1963 March as Assistant Chemist and I joined G.S.I. in August 1963.
2. That I was selected by U.P.S.C. in March 1966 to the post of Chemist (Jr.) Class I which I was allowed to join in June 1969.
3. Subsequently in October 1981 I was promoted as Chemist (Sr.) which I joined in October 1981 and continued as such till my superannuation on 30.9.89.

My troubles started in October 1988 with the holding of D.P.C. for the selection of 6 posts of Director (Geochemistry) in October 1988. It is understood that 6 persons seniority wise were cleared and a seventh person named Shri H.B. Das was cleared was kept in the waiting list. The following 6 persons were cleared:

1. Shri Vinod Kumar.
2. " K.K. Mojhi (SC)
3. " K.P. Modi (SC)
4. " P.R. Paul
5. " K.S.K. Rao
6. " A.D. Baride
7. " H.B. Das waiting list.

According to the above dispensation Mr. Baride retired on 30th November 1988. in whose place Mr. H.B. Das was given the appointment in December 1988. It has to be kept in mind that Mr. Baride retired within a month of joining the post.

Contd...2



-2-

(1st November to 30th November 1938). My position being 3th I was entitled to be considered in the D.P.C. held above.

In the meanwhile Mr. K.M.S. Bhattacharjee Director (Geochemistry) retired on 28.2.39 and besides arising two more vacancies due to retirement of Mr. C.S. Krishnan Director (Geochemistry) on 31st March 1939 and promotion of Mr. K. Venkajee Director (Geochemistry) in March 1939.

In view of the above it can be clearly seen that instead my position being 3th in seniority list as on October 1938 my case was purposely overlooked while preparing the waiting list in October 1938 DPC for Director (Geochemistry). This fact is clearly visible from the dispensation made by DPC in placing Mr. H.B. Das in the waiting list absolutely in the absence of any vacancy in the cadre. Rather his name was placed in the waiting list in anticipation of a likely vacancy to arise consequent to superannuation of Mr. Baride in November 1938 end.

I was discriminated in not being brought into the waiting list in the circumstances explained above to show the likely vacancies to arise on the date. The waiting list prepared as above is irregular and smacks of bias in overlooking my interests. It is not understood as to how with no vacancy existing on the date of DPC how Mr. H.B. Das could be brought into the waiting list overlooking my candidature when both of us stood on the same ground.

My merit and seniority being unquestioned non-inclusion of my name in the waiting list is clearly indiscreet and discriminatory besides being prejudicial. I was well within the consideration zone on the date of DPC and deserved to be treated at par with Mr. H.B. Das.

The number of vacancies arising within the next 3 months from the date of holding DPC there was no justification to treat me differently.

Had the DPC taken a fare stand while putting Mr. H.B. Das in the waiting list against an expected vacancy there is no justification in treating me otherwise when I fulfilled all the requirements



Contd...3

-3-

Therefore in the interest of Natural Justice and in all fairness I am entitled to be promoted w.e.f. March 1989 consequent to the retirement of Mr. K.M.S. Bhattatripad who retired as Director(Geochemistry) on 28th Feb. 1989.

The above indiscreet action has deprived me of the promotion to the post of Director(Geochemistry) (in the 36th year of my continuous Govt. services) with recurring substantial loss in my emoluments both during the service as well as after superannuation.

I earnestly hope that just and suitable amends shall be extended to me even now for which I shall be grateful to you.

Yours faithfully,

R.B.S.PAL
(R.B.S.PAL) 9/10/89

Lucknow:

9th October, 1989

Address:

R.B.S.PAL,
A-465 H.I.C
Indira Nagar,
Lucknow-226016.

ATTESTED TRUE (CITY)

(G. D. Tewari) Advocate 1. 8. 90
Yadav

R.B.S.PAL

Annexure 3

To,

Dated: 21st Dec., 1989

The Secretary,
Ministry of Steel & Mines,
Government of India,
Sastri Bhawan,
New Delhi - 110 001

✓ Through: Director General G.M.I. Calcutta.

Subject: Arbitrary Suppression in promotion to the post of
Director(Geochemistry) G.M.I.

Sir,

In continuation to my representation dated 5.10.89, I am herewith submitting a fresh copy of my representation, in view of non-receipt of any acknowledgement or reply thereto from your end even after expiry of a period of more than two months.

The brief facts of this case are submitted below for your kind consideration and redressal of the injustice done to my case.

1. That I was selected by U.P.S.C. in the year 1963^{March} as Assistant Chemist and I joined G.M.I. in 1963^{August}.
2. That I was selected by U.P.S.C. in March, 1966 to the post of Chemist(Jr.) class I which I was allowed to join in June, 1969.
3. Subsequently in October, 1981 I was promoted as Chemist (Sr.) which I joined in October, 1981 and continued as such till my super annuation on 30.9.89.

My trouble started in October, 1988 with the holding of U.P.S.C. for the selection of 6 posts of Director(Geochimistry) in October, 1988. It is understood that 6 persons seniority wise were cleared and a seventh person named Shri H.B. Das was kept in the waiting list. The following 6 persons were cleared:-

1. Shri Vinod Kumar
2. Shri K.K. Majhi(SC)
3. Shri K.P. Modi (SC)
4. Shri P.R. Paul
5. Shri K.S.K. Rao
6. Shri A.D. Baride
7. Shri H.B. Das waiting list.

According to the above dispensation Mr. Baride retired on 30th November, 1988 in whose place Mr. H.B. Das was given the appointment in December, 1988. It has to be kept in mind that Mr. Baride retired within a month of joining the post (1st November to 30th November, 1988). My position being 6th I was entitled to be considered in the U.P.S.C. held above.

In the meanwhile Mr. K.M.S. Bhattacharya, Director (Geochimistry) retired on 28.2.89 and besides arming two more vacancies due to retirement of Mr. C.S. Kapat, Director(Geochimistry) on 31st March 1989 and promotion of Mr. K. Venkatesh Director(Geochimistry) in March, 1989.

Q.B.Hal.

contd...2...

-2-

In view of the above it can be clearly seen that instead my position being 8th in seniority list as on October 1988 my case was purposely overlooked while preparing the waiting list in October, 1988 L.P.C. for Director(Geochemistry). This fact is clearly visible from the dispensation made by L.P.C in placing Mr. H.B. Das in the waiting list absolutely in the absence of any vacancy in the cadre. Rather his name was placed in the waiting list in anticipation of a likely vacancy to arise consequent to superanuation of Mr. Baride in November, 1988 end.

I was discriminated in not being brought into the waiting list in the circumstances explained above to allow the likely vacancies to arise on the date. The waiting list prepared as above is irregular and smacks of bias in overlooking my interests. It is not understood as to how with no vacancy existing on the date of L.P.C how Mr. H.B. Das could be brought into the waiting list overlooking my candidature when both of us stood on the same ground.

My merit and seniority being unquestioned non-inclusion of my name in the waiting list is clearly indiscreet and discriminatory besides being prejudicial. I was well within the consideration zone on the date of L.P.C and deserved to be treated at par with Mr. H.B. Das.

The number of vacancies arising within the next 6 months from the date of holding L.P.C there was no justification to treat me differently.

Had the L.P.C taken a fair stand while putting Mr. H.B. Das in the waiting list against an expected vacancy there is no justification in treating me otherwise when I fulfilled all the requirements.

In order to expose the above calculated endeavour to purposely eliminate my chance of promotion instead of 3 vacancies in the cadre of the Director(Geochemistry) arising in March, 89 & April, 89, no L.P.C was held for these until my superanuation on 30th September, 1989. This clearly reveals that D.P.C. was purposely delayed or not held just to keep myself out. Thus it is fully revealed that a strong prejudice with an element of discrimination was the main factor in the above mechanism to suppress my promotion.

The D.P.C. so far held up was soon after my retirement and four officers junior to myself were promoted by this D.P.C. which was purposely held up to keep myself out to feed the prejudice of the powers presiding over the fate of the G.S.I. officers.

Therefore in the interest of natural justice and in all fairness I am entitled to be promoted w.e.f. March, 89 consequent to the retirement of Mr. K.M.S. Bhattadripud who retired as Director(Geochemistry) on 28.2.89 afternoon.

The above indiscreet action has deprived me of the promotion to the post of Director(Geochemistry) (in the 36th years of my continuous govt. service) with recurring substantial loss in my emoluments both during the service as well as after superanuation.

I earnestly hope that just & suitable amends should be extended to me even now for which I shall be grateful to you.

Address:-
RBS Pal
A-465 A-14
Indira Nagar
Lucknow Pin 226016
(del)

ATTESTED TRUE COPY
18th Aug 1.8.90
(G. D. Tewari) Advocate (H.B.S. Pal) 27/12/89
Yours faithfully,
Rashel
(Signature)

To

The Hon'ble Shri P. Chidambaram.
Minister of State (Home & Personnel),
Ministry of Home,
Govt. of India,
NEW DELHI.

Sir,

I enclose a copy of my representation dated 9th Oct. 1989 addressed to the Secretary, Ministry of Mines and Metals and the Director General G.S.I. Calcutta.

The contents may kindly be perused for redressal of the wrong done to me.

I have put in more than 36 years of service to the Govt. of India dedicating to the best part of my life and youth in its service.

I was appointed in G.S.I. through UPSC as Assistant Chemist Class II and in the next stage of promotion too I got selected through the UPSC to Class I (Junior) in March 1966 and was actually allowed to take charge in June 69 almost three years after selection.

Finally in 1981 I was promoted to Sr. Class I by D.P.C. and I joined in October 31 the same year.

Ever since then I have been stagnating in this post as senior chemist for over eight years until my super-annuation on 30.9.89 A.N.

It is rather said that inspite of vacancies arising in the next cadre, due to in-action and manœuvrings, I was deliberately kept out.

Contd...2

-2-

Under similar circumstances others were granted promotions by manavouring D.P.C., discriminating against myself by being treated in a different way. Sir, I am aware that no one can constitutionally make claims for the post, my submission is that no one is to be discriminated and treated in a different way under similar set up of circumstances.

People have even been given an opportunity to hold the post for just a month ending in the Superannuation. Therefore I appeal to you to advice appropriate authorities to rectify the injustice done to me by overlooking my merit and seniority. I claim that even after superannuation the above wrong done to me calls for the rectification even though physically I cannot be restored to the post of Director the financial and pecuniary recurring loss in my pay & pensionary benifits shall at least be restored. This is possible at this stage without creating any administrative problems in the interest of justice.

I earnestly hope that you will very kindly take necessary steps in the mattar for undoing the wrong.

For this act of kindness I shall feel grateful.

Thanking you,

Yours faithfully,

(R.B.S.PAL)

Lucknow

Dated: 12.10.1989.

A-465 H.I.G.
Indira Nagar, Lucknow.
-226016.

ATTESTED TRUE (C1)

(G. D. Tewari) *Advocate* 1.8.93

Q.B. Nal



Annex 4A



Page 24

Aut 12

F. No. 64875/3/DOM/PG-89

Ministry of Personnel, Public Grievances and Pensions
(Department of Administrative Reforms & Public Grievances)

Sardar Patel Bhavan,

Sansad Marg,
New Delhi-110001.
Dated: 9/11/89

To

Shri R.B.S. Pal
A-465, HIG,
Indira Nagar,
Lucknow - 226016.

Subject: Service matters (other than those relating to disciplinary action).

Sir,

I am directed to refer to your letter dated 12/10/89, on the subject mentioned above, and to inform that

The Secretary
Dept. of Mines
Shastry Bhawan
New Delhi

who are concerned in the matter, have been requested, vide this Department's letter of even number, to review your case and send you a reply,

Assuring you of our full consideration.

Yours faithfully,

Sir.

Under Secretary to the Government of India

ATTEND TO THIS CITY
Yours 1.8.90
(G. D. Tewari) Advocate

Q.B.R.

A. 6.3.90

A.Y/13

Hon'ble Sri. Dinesh Goswami
 Ministry of Steel & Mines,
 Government of India,
 New Delhi.

Sir,

I am sorry that I have been compelled to write this personally for drawing your kind attention, due to the failure of the Director General G.S.I. or even the Secretary of the ministry to reply my Representations dated 9.10.89 & 27.12.89 (Encls I & II) and the reminders dated 18.11.89 6.2.90 & 5.3.90 (Encl III, IV and V)

Fully aware of your heavy preengagements I am left with no option but to bring the matter to your personal notice. The Director General G.S.I. and the Secretary from either ends there is complete bhaokout, They do not reply to my Representations inspite of repeated reminders.

To be brief I would request you to kindly go through the encl. 1 & 2 and be kind enough to direct bothe the above authorities to dispose of my Representations and convey there decision to me without keeping me waiting further.

In spite of the observations made by "Mandal Commission" even persons covered under the report are being treated deliberately in this disreminatory and shabby manner ignoring there merit and seniority and at the time of promotions.

Ending with best and sincere regards, I request you to kindly direct the above noted officers to give me a quick reply.

Thanking you,

Yours sincerely,

R.B.S. Pal 6/3/90
 (R.B.S. PAL)

From:

R.B.S. Pal Retd. Chemist(Sr.) G.S.I.
 A-465, H.I.G.
 Indira Nagar Lucknow-226 016

ATTESTED TRUE 1.8.90

G.D. Tewari Advocate 1.8.90

R.B.S. Pal

REMINDER I

From: R.B.S. Pat. Reld. Chemist (S.)
A-465 H.I.G
Indira Nagar
Bucknow

18/11/89 Page 26

Arg/14

Annexure 6

To,
The Secretary
Ministry of Steel & Irons
Govt of India
New Delhi

Subject:- Reminds to my Representation dated 9.10.89

Sir,

I invite your kind attention to my representation referred to in the subject above.

Since the matter carries importance and urgency for disposal as it is directly linked with my financial benefits after my superannuation, the matter calls for immediate disposal.

I write this reminder to impress the urgency and shall feel grateful to be communicated about your decision without further delay.

Yours faithfully
Rakesh

(Rakesh) 18/11/89

ATTESTED TRUE COPY
18/11/89
(G. D. Tewari) Advocate

Rakesh

From: R. B. S. Post Recd. Chem (tr)
A-465 H.14
Indira Nagar
Delhi

Revd. II

of 6/2/90 Page 29

AM/IS

Annexure Y

To:

The Secretary
Ministry of Steel & Hmg
Govt. of India
New Delhi

Sir

This is to draw your kind attention to my representations dated 9.10.89 and the remainder 18.11.89 followed by a fresh copy of the representation dated 29.12.89.

Acknowledgments have been received from the Ministry as well as D.G. I.G.I. but no reply has come from either of the sources.

I take this opportunity to request you and the D.G. I.G.I. for expeditious disposal of my representation.

I may also take this opportunity to remind you that my representation addressed to you with a copy to The Minister of State Dep'tt. of Personnel & Government was also forwarded by him to you for necessary review. I may also be enlightened about the action taken therein.

ATTESTED TRUE : C.Y
(G. D. Tewari) Advocate

YDm of 1.8.90

Yours faithfully

Rashad

6/2/90
(RBS Rashad)

Rashad

A4/16

From: R. B. S. Park (R.M. & C.I. (b))
 A-465 H. 1.4
 Indira Nagar
lucknow

Reminder III

6/3/90

Annex 8

To, The Secretary
 Ministry of Steel and Mines
 Government of India
 New Delhi - 110001

Subject: Arbitrary Suppression in Promotion to the post of
 Director (Geo-chemistry) G. S. I.

Sir,

I am to draw attention to my Representations dated 9.10.89 & 27.12.89 followed by Reminders dated 18.11.89 & 6.2.90

I am sorry to say that I have not been favoured with any reply till date.

Through this reminder I am drawing your attention to the matter once again to avoid the complexities arising out of this situation, due to lack of no reply from your end.

Yours faithfully

R. B. Park

ATTESTED THIS COPY

5/3/90

G. D. Tewari, Advocate

1.8.90

R. B. Park

Page 29
A4/17

from: R. B. S. Pal Reminder 17 q.c 5/4/90 Rashed
A - 465 H.I.T
Indira Nagar
Lucknow - 226016
5/4/90
Annexure 9

To: The Secretary
Ministry of Steel & Mines
Govt. of India
New - I delhi - 110001

Subject: Arbitrary Suspension in Promotion to the
Post of Director (Geochemistry) G.S.I

Sir,
I am to draw attention to my representation
dated 9.10.89 & 27.12.89 followed by Reminders
dated 18.11.89, 6.2.90 & 5.3.90.

I am sorry to say that I have not been favoured
with reply from your end till date

Through this reminder I am drawing your
attention to the matter once again to avoid the
complexities arising out of this situation, due to
lack of no reply from your end.

I request you to look the matter urgently
and reply.

Yours faithfully

Rashed

ATTESTED TRUE
M. D. Tewari
(G. D. Tewari) Advocate 1.8.90 5/4/90
(R. B. S. Pal)

Rashed

Reminder II

9/5/90

From: R. B. S. Pal

Rehd Chandi (S.)
 A- 463 H. I. G.
 Indira Nagar
 Lucknow - 226016

Annexure 10

To:

The Secretary
 Ministry of Steel & Mines
 Govt of India
 New - Delhi

Subject: - Arbitrary Suspension in Promotion to the
 Post of Director (Geocanty) G.S.I.

S:

I am to draw attention to my Representation dt
 9.10.89 & 27.12.89 followed by Reminders dated
 18.11.89, 6.2.90, 5.3.90 & 5/4/90

Through this reminder, I am drawing your attention
 to the matter once again to avoid the complexities
 arising out of the situation, due to lack of no
 reply from your end.

I request you to treat the matter urgently
 and reply.

Yours faithfully

R. B. Pal

R. B. Pal

ATTESTED TRUE COPY
 Uddhav
 (G. D. Tewari) Advocate 1. 8. 90

Reminder VI

5/6/90

(From: R. B. S. Pal
 Retd. Chemist (Sr.)
 A-465 H.I.G.
 Indira Nagar
Lucknow - 226016

Annexure II

To, The Secretary
 Ministry of Steel & Mines
 Govt. of India
 New Delhi -

Subject: Arbitrary Suppression in Promotion to the
 Post of Director (Geochemistry) G.S.I

Sir, I am to draw attention to my Representation
 dated 9.10.89 & 27.12.89 followed by Reminders
 dated 18.11.89, 6.2.90, 5.3.90, 5.4.90 and 9.5.90.

Through this reminder I am drawing your
 attention to the matter once again due to lack
 of no reply from you end even after 9 months.
 I request you to hear the matter urgently
 and reply.

Yours faithfully
 R. B. Pal
 R.B.S. Pal

ATTESTED TRUE
 18th June 1990
 (G. D. Tewari) Advocate

R. B. Pal

A.Y/20

From - R. B. S. Pal
 Regd. Chemist (S2)
 A- 465 H. I. G.
 Indira Nagar
 Lucknow - 226016

Registered
Reminder no 9

~~Recd. 21.6.90~~
 21.6.90

Annex 12

T₆

The Secretary
 Ministry of Steel & Mines
 Government of India
 Shaheed Bhawan
 New-Delhi - 110001

Subject:- Arbitrarily Suspension in promotion to the post of
 Director (Geochemistry) 2.51.

Sis,

This has a reference to my Representations dated
 9.10.89 & 27.12.89 followed by Six reminders dated
 18.11.89 6.2.90, 5.3.90, 5.4.90, 9.5.90 & 5.6.90 seeking
 your kind reply in the matter.

It is rather surprising that the matter thus
 remained unattended at your level for the last
 nine months. It is sad and disappointing to see
 the absolute silence from your end.

This is going to be my last reminder requesting
 you for a reply. Under these circumstances, you would
 be compelling myself to seek remedy from some
 other appropriate forum at your cost with damages.

ATTESTED TRUE (C/T)
 1.8.90
 (G. D. Tewari) Advocate

Yours faithfully

R. B. S. Pal

31.6.90

R. B. S. Pal

From: R.B.S. Paul (Rehd Chaudhary)
A-465 H.L.G
Indira Nagar
Mumbai - 400010

Reminder!

18.11.89

Page 33 (A4/21)

Annexure 6

To: The District General
Geological Survey of India
27 J. L. Nehru Road
Calcutta

Subject: - Remind to my representation dated 9/10/89

Sir,

I invite your kind attention to my representations referred to in the subject above.

Since the matter carries importance and urgency for disposal as it is directly linked with my financial benefits after my superannuation, the matter calls for immediate disposal.

Invite this reminder to express the urgency and shall feel grateful to be communicated about your decision without further delay.

ATTESTED TRUE COPY
YD Jhunjhunwala 1.8.90 Your faithfully
G. D. Tewari, Advocate Roshel
RBS P. P. 18/11/89

From: RBS Paul
A-465 H.L.G
Indira Nagar (Rehd Chaudhary)

Reminder II

6-1-90

Annexure 7

To: The District General
Geological Survey of India
27 J. L. Nehru Road
Calcutta

Subject: - Remind to my representation dated 9/10/89 & 27.12.89

Sir,

I am to draw your attention to my representations dated 9/10/89 & 27.12.89 followed by a fresh representation dated 27.12.89.

Acknowledgments due have been received from Ministry Govt. as well as D.G. G.S.I. but no reply has come from either of the sources.

I take this opportunity to request you & D.G. Govt. for expeditious disposal of my representation.

I may also take the opportunity to remind you that my representation addressed to you will a copy to The Minister of State Deptt. Personal & Young was also forwarded by him to you for necessary review. I may also be enlightened about the action taken thereon.

ATTESTED TRUE COPY

YD Jhunjhunwala 1.8.90 Roshel
G. D. Tewari, Advocate Roshel
RBS P. P. 18/11/89

Roshel

Reminder III
From: RSS Pole Road Chauri (A)
P-465 H.1.G
Indira Nagar
Kurukshetra
5/3/90

Reminder IV of 5/3/90
From: R. B. S. Pal
A-465 H.1.G
Indira Nagar
Kurukshetra - 226016

To, The Director General
Geological Survey of India
27 J. L. Nehru Road
Calcutta

Subject:- Arbitrarily Appressed in Promotional letter of
22nd Oct (Geodetic Survey) G.S.I.

Sir, I am to draw attention to my Representations of
9/10/89 & 27/12/89 forwarded by Reminders dated 18/11/89
9/6/90

I am sorry to say that I have not been favoured
with reply to date
Through this reminder, I am drawing your attention
to the matter once again to avoid the complication
arising out of this situation, since the lack of no
reply from you end.

ATTESTED THIS COPY IS FOR YOUR
REFERENCE 1.8.90
(G. D. Tewari) GD 5/3/90



To, The Director General
Geological Survey of India
27 J. L. Nehru Road
Calcutta - 700016
Subject:- Arbitrarily Suppressed in Promotion to West Bengal
of Director (Geodetic Survey) G.S.I.
Sir, I am to draw attention to my Representations
dated 9.10.89 & 27.12.89 followed by Reminders
dated 18.11.89 & 6.2.90 & 5.3.90
I am sorry to say that I have not been favoured
with reply from you end his date
Through the reminder, I am drawing your
attention to the matter once again to avoid the
complications arising out this situation, due to
lack of no reply from you end.
I request you to let me know
and reply TRUE COPY
ATTESTED TRUE COPY 4
4/8/90
(G. D. Tewari) GD 5/3/90

4/8/90
(G. D. Tewari) GD 5/3/90

1.8.90

1.8.90

Page 34
4/8/90
(G. D. Tewari) GD 5/3/90

23/23
4

From - R.B.S.Pal Reminder VI
Rele Chawla (S.)
A-465 H.I.C
Indira Nagar
Kuchmow - 226046

To,

The Director General

Geographical Survey of India
27 T. L. Nehru Road

Calcutta - 700016

Subject - Arbitary Suppression in Promotion to the
Post of Director (Geodesy) in G.S.I.

Sir,

I am to draw attention to my Representations
dated 9.10.89 & 27.12.89 followed by Reminders
dated 18.11.89 6.2.90 5.3.90 5.4.90 & 9.5.90

Through this reminder, I am drawing your
attention to the matter once again due to lack
of no reply from you's end even after giving
a request to hear the matter urgently
and reply.

ATTESTED TRUE

Yours faithfully

(G. D. Tewari) Advocate

1.4.90 D.S.Pal

5/6/90

From - R.B.S. Pal Reminder V
Rele Chawla (S.)
A-465 H.I.C
Indira Nagar
Kuchmow - 226046

Annex 10

At

To,
The Director General
Geographical Survey of India
27 T. L. Nehru Road
Calcutta - 700016
Subject - Arbitary Suppression in Promotion to the
Post of Director (Geodesy) G.S.I.

Sir,

I am to draw attention to my Representations
dated 9.10.89 & 27.12.89 followed by Reminders
dated 18.11.89 6.2.90 5.3.90 & 5.4.90

Through this reminder I am drawing your attention
to the matter once again to avoid the unnecessary
concern out of the situation due to lack of no
reply from your end.
I request you to hear the matter urgently
and reply.

ATTESTED TRUE

Yours faithfully
G.D. Tewari
Advocate

1.4.90 D.S.Pal

9/5/90

From: R. B. S Pal
Rtd. Chemist (Sr.)
A. 465 H. 6
Indira Nagar
Lucknow - 226016

Registered Page 36
Reminder No 7
21. 6. 90
Answer 12
AM/24

To:

The Director General
Geological Survey of India
27 J. L. Nehru Road
Calcutta - 700016

Subject: - Arbitrary Suppression in Promotion to the post of
Director (Geochemistry) in G.S.I.

Sir,

This has a reference to my representations dated 9.10.89 & 27.12.89 followed by six reminders dated 18.11.89, 6.2.90, 5.3.90, 5.4.90, 9.5.90, & 5.6.90 seeking your kind reply in the matter.

It is rather surprising that the matter has remained unattended at your level for the last nine months. It is sad and disappointing to see the absolute silence from your end.

This is going to be my last reminder requesting you for a reply. Under the circumstances, you would be compelling myself to seek remedy from some other appropriate forum at your cost with damages.

Yours faithfully
R. B. Pal

ATTESTED TRUE COPY

(G. D. Tewari) Advocate
1.8.90

R. B. Pal 21/6/90

R. B. Pal

Regulation of *Ranunculus*

Brin: - R. B. S. PAL Rad. Chem (5)
A- 4415 M 1 G.
In dira Nagar
fullerton - 226016

6/4/90

Annals 13

The Hon'ble Sri Dinesh Goswami
Minister of Ministry of Steel & Mines
Government of India, NEW Delhi - 110001

Subject:- Arbitrary Suppression of Promotion to the post of
Diseather (geochemistry) G. S. I.

542

Kind attention is invited to my last letter dated 6.3.90 explaining in detail the facts regarding my deprivement from promotion to the post of Director (Goverment) in a Arbitrary & Discrematory manner.

I am fully aware of your pre-occupations, yet in view of the deliberate wrong inflicted upon myself I am compelled to press for a reply. Moreover, because of the absolute silence on the part of the Secretary and the Director General of S.I. in spite of repeated reminders, you will very kindly agree that a reply is the minimum that Department and Ministry owe to me.

Therefore the matter is again brought to your kind notice for passing necessary orders.

I shall deeply remain grateful to you for this consideration.

Thanking you

he eternally

Debt :- 6.4.90

Yours faithfully
F. G. F.

Rs. 100
R. 13 S. Park 6/4/90

ATTESTED TRUE (CJ)

Attest
A. D. Tewari, Advocate 1.8.90
(G. D. Tewari, Advocate)

R. B. Hall

From: R B S Pal

Role: Chemist (Sr)
A.465 H1 G
Indira Nagar
Lucknow - 226016

U.P.C.

Page 38

AY/26

9/5/90

Records II

Annexure 14

To: The Hon'ble Shri Dinesh Goswami
Minister of Ministry of Steel & Mines
Govt. of India, New Delhi - 110001

Subject: - Arbitrary Suspension of Promotion to the Post of
Director (Geochemist) & S.I.

Sir,

Kind attention is invited to my letter dated 6.3.90 explaining in detail the facts regarding my deprivations from promotion to the Post of Director (Geochemist) in a Arbitrary & Discriminatory manner. This was followed by a Registered / A) Records at 6.4.90.

I am fully aware of your pre-occupation, yet in view of the deliberate wrong inflicted upon myself I am compelled to press for a reply that is complete release from The Secretary & D.G.C.S.I. on my representation & five reminders.

Therefore the matter is again brought to your kind notice for passing necessary orders.

I shall deeply remain grateful to you for this just consideration. Await your early reply.

Thanking you

ATTESTED TRUE COPY

YD Deo
(G. D. Tewari) Advocate 1.8.90

Your faithfully

R. Pal

K.B. S Pal

R. Pal

5. 6. 90

Annexure 15

1. R. H. S. P. C.
 R. C. Choudhury (S.R.)
 H. 465 H. I. G.
 India Nayan
Evening - 22.6.90

To, The Hon'ble Shri Dinesh Goswami
 Minister of Ministry of Steel & Mines
 Govt of India
 New-Delhi - 110001

Subject:- Arbitrary Suppression of Promotion to the Post of
 Director (Geochemistry) of S.I.

Sir,

Kind attention is invited to my letter dated
 6.3.90 explaining in detail the facts regarding my
 deprivation from promotion to the post of Director (Geo-
 chemistry) in a Arbitrary & Discrematory manner.

This was followed by a Rags (A) Round off 6.4.90
 and 9.5.90

I am fully aware of your preoccupations, yet
 in view of the deliberate wrong inflicted upon myself
 I am compelled to press for a reply. Nearly
 9 months have elapsed, there is complete silence
 from The Secretary & D. G. of S.I. on my repeated
 and SIC reminders.

Therefore, with great reluctance keeping your
 preoccupations in view, I have no other
 alternative but to remind you good self
 for passing necessary orders, so that I may
 at least get a reply.

I shall deeply remain grateful to you for
 this just consideration.

Awaiting an early reply
 Thanking you

Yours faithfully
 D. B. Reddy

D. B. Reddy

ATTESTED TRUE (C.P.)
 Udayan
 (G. D. Tewari) Advocate 6.8.90

To... R.B.S. Port

Registration

Ratna Chandra (Jr.)

A. 465 H/1 G

Indira Nagar

Lucknow - 226016

Reminder No 4

21. 6. 90

Annexure 16

To

The Hon'ble Shri Dinesh Goswami
 Minister of Steel & Mines
 Government of India
 Shashi Bhawan
 New - Delhi

Subject:- Arbitrary Suspension in Promotion to the Post of
 Director (Geochemistry) in G.S.I.

Sis

Kindly permit me to draw your kind attention to my
 Representation dated 6.3.90 followed by three reminders
 dated 6.4.90, 9.5.90 and 5.6.90.

I am fully aware of your preoccupation and over-
 engagements yet I had great expectations to receive
 your attention against the wilful negligence shown
 by The Secretary & D.G. G.S.I. for their failure to
 reply my representations and six reminders to them
 stretching over a period of last nine months.

- Having met almost the same fate at your level
 I feel greatly depressed. As a last resort without
 losing a hope I had taken a chance to place the
 matter before your honourable self in the capacity
 of the highest authority.

Through this reminder I once again appraise
 yourself for 'redemption' of the wrong done to me and
 I earnestly hope that you will very kindly find
 a few moments time atleast to direct the Secretary
 and the D.G. G.S.I. to let me have a reply
 to my Representations under intimation to your
 kindself expeditiously.

I shall be extremely grateful for this kindness.

Yours faithfully

R.B.S.

ATTESTED TRUE COPY

G.D.Tewari, Advocate 1.8.90

(G. D. Tewari, Advocate 1.8.90)

R.B.S.

41
ASJ

ब अदालत श्रीमान... General Admin. Tribunal Lucknow
महोदय

वादी अपीलान्ट

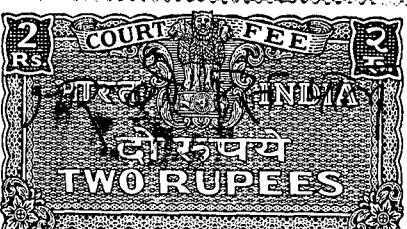
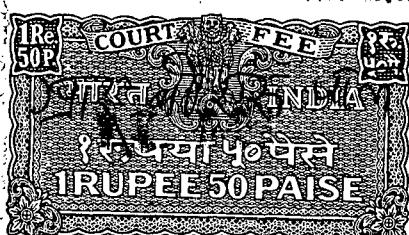
R. B. S. P. C.

वकालतनामा

विवादी [रेस्पान्डेन्ट]

श्री

का



वादी (अपीलान्ट)

See my Court of First
Motions & General and
प्रतिवादी (रेस्पान्डेन्ट)

नं० मुकदमा

सन्

पेशी की ता०

१९ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

L. D. Tewari

वकील

महोदय

एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ
इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व
जवाब देही व प्रश्नोत्तर करें या कोई कागल दाखिल करें या लौटावें या हमारी
ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकवाल
दावा तथा अपील निगरानी हमारी ओर से हमारी 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 (दस्तखली) रसीद से लेवें या पंच नियुक्त करें—वकील महोदय द्वारा की
गई वह सब कार्यबाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार
करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा
अगर मुकदमां अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है
उसकी जिस्मेंदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख
दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

R. D. Tewari

३१ जून १९८०

17/6/1980 1.8.90

जून १९८०

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९ ई०

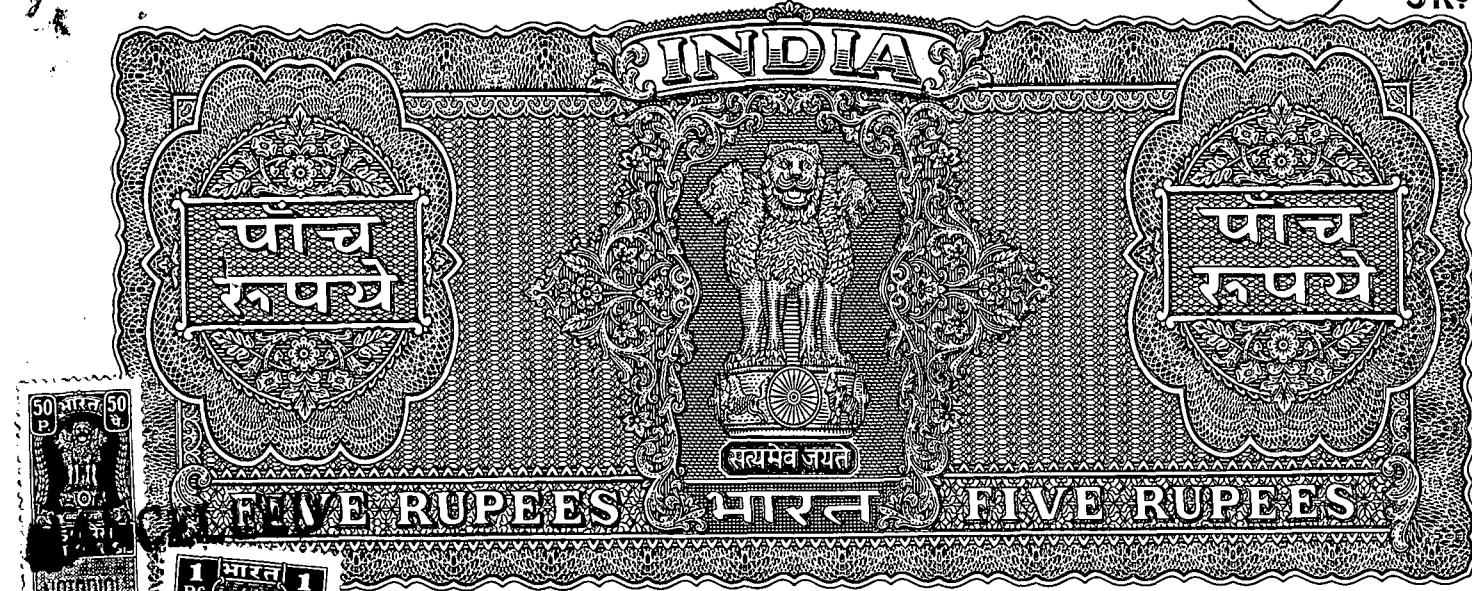
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R. D. Tewari

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Abhik



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH
AT LUCKNOW (U.P.)

BETWEEN

R.B.S. Pal

.....

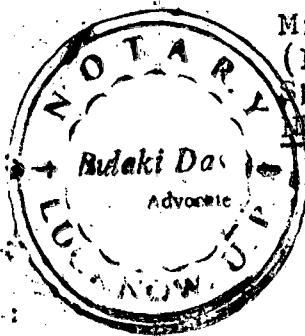
Applicant

AND

1. Shri P. Lahiri (I.A.S.)
 Former Secretary to Govt. of India
 Ministry of Steel & Mines
 (Department of Mines)
 Shastri Bhawan
NEW DELHI-110001

2. Sri R.K. Dang (I.A.S.)
 Secretary to Govt. of India,
 Ministry of Steel & Mines
 (Department of Mines)
 Shastri Bhawan
NEW DELHI-110001

Central Administrative Tribunal
 Circuit Bench, Lucknow
 Date of Filing 3/4/91
 Date of Receipt by Post.....
 Deputy Registrar(J)
 3/4/91



AFFIDAVIT

R.B.S. Pal S/o Late R.C. Pal aged 59 years 6 months Superannuated as CHEMIST (Sr.) Geological Survey of India, Northern Region, Lucknow R/o A-465, HIG Indira Nagar, Lucknow most solemnly declare on oath as under:-

1. The deponent filed case no. 244 of 1990 before this Hon'ble Bench against Sri P. Lahiri (I.A.S.) Secretary to the Govt. of India, Ministry of Steel & Mines, Department of Mines, Shastri Bhawan, New Delhi and Director General, G.S.I., Calcutta seeking redress against the respondents for purposely withholding the promotion of the deponent to the post of Director (Geochemistry) G.S.I. through discrimination and other irregularities committed by them in holding the D.P.C. for promotion.

29/3/91
 Bulaki Das

Advocate
 NOTARY

Filed today
 3/4/91

R.B.S. Pal

contd..2

2. That this Hon'ble Bench was pleased to refer back the despondents petition to Sri P. Lahiri the then Secretary, Govt. of India, Ministry of Steel & Mines, Department of Mines, New Delhi, through Judgement Order dated 12.09.1990 in case no. 244 of 1990 directing the respondent no. 1 to dispose of the issues raised in my plaint within 4 months and communicate the decision to the deponent or his counsel.
3. That the deponent's counsel duly served the said order along with the copy of plaint upon him through Registered A.D. No. 2246 dated 18.9.1990 from R.S.M. Nagar Post Office, Lucknow.
4. That the respondent No. 1 has failed to give any reply to the applicant or his counsel within 4 months as directed by this Hon'ble Bench.
5. That in view of the above deriliction on his part he has committed contempt of this Hon'ble Bench by showing disrespect to the order (Judgement) dtd. 12.9.90 passed by this Hon'ble Bench in case no. 244 of 1990.
6. That by not acting on the directives of this court the respondent is liable for committing Disrespect and disregard shown by his conduct by not obeying the orders of this Hon'ble Bench.

That the applicant alongwith copy endorsed to his counsel through registered letter no. 3008/R/A-32013(3-DCH)85-19B dtd. 21.12.1990 have been informed by D.G.G.S.I., Calcutta that his representation to respondent no. 1 has been dismissed for the reason that the vacancy claimed by the deponent had not occured in the same calender year which the applicant challanged through letter dtd. 11.01.1991 by registered A.D. No. 1710 dt. 11/01/91 from R.S.M. Nagar Post-Office, Lucknow.

MDM
29/3/91

Bulaki Das
Advocate
NOTARY

8. That the D.G.G.S.I. respondent no. 2 also endorsed a copy of his reply to the deponent's counsel and the Secretary, Govt. of India, Ministry of Steel & Mines, Department of Mines, New Delhi.
9. That the D.G.G.S.I. respondent no. 2 is not competent authority to dispose of the representation of the deponent. Only Secretary respondent no. 1 can do it.

R. N. Das

contd. 13

AB/3

-3-

10. That in view of the orders of this Hon'ble Bench had clearly issued direction to respondent no. 1 Secretary to Govt. of India, Ministry of Steel and Mines, Department of Mines, Shastri Bhawan, New Delhi who has flouted the orders of this Bench by not attending to the same.
11. That the deponent's counsel against sent Regd/AD letter dtd. 13/02/1991 to respondent no. 1 to comply with the orders of this Hon'ble Bench.
12. That the respondent no. 1 has failed to send any reply even to this letter.
13. That the respondent no. 1 is bent upon not to take any note of the orders of this Hon'ble court or the Regd./AD letters sent by deponent's counsel.

That the contents of para 1-13 are true to my personal knowledge based upon the records and I believe these to be true and no part of it is false and nothing material has been concealed. So help me God.

DEPONENT

(R.B.S. Pal) R. Pal

Place: Lucknow

Date:

I know the ~~applicant~~ ^{NOT} ~~Dependent~~ personally and he has signed this in my presence.

Y. Dass
Advocate

SWORN & VERIFIED
before me.

Y. Dass 20/3/91
Bulaki Das
Advocate
NOTARY

(Aa) Page (4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH, LUCKNOW (U.P.)

Application under Section 17 (Contempt) under CAT Act, 1985

BETWEEN

R.B.S. PAL

APPLICANT

AND

1. Shri P. Lahiri (I.A.S.)
Former Secretary to the Govt. of India
Ministry of Steel and Mines,
Department of Mines
Shastri Bhawan
NEW DELHI-110001

: R
: E
: S
: P
: O
: N
: D
: E
: N
: T
: S

2. Mr. R.K. Dang (I.A.S.)
Secretary to the Govt. of India
Ministry of Steel & Mines
Department of Mines,
Shastri Bhawan,
NEW DELHI-110001

Date of Filing _____

Registration No. _____

Signature Registrar

PARTICULARS OF THE ORDERS AGAINST WHICH THE APPLICATION IS MADE:-

Application against non-compliance by the respondent no. 1 and 2 of the order passed on 12/09/1990 by this Hon'ble Bench in case no. 244 of 1990 duly served upon the respondent.

DETAILS OF APPLICATION

Particulars of the Applicant:- R.B.S. Pal.

1. Name of the Applicant	: R.B.S. Pal
2. Name of Father	: Late R.C. Pal
3. Designation & office in which employed	: Retd. Chemist (Sr.) Geological Survey of India, Northern Re- gion, Lucknow.
4. Address for service of all notices.	: R.B.S. Pal, A-465, H.I.G. Indira Nagar, Lucknow. (Pin Code-226016) U.P.

Particulars of Respondents :-

1. Shri P. Lahiri (I.A.S.) Former Secretary to Govt. of India. Ministry of Steel & Mines, Department of Mines, Shastri Bhawan, New Delhi-110001
2. Shri R.K. Dang (I.A.S.) Secretary to the Govt. of India, Ministry of Steel & Mines, Department of Mines, Shastri Bhawan, New Delhi-110001.

R.B.S. Pal

....2

Address at which notices are to be served:-

1. Shri P. Lahiri (I.A.S.)
Secretary to Govt. of India, (Dept. not known) May be served C/o Respondent no. 2 at the following address.
2. Shri R.K. Dang (I.A.S.)
Secretary to Govt. of India, Ministry of Mines,
Department of mines,
Shastri Bhawan,
New Delhi-110001.

PETITION UNDER SECTION 17 (CONTEMPT) UNDER CAT Act of 1985

1. That the applicant filed case no. 244 of 1990 before the Hon'ble Bench against Shri P. Lahiri (I.A.S) Secretary to Govt. of India, Ministry of Steel and Mines, Department of mines, New Delhi-110001 and Director General, Geological Survey of India as respondents no. 1 and 2 respectively against the irregularities committed by them in check meeting the applicant's promotion to the post of Director (Geo-chemistry) ANNEXURE: X
2. That inspite of numerous representation and reminders to the Respondents and the Hon'ble Ministry no reply emanated from any level for over an year due to which the applicant was compelled to file the above case.
3. This Hon'ble Bench was pleased to refer back the petition to Shri P. Lahiri, Secretary, with specific directions to dispose of the representation within 4 months from the date of receipt of order ANNEXURE: 1
4. The said Judgement alongwith copy of plaint was served upon the respondent no. 1 through regd. A/D. from R.S.M. Nagar Post-Office, Lucknow vide receipt no. 2246 dtd. 18.9.90. ANNEXURE: 1
5. That the respondent no. 1 disobeyed and flouted the orders of this Hon'ble Bench to give a reply to the applicant till date. Thus he has committed contempt of this Hon'ble court rendering himself liable to strict and exemplary punishment and willful failure, negligence and disregards of the directions issued to him by this Hon'ble court.
6. That in the meanwhile through a letter no. 3008/R/A/32013 (3D. Ch.)/89-19B dtd. 21.12.90 applicant has been informed by respondent no. 2 DGGSI conveying rejection of his representation with copies ~~and~~ enclosed to my counsel and the Secretary Respondent no. 1. ANNEXURE: 3

Rashid

contd...3

-3-

7. The Directive was issued specifically to Respondent no. 1 who alone is competent to dispose of the applicant's representation and Respondent no. 2 has no locus-standi or powers to dispose of the applicant's representation and that too disregarding the Directives issued by this Hon'ble Bench to the Respondent no. 1 specifically ANNEXURE. 1

8. That Respondent no. 2 has illegally disposed of the ~~representation~~ to which he has no jurisdiction. Even then the representation has been rejected in arbitrary and illegal grounds, against which the applicant intends to institute a fresh case before the Bench against the rejection on the ground stated in preceding paras ANNEXURE. 3

9. That the applicant's counsel challenged the grounds on which the representation has been rejected by respondent no. 2 with a copy to respondent no. 1 through regd. A.D. dt. 11/1/91 to which no reply has been received. This letter was followed with another regd. A.D. letter dated 13.2.91 to respondent no. 1 drawing attention to his failure to comply with the directives of this Hon'ble court. Thus rendering himself liable under contempt. ANNEXURE. 4

10. That in view of the circumstances stated above the Secretaries made Respondents No. 1 and 2 in this petition deserve to be hauled up for contempt with a deterrent punishment for bringing the Hon'ble court order to ridicule by lowering down the dignity of the bench in the eyes of public. ANNEXURE: 5

VERIFICATION

I, R.B.S. Pal S/o Late R.C. Pal aged 59 years and 6 months retd. Chemist (Sr.) G.S.I. N.R. Lucknow resident of A-465, HIG Indira Nagar, Lucknow - 226016 that the contents of paras 1-10 are true to my personal knowledge and belief and that I have not suppressed any material facts. No part of it is false.

Lucknow.

Dated:

Rashpal
Signature of Applicant
(RB.S. Pal)

To,

The Registrar,
Central Administrative Tribunal
Additional Bench, Lucknow. (U.P.)

Rashpal

Lucknow.

Registration (O.A. No. 244 of 1990)

R.B.S. Pal

... Petitioner

vs.

Union of India and others

... Opp. Parties

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

Hon'ble Mr. M.M. Singh, AM

JUDGMENT

(Delivered by Hon'ble Justice K. Nath, VC)

This application under Section 19 of the Administrative Tribunals Act, 1985, is for a direction to the respondents to review the D.P.C. proceedings by which the applicant was denied promotion.



2. The applicant is present in person and points out that he has made a number of representations and the respondents have not replied for almost a year.

3. On a perusal of record we find that while the applicant retired on 30-9-1989, he made his first representation (Annexure-2) on 9-10-1989 to the Secretary, Ministry of Mines & Metal, which was followed by a supplementary representation dated 27-12-1989 (Annexure-3). When the applicant heard nothing, he moved Minister and vide Annexure 4-A he was informed that the Secretary of the Department of Mines was being requested to review the applicant's case and send him a reply. No such reply has been received.

4. We think that the interests of justice would

(A10/2)

Page (8)

- 2 -

better be served if the respondents are directed to consider and dispose of the applicant's representations within a specified time.

5. This application is, therefore, disposed of with a direction to the respondent no. 1 to consider and pass final orders on the applicant's representations dated 9-10-1989 (Annexure-2) read with dated 27-12-1989 (Annexure-3) within a period of four months from the date of receipt of a copy of this order.



Sd

(A.M.)

Sd

(V.C.)

Dated : Lucknow

September 12, 1990

ES/

Attested

True Copy

(Mehd. Umar Khan)

C.T.C. (Court Officer),
Central Administrative Tribunal,
Circuit Bench,
LUCKNOW

AnsariREGISTERED A.D.

From : G.D. Tewari
 Advocate High Court
 Chamber 'C'-221 Sector-C
 Mahanagar, Lucknow-226006
 PHON NO. 79720

Residence :-
 285, Shakti Nagar
 Post Indira Nagar
 'A' Block Lucknow
 PIN - 226016
 Phone No. 76266

Central Administrative Tribunal, Circuit Bench.

Lucknow

Registration No. OA No. 244 of 1990

R B S Pal Petitioner

vs

Union of India & others P. Opposite Parties

Hon'ble Mr. Justice K. Nath VC.

Hon'ble Mr. M. M. Singh, A. M.

I am directed by the Hon'ble Bench noted above to serve the enclosed copy of the Judgement delivered by them on 12-9-1990.

The Observations and directions issued by the Hon'ble Bench may kindly be perused and complied with, within 4 months of Receipt of this communication under intimation directly to my client at the address detailed in the Petition or at my address.

Alongwith the copy of the above Judgement I also enclosed a copy of the Petition (compilation I & II) ~~filed~~ filed before the Hon'ble Bench to facilitate the disposal of the matter by you within the due period.

4/10/90
 (G.D. Tewari) 18.9.90
 Advocate
 for The Applicant.

Kindly acknowledge Receipt

Rashel

4/10/90
 18.9.90.

ATTESTED TRUE COPY

Ydram 1/10/90
 (G. D. Tewari, Advocate)

भारत सरकार
GOVERNMENT OF INDIA

3008R GOVERNMENT OF INDIA
S/o/No. 1A-32013 (3-D.Cb) /85-19B

কলকাতা/Calcutta-16..... Dec. '90, 199

प्रेषक/From

सेवा में/To

महा निदेशक

भारतीय भूवैज्ञानिक सर्वेक्षण

27. जवाहरलाल नेहरू रोड

THE DIRECTOR GENERAL
GEOLOGICAL SURVEY OF INDIA
27, Jawaharlal Nehru Road

Sri R.B.S.Pal,
Retired Chemist(Sr),
Geological Survey of India,
A-465- H.I.G., Indira Nagar,
Lucknow - 226016.

Ref : This office letter No. 2804B/A-32013(3-D.Ch)/85-198
dated 11.7.90.

315

With reference to your representation addressed to the Secretary to the Govt. of India, Ministry of Steel & Mines, Deptt. of Mines, New Delhi, through the Director General, G.S.I., for redressal of your grievances for alleged arbitrary suppression for promotion to the post of Director(Geo-chem), G.S.I. against the vacancy occurred on 1.3.89 has been carefully considered by the appropriate authority and it is observed that the said vacancy could not be treated as pertaining to the calendar year 1988. This vacancy was included in the BPC held during October, 1989, because the procedure for switching over to counting vacancies on financial yearwise basis was changed by the UPSC in the year 1989.

Under the circumstances stated above it is regretted that your claim could not be acceded to for promotion to the grade of Director(Geochem) against the vacancy caused on 1.3.1989.

Yours faithfully,

(Babah Modak)
Director (Personnel)
for Director General.

8062C /A-32013 (3-DiR.Chem) /85-190 dated 24 Dec. '90.

Copy forwarded for information to: _____

1. The Secretary to the Govt. of India, Ministry of Steel & Mines, Deptt. of Mines, New Delhi (Attn : Sri D.K. Kochhar, Under Secretary) with reference to the Ministry's letter No.C-18018/S1/90-Mines 2/2 dated 5.12.90.

2. Sri G.D.Tewari, Advocate, C/o Sri R.B.S.Pal,Retired,
Chemist(Sr), A-465-HIC, India Nagar, Lucknow - 226016.

SEARCHED - TRUE COPY

(Baban Modak)
rector (Personnel)
r Director General.

(G. D. Tewari, Advocate)

From:-
 G.D.Tiwari,
 Advocate High Court,
 Chamber-C-211,
 Sector-C,
 Mahanagar,
Lucknow-226006

Res:Tel.No.76266
 Chamber- 79720

To,

The Director General,
Geological Survey of India,
27, J.L.Nehru Road,
Calcutta-700 016

Dated Jan 11, 1991

Dear Sir,

1. Refer to your regd.letter no.3008R/A/32013 (3-D.Ch)/85-19B dt.21.12.89 referring back to your earlier letter no.2804B/A/32013 (3-D.Ch)/85-19B dt.11.7.90 as noted on the subject Matter. At the very first instance, I am to deny the receipt of the allaged letter no.2804B/A/32013 (3-D.Ch/85-19B dt.11.7.90 described in the subject matter of the present regd.communication.
2. I deny to have received any reply from the appropriate Authority even after service upon him with the copies of the Plaintiff and Judgement passed by CAT Lucknow in case no.244 of 1990 through the Judgement dt. 12.9.90 through myself transmitted under regd.Ad cover no.2246 dt. 18.9.90.
3. The belated stand taken by you in reply to my clients representation is untenable,illegal,Arbitrary and against the Principals of Natural Justice.
4. You have suppressed material facts through active efforts to mislead my client by quoting wrong position (Regarding the block year as conveyed through OM no.F22011/5/86 Estt.) dated 10.3.89.
5. In case you still persist on the view expressed by you, I would request you to send me a copy of the OM or GO on which you have based your decision in your latest communication to my client alongwith a copy endorsed to myself.
6. That the procedure to enforce block year etc is effective from 1.4.89 and in no case retrospectively and the vaceancy against which my client has made claims occurred on 1.3.89. Kindly let me have a copy relied upon by you including the advice of UPSC.
7. Prior to it there were specific directives to combine the vaceancies of the two block years into one as delay in convening the DPC meeting results in financial loss to the concerned officer due to delay in there promotions and also affects them adversely in there future carrier to the next higher grade being delayed. The requirement of convening annual meeting of DPC should be dispensed with as acted upon in promoting Sri AD Barde to the post of Director (Geo chemistry) through DPC for a period of 30 days before his super annuation.

..P.T.Q

(2)

8. The position being contrary, you would be better advised to review the rejection letter conveyed through your regd. letter no. 3008R/A/32013(3-D.Ch/85-19B dated 21.12.90.

9. It is indeed sad that a Govt. of India Department has to stoop down so low even to suppress the correct facts based on GO or OM. Dignity lies in redemption of ones mistake never in covering up those through misrepresentation or suppression of facts.

I shall await your early reply.

I take this opportunity to convey my best wishes for a happy New year.

Yours faithfully

G.D.Tiwari
(G.D.Tiwari)

1. Copy to the Secretary, to the Government of India, Ministry of Steel & Mines, Deptt. of Mines, New Delhi. In continuation to the regd. letter cover no. 2246 dt. 18.9.90 alongwith the copy of Plaintiff and Judgement for immediate action please.

On 11.1.91
(G.D.Tiwari)

ATTESTED TRUE COPY
Y.D.Tiwari 1/4/91
(G. D. Tiwari Advocate)

From: G.D. Tewari
 Advocate High Court
 Chamber-C-211
 Sector-C
 Mahanagar,
LUCKNOW-226006.

Res: Tel. No. 76266
 Chamber 79720

To,

Dt. 13.02.91

The Secretary
 Government of India,
 Ministry of Steel & Mines
 Deptt. of Mines,
NEW DELHI.

Sir,

Kindly refer to my letter No. NIL dated Jan., 11, 1991 requesting you to convey the decision taken by you on the Award of CAT Lucknow Bench Case No. 244 of 1990 and its Judgement dated 12.9.90 to figure out and convey your decision on the issues framed by the court within a period of four months.

It is regretted that you have brazenly violated the orders of the court by not replying within the stipulated period. The court specifically directed Respondent No.1 to give the reply which you have failed to do till date. The Director General G.S.I. is not competent to answer or reply to the court order.

I shall now be compelled to file contempt proceedings against you personally for non-compliance and violation of the orders served upon you from the CAT Lucknow Bench inspite of ignoring my registered A/D letter Dt. Jan. 11, 1991 seeking your reply.

If I still do not receive your reply immediately I will file the contempt proceedings against you.

Yours faithfully,

Yours
 (G.D. TEWARI)

Advocate

ATTESTED TRUE (CPY)
 13.2.91
 G. D. Tewari Advocate
 11/4/91