

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, Lucknow: BENCH

OA/TA/RA/CP/MA/PT 290.....of 20.1990

G.K. Nagchandra.....Applicant(S)

Versus

Union of India & others.....Respondent(S)

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Certified that the file is complete in all respects.

B.C. file closed out & destroyed.

Signature of S.O.

Signature of Deal. Hand

(M)
CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Date of Receipt 29/8/90
29.8.90
34/29/8
Deputy Registrar

Registration No. 290 of 1989/90 (4)

APPLICANT(S) Shri G. K. Nagchandi

RESPONDENT(S) U.O. 9

<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 ?	
b) If not, by how many days it is beyond time?	2 days
c) Has sufficient case for not making the application in time, been filed?	
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 out come 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/same copies signed?
12. Are extra copies of the application or Annexures filed?
- a) Identical with the Original?
- b) Defective?
- c) Missing an Annexure?
- d) _____ pages Nos _____?
13. Are the file size envelopes bearing all addresses of the respondents been filed?
14. Are the given address the residential address?
15. Do the names of the parties stated in the copies tally with those indicated in the application?
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true?
17. Are the facts of the case mentioned in item no. 6 of the application?
- a) Concise?
- b) Under distinct heads?
- c) Numbered consecutively?
- d) Typed in double space on one side of the paper?
18. Have the particulars for interim order prayed for indicated with reasons?
19. Whether all the remedies have been exhausted.

yes

yes

x

N.A.

yes

yes

yes

yes

yes

yes

clerk

Put up the few
 files handled Bench
 on 31.8.90
 29.8.90

29/8

Central Administrative Tribunal, Circuit Bench,

Lucknow.

Registration (O.A. No. 290 of 1990 (L))

G.K. Nagchandi

... Petitioner

Vs.

Union of India and others

... Respondents

Hon'ble Mr. D.K. Agrawal, JM

Hon'ble Mr. K. Obayya, AM

J U D G M E N T

(Delivered by Hon'ble DK Agrawal, JM)

This application under Section 19 of the Administrative Tribunals Act, 1985, has been filed by the above named applicant aggrieved with the order of transfer dated 22-8-1990 transferring him from Lucknow to Madras in the same capacity i.e. Administrative Officer under the Directorate of Song and Drama Division, Ministry of Information and Broadcasting, New Delhi. The applicant has come forward with a number of grounds which we need not deal at length. It is suffice to say that the applicant has already made a representation dated 27-8-1990 to Director, Song and Drama Division, Ministry of Information and Broadcasting, Government of India, New-Delhi, which has duly been forwarded by the Regional/Dy. Director, Song and Drama Division, Ministry of Information & Broadcasting, Lucknow on 28-8-1990. We are of the opinion that the transfer is an incident of service - all the same it is the bounden duty of the competent authority to take into account the hardship likely to be undergone by a public servant in regard to the transfer or his work and conduct in the department. It is urged before us that the applicant's work and conduct has been satisfactory

DK Agrawal

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throughout. It has been further contended on behalf of the applicant that the applicant may have been misunderstood by his superior for one or the other reasons and that the applicant has been straightforward in his conduct so far. However, even if it ~~would~~ be correct, we are of the opinion that it is for the competent authority to take in account all these factors and sympathetically consider the representation made by him. We hope that the competent authority would take into account all these facts before ^{it} ~~he~~ takes a decision on the representation made by the applicant on 27-8-1990. We, therefore, dispose of this petition with the direction to respondent no. 2 to dispose of the representation dated 27-8-1990 made by the applicant taking into account all the facts and, if possible, after giving an opportunity of personal hearing to the applicant and that the transfer in question will not be implemented till a decision ^{is taken} on the said representation. The petition is disposed of accordingly without any order as to costs.


(A.M.)


(J.M.)

Dated : Lucknow

August 31, 1990.

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29/8/90
711 29.8.90
Copy to the Chief
Supt

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...Applicant

Union of India and others.

...Respondents.

1

1. Application 1 to 17

- Filed today

$$\frac{54}{29/8}$$

- Noted for 31/8/90 -
P.E. Smyth
29/8/90

Longleaf

5. Annexure No.A-7
Photostat copy of letter dated 4.2.90. 31
6. Annexure No.A-8
Photostat copy of the application dt. 32
28.3.89.
7. Annexure No.A-9
Photostat copy of the Office copy of 33
the telegram dated 9.2.90.
8. Annexure No.A-10
Photostat copy of the complaint dated 34
March 1990.
9. Annexure No.A-11
True copy of the Office note dated 35 - 36
30.3.1990.
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Photostat copy of letter dated 4.4.90. 37
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alongwith the complaint dated 18.7.90.
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16. Annexure No.A-18
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17. Annexure No.A-19
Photostat copies of representation dated 50 - 51
27.8.90 togetherwith an application dt.
27.8.90.
18. Annexure No.A-20
Photostat copy of letter dated 28.9.90 52
forwarding the representation.

For use in Tribunal's Office

Signature of the
Applicant

Date of filing

or

Date of receipt by post
Registration No.

Signature
For Registrar

(A7)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH
LUCKNOW.

Original Application No. 290 of 1990. (L,

G.K.Nagchandi, aged about 50 years s/o Late Sri K.V.
Nagchandi r/o 116A, Faizabad Road, Lucknow (employed
as Administrative Officer, Song and Drama Division,
Ministry of Information and Broadcasting, Government
of India, Lucknow)

...Applicant

Versus

1. Union of India through the Secretary, Ministry of
Information and Broadcasting, New Delhi.
2. Director, Song and Drama Division, Ministry of
Information and Broadcasting, 15/16, Subhash Marg,
Daryaganj, New Delhi- 11 0002.
3. The Deputy Director, Song and Drama Division, Ministry
of Information and Broadcasting, Lucknow.
4. Sri H.P. Solanki, Former Dy. Director, Song and Drama
Division, Ministry of Information and Broadcasting
Lucknow (now posted as Dy. Director, Song and Drama
Division, Ministry of Information and Broadcasting,
New Delhi).

...Respondents.

Details of Application.

- Original*
1. Particulars of the order against which application
is made.

The application is directed against the
following orders:

- (a) No.A-22013/1/90-Admn.I dated 22.8.90 passed by the Director, Song and Drama Division, Ministry of Information and Broadcasting, New Delhi (Respondent No.2) transferring the applicant from Lucknow to Madras (Annexure No.A-1).
- (b) No.A-22013/1/90-Admn.I dated 27.8.90 passed by the Dy. Director, Song and Drama Division Ministry of Information and Broadcasting, Lucknow (Respondent No.3) relieving the applicant of his duties in the after-noon of ~~22~~ 27.8.90 with a request to handover the charge of his table/office belongings. (Annexure No.A-2).

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.

3. Limitation

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

4. Facts of the case.

The facts of the case are given below:

- (A) That the applicant was appointed as Technical Assistant w.e.f. 18.6.1969 and was posted at Song and Drama Division, Ministry of Information and Broadcasting, Bhopal, where he served upto 1972.

George Louis

(BM)

From there he was posted to Patna during 1973 and served upto 1976. During 1977 and 1978 the applicant was transferred from Patna to Siligudi, Siligudi to Delhi and then from Delhi to Pune. During 1979 he was posted to Bhopal where he served upto April 1980 and then he was posted to Delhi for a brief spell of 8 months from May 1980 to December 1980. During 1981 he was again transferred to Bhopal on promotion as Administrative Officer. During August 1983 he was transferred to Guahati and then to Pune. During October 1984 the applicant was sent on deputation to Directorate of Field Publicity, Ministry of Information and Broadcasting where he served till 1988. The applicant was posted at Song and Drama Division Lucknow consequent upon repatriation of his services from Directorate of Field Publicity vide Office order No.A-22013/2/87-Admn.I dated 3.11.88.

(B) That when the applicant was about to be repatriated to the parent cadre the applicant submitted an application dated 25.9.87 to the Respondent No.2 through proper channels for posting to Bhopal on the ground of his ill health and his wife's employment in the Directorate of Industries, Bhopal. A photostat copy of the application dated 25.9.87 is being annexed as Annexure No.A-3.

(C) That it may be stated here that vide Govt. of India, Department of Personnel and Public Grievances and Pension O.M.No.28034/7/86-Estt(A) dated 3.4.1986 the case of the applicant should have been considered by the Respondent No.2 sympathically and he should have been posted at Song and Drama

Cancelled

Division, Bhopal or some other station in Madhya Pradesh. A photostat copy of Office Memorandum dated 3.4.1986 is being annexed as Annexure No.A-4.

However instead of posting the applicant at Bhopal the applicant was transferred to Lucknow as stated above.
(D) That one Sri Ram Gopal L.D.C. was transferred

from Lucknow to Darbhanga by the Respondent No.4 while he was serving as Dy. Director, Song and Drama Division Lucknow on 30.6.89 with a view to accommodate one of his man (Sri Sahabdin). The said Ram Gopal preferred a representation against his transfer to the Respondent No.2. In normal course the representation should have been processed through the applicant but the Respondent No.4 sent the same to the Respondent No.2 directly alongwith his comments/recommendations. In his recommendation the Respondent No.4 had made allegations of various complaints against the said Sri Ram Gopal. The applicant was called by the Respondent No.2 to New Delhi and asked to submit his comments on the representation and after consideration of the same the transfer order passed by the Respondent No.4 was cancelled on 25.8.89. The Respondent No.4 felt insulted and humiliated due to cancellation of the transfer of the said Sri Ram Gopal and considered the applicant the root cause of his insult and had threatened the applicant of its consequences. The Respondent No.4 had in ~~the~~ unequivocal terms told that the applicant shall face its consequences in his transfer.

Cancelled (E) That a financial irregularity came to the notice of the applicant in which Rs.36/- was misappropriated by Sri Sahabdin. As already stated Sri Sahabdin was the trusted man of then Dy. Director (Respondent No.4). This money was entrusted to Sri

(411)

Sahabdin on 31.7.89 but he deliberately kept it out of record to strengthen the charge levelled against Sri Ram Gopal. It appeared to the applicant that the then Dy. Director was also a party to it. The matter was therefore reported to the Respondent No.2 by the applicant vide letter No.40/1/1/89-Conf/A.O./LKO dated 16.9.89. This further annoyed the Respondent No.4. A photostat copy of the letter dated 16.9.89 is being annexed as Annexure No.^{A-}5.

(F) That the applicant had also come across certain instances of financial mismanagement by the then Deputy Director, Song and Drama Division, Lucknow. Since the matter involved substantial amount of money, the applicant as Drawing & Disbursing Officer, had reported the matter to the Respondent No.2 for necessary action vide letter No.DD/1/1/89/Conf/A.O./LKO dated 16.9.89. A photostat copy of the letter dated 16.9.89 is being annexed as Annexure No.^{A-}6. However, no action was taken by the Respondent No.2 in the matter perhaps due to retirement of the Joint Director and change in the posting of the Director. The applicant, therefore, wrote to the Respondent No.2 vide letter No.1/1/89/Conf/AO/LKO dated 4.2.90. In this letter the applicant had stated about his apprehension of a posting at a far away place meaning thereby that protection was given to a wrongful person and punishment to an honest and duty bound officer. A photostat copy of the letter dated 4.2.1990 is being annexed as Annexure No.^{A-}7.

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(G) That the applicant submitted an application to the Respondent No.2 on 28.3.89 for transfer from Lucknow to Bhopal on compassionate grounds and stated that he was prepared to forego transfer benefits.

(A12)

submitted
This application was ~~forwarded~~ through proper channels and it was forwarded to the Respondent No.2 by the Dy. Director Song and Drama Division, Lucknow vide letter No.A-190/2/2/-88 S & D/LKO dated 30.3.89. A photostat copy of the application dated 28.3.89 is being annexed as Annexure No. A-9. The Administrative Officer working at Bhopal was transferred to Chandigarh, but instead of transferring the applicant, the Administrative ^{Officer} at Chandigarh was transferred to Bhopal vide order No.4/32/89-Admn-I dated 2.2.90.

(H) That the applicant was totally surprised to see the above transfer order and sent a telegram on 9.2.90 alongwith a copy of the same by post to the Respondent No.2 and prayed for reconsideration of the matter. A photostat copy of the office ^{copy} of the telegram dated 9.2.90 is being annexed as Annexure No. A-9

(I) That during March 1990, a complaint was addressed to the Hon'ble Prime Minister regarding delay in payment of bills to the registered parties, by one Sri R.D. Shukla, resident of C-131, Sector-C, Mahanagar, Lucknow. A copy of the complaint was separately sent to the applicant. Copy of this complaint was also endorsed to then Dy. Director, Song and Drama, Division, Lucknow. A photostat copy of this complaint is being annexed as Annexure No. A-10. The applicant had put up an office note to the then Deputy Director on 30.3.90 and suggested that to sort out the problems, the matter should be investigated

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and payment be materialised thereafter and in this matter the cooperation of registered parties may be sought. True copy of the Office note dated 30.3.90 is being annexed as Annexure No.A-11. No decision was, however, taken by the Deputy Director on this noting. As the parties were pressing for early payment of their bills, the applicant vide letter No.AO/1/LKO/Conf dated 4.4.90 reported the matter to the Office of Respondent No.2 and requested for an early action/direction in the matter. A photostat copy of letter dated 4.4.90 is being annexed as Annexure No.A-12. However, no direction was received from the Respondent No.2 and, therefore, the applicant sent a telegram on 24.5.90 for early issue of orders. A photostat copy of the telegram dated 24.5.1990 is being annexed as Annexure No.A-13. From the noting dated 30.3.90 and subsequent letter dated 4.4.90 and telegram dated 24.4.90 it is obvious that the applicant did his level best to release the payment after due scrutiny but in the absence of any order, the payment was delayed. The payment was, however, made during June 1990 under the orders of Respondent No.3.

(j) That during April 1990, the Respondent No.4 was transferred from Lucknow to New Delhi.

Prior to his departure he had threatened the applicant that somehow he will get the applicant transferred to a distant place and take revenge of the insult, humiliations suffered by him and the complaint about the financial mismanagement made by the applicant.

George Lewis

Presently the respondent No.4 is in the office of Respondent No.2 and, therefore, in a position to manoeuvre the transfer of the applicant. ✓

(K) That on 16.7.90, news items appeared in local dailies regarding a meeting of registered Artists held on 14.7.90. In these news items allegations were levelled against the applicant and disciplinary action was demanded against the applicant. Here it may be stated that the payments, which were allegedly delayed, had already been made in June 1990 and the applicant had done his job as an honest and conscious man and there was no substance or truth in the news paper report. A photostat copy of the news item dated 16.7.90 is being annexed as Annexure No.A-14.

(L) That a letter was sent by the General Secretary, U.P.Panjikrit Kalakar Sangh, Lucknow on 18.7.1990 to the Hon'ble Minister for Information and Broadcasting, New Delhi with a copy to the respondent No.2. Allegations were levelled in this complaint against the applicant about charging of 10-15% commission. This complaint was forwarded by the Respondent No.2 to the Respondent No.3 for comments, vide letter No.22011/2/88-Niti dated 27.7.1990. A photostat copy of the letter dated 27.7.90 alongwith the complaint dated 18.7.90 is being annexed as Annexure No.A-15. In the complaint various allegations were made against the Respondent No.3.

(M) That the whole matter was explained to the Respondent No.2 by the Respondent No.3 vide D.O. No.R-1101/7/90/Meena/Lakh. dated 3.8.90, a true copy of which is being annexed as Annexure No.A-16. A perusal of this letter will reveal that the Deputy Director has denied all the allegations as

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(A/S)

motivated, as the parties are not prepared for repeated rehearsals for improvement in the standard of programmes. On the same date i.e. 3.8.1990 the Respondent No.3 has also written D.O.No.R-11012/7/90/S & D /LKO dated 3.8.90 giving the sequence of various events ever since he joined at Lucknow and requested the Headquarters to remain neutral and vigilant about the entire ~~filed~~ matter. A true copy of the D.O.letter dated 3.8.90 is being annexed as Annexure No.A-17.

(N) That again on 1.8.1990 demonstrations were held in front of the office of Respondent No.3 demanding the removal of Respondent No.3 and the applicant. The news items in this regard are on 2.8.1990 in the local dailies. Photostat copies of the news items are being annexed as Annexure No.A-18. A meeting was again held on 24.8.1990 demanding the action against the officers in the office of Respondent No.3 and the news item was published on 25.8.90.

(O) That it is stated that the above complaints, meetings and news items were the creation of those who were submitting false bills and producing sub-standard programmes. These interested persons were very much worried because their evil designs were foiled by the applicant and the Respondent No.3 and, therefore, these activities were started to wreck the morale of the applicant and get the applicant eased out of his office by way of punishment.

(P) That to the utter surprise of the applicant ignoring the comments/recommendation of the Respondent No.3 vide his letters dated 3.8.1990 (Annexures A-16

and A-17), the Respondent No.2 has issued the transfer order of the applicant from Lucknow to Madras vide impugned transfer order dated 22.8.1990(Annexure A-1). This transfer order has been allegedly issued in public interest, but in fact this is the handiwork of the Respondent No.4, and has been passed by way of punishment without ascertaining the truths and without affording an opportunity of hearing to the applicant. This transfer order was received in the Office of Respondent No.2 on 27.8.90 and on the same date the Respondent No.3 relieved the applicant from his duties on 27.8.90(afternoon) and requested the applicant to hand over the charge of his table/ office belongings vide impugned order dated 27.8.90 (Annexure A-2). It may be stated here that relieving of the applicant prior to handing over the charge is arbitrary, uncalled for and bad in the eyes of law. The applicant has not yet handed over the charge and is still holding the charge of his office. No one has been posted in place of the applicant so far.

(Q) That it is obvious that the impugned transfer order has not been ordered in public interest.

It has been issued as a punishment, on the basis of alleged complaint and news items, without affording any opportunity to the applicant in violation of the principles of natural justice. The then Deputy Director, who is now at New Delhi has succeeded in revenging his heart felt insult and humiliation and manoeuvred the transfer of the applicant to Madras, instead of Bhopal, due to strong prejudice and malice. The applicant has not yet completed 2 years at Lucknow and in normal course he is entitled to serve upto 3 years at Lucknow. The applicant is advised to

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state that the transfer order is violative of Article 14 and 16 of the Constitution. Further it may also be stated that the applicant has been made a scape goat for the alleged complaint and no one else has been transferred out.

(R) That the allegations of bribery and charging of commission are utterly false and motivated. Instead of transferring the applicant, the Respondents 1 to 3 should have enquired into the allegations and disciplinary action could have been taken against the applicant, if found guilty. The applicant has more than 21 years excellent service to his credit and hasnot been awarded any adverse entry or punishment in his entire career.

(S) That the applicant has submitted a representation to the Respondent No.2 against his transfer through the Respondent No.3 on 27.8.90. Photostat copies of the representation dated 27.8.90 togetherwith an application dated 27.8.90 are being annexed as Annexure No.A-19. In his application the applicant has also submitted that handing over and taking over of the charge will be done after the reply of the representation. The said representation has been forwarded by Respondent No.3 to the Respondent No.2 vide letter No.A-19012/2/88/ S & D/LKO-29 dated 28.8.90. A photostat copy of which is being Annexed as Annexure No.A-20.

5.Grounds for relief with legal provisions:-

(a) Because the impugned transfer has been ordered contrary to the provisions of C.M.No.28034/7/86-Estt(A) dated 3.4.1986.

Lauged.

(A18)

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- (b) Because the applicant had already applied for transfer to Bhopal, where his wife is employed in terms O.M. dated 3.4.1986, but his request was not considered and some one else was posted to Bhopal.
- (c) Because the impugned transfer order has not been passed in public interest, as stated, but it has been manouvoured by the Respondent No.4 due to strong prejudice, bias and malice.
- (d) Because the impugned transfer order has been passed on the basis of alleged complaint without verifying its veracity and without affording any opportunity to the applicant, as a punishment in violation of the principles of natural justice.
- (e) Because the impugned transfer order is wholly arbitrary, unreasonable and violative of Articles 14 and 16 of the Constitution.
- (f) Because the transfer by way of punishment is wholly illegal and uncalled for in the circumstances of the case.
- (g) Because the applicant has not completed even a period of two

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years at Lucknow and his transfer is premature.

- (h) Because the applicant has been relieved in a big haste and then requested to hand over the charge. The relieving order, therefore, bad in the eyes of law.
- (i) Because the applicant is still holding the charge and has not yet handed over the charge of his table/ office belongings.
- (j) Because no one has been posted in the place of the applicant so far.
- (k) Because the representation preferred by the applicant against his transfer is pending.

6. Details of the remedies exhausted:

The applicant declares that he has availed of all the remedies available to him under the relevant service rules etc. However, no statutory representation lies against the transfer.

7. Matters not previously filed or pending with any court:

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any court of any other authority or any other Bench of the

Cancelled

Tribunal nor any such application, writ petition or suit is pending before any of them.

8. Reliefs sought:

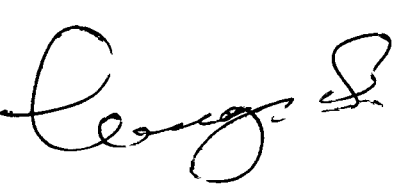
In view of the facts mentioned in para 6 above, the applicant prays for the following reliefs:-

- (a) issue of a writ, order or direction in the nature of CERTIORARI quashing the impugned order of transfer dated 22.8.90 passed by Respondent No.2, as contained in Annexure A-1
- (b) issue of a writ, order or direction in the nature of CERTIORARI quashing the impugned order of relieving dated 27.8.90 passed by Respondent No.3, as contained in Annexure A-2.
- (c) issue of any other writ, order or direction as this Hon'ble Tribunal may deem fit in the circumstances of the case.
- (d) allow this petition with cost.

9. Interim order, if any prayed for:

Pending final decision on the application the applicant seeks the following interim relief:

The operation of the impugned transfer order dated 22.8.90 issued by Respondent No.2 (contained in Annexure A-1) and the relieving order dated 27.8.90 issued by the Respondent No.3 may kindly be stayed and the applicant be allowed to function as hitherto.



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10. Not applicable

11. Particulars of Bank Draft/Postal Order filed
in respect of the application fee:

High Court, Lucknow Post Office I.P.O No. 8-02-414780
dated 29.8.90 for Rs.50.00

12. List of enclosures:-

1. Annexure No. A-1 Copy of impugned transfer
order dated 22.8.90 from
Lucknow to Madras.
2. Annexure No. A-2 Copy of order dated 27.8.90
relieving the applicant.
3. Annexure No. A-3 Photocopy of the application
dated 25.8.87.
4. Annexure No. A-4 Photostat copy of Office
Memorandum dated 3.4.1986.
5. Annexure No. A-5 Photocopy of the letter dated
16.9.89.
6. Annexure No. A-6 Photostat copy of letter dated
16.9.89.
7. Annexure No. A-7 Photostat copy of letter dated
4.2.1990.
8. Annexure No. A-8 Photocopy of the application
dated 28.3.89.
9. Annexure No. A-9 Photostat copy of the Office
copy of the telegram dated
9.2.90.
10. Annexure No. A-10 Photostat copy of the complaint
dated March 1990.



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11. Annexure No. A-11 True copy of the Office note dated 30.3.1990.
12. Annexure No. A-12 Photostat copy of letter dated 4.4.1990.
13. Annexure No. A-13 Photostat copy of telegram dated 24.5.1990.
14. Annexure No. A-14 Photostat copy of news item dated 16.7.90.
15. Annexure No. A-15 Photostat copy of letter dated 27.7.90 alongwith the complaint dated 18.7.90.
16. Annexure No. A-16 True copy of D.O. letter dated 3.8.90 from Respondent No.3.
17. Annexure No. A-17 True copy of D.O. letter dated 3.8.90.
18. Annexure No. A-18 Photostat copies of the news items.
19. Annexure No. A-19 Photostat copies of representation dated 27.8.90 togetherwith an application dated 27.8.90.
20. Annexure No. A-20 Photostat copy of letter dated 28.8.90 forwarding the representation.

Lucknow:

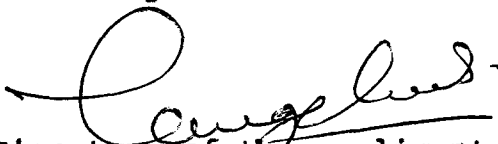
Signature of Applicant

Dated: August 28²⁹ 1990.

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

I, G.K. Nagchandi S/O Late Sri K.V. Nagchandi
age about 50 years working as Administrative officer
in the Office of Dy. Director Song & Drama Division,
Ministry of Information and Broadcasting, Lucknow

R/O 116/A, Faizabad Road Lucknow do hereby verify that the contents of Paras 1, 4, 6, 7, 8, 9, 10, 11 and 12 are true to my personal knowledge and those of paras 2, 3 and 5 are believed to be true on legal advice and I have not suppressed any material facts.


Signature of the applicant

Lucknow:

Dated: August 28th, 1990.
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To,

The Registrar,
Central Administrative Tribunal
Circuit Bench, Lucknow.

In the Central Administrative Tribunal, Circuit Bench, Lucknow
O.A. No. of 1990

G.K. Nagchandi Vs.
Union of India & others

-- Applicant

--- Respondents

ANNEXURE A-1

(18)

No. IA. 22013/1400-Admn. I
Song and Drama Division
Ministry of Information & Broadcasting

15/16, Subhash Marg,
Darya Ganj, N. Delhi-110002

Dated 22nd August, 90

O R D E R

Officer

Sh. G.K. Nagchandi, Administrative Officer, Song and Drama Division, Lucknow, is transferred to Madras Regional Office of the Division, with immediate effect.

The transfer of Sh. Nagchandi is ordered in public interest and he shall be entitled for all transfer benefits.

Dr. P.K. Nandi
22/8/90

(DR. P.K. NANDI)
DIRECTOR

Copy to:- Sh. G.K. Nagchandi, Administrative Officer, S&DD, Lucknow

2. Sh. B.P. Sinha, Deputy Director, Song and Drama Division, Lucknow, with the request to transfer relieve Sh. Nagchandi immediately on the receipt of this order after taking over the charge from him of D&DO.
3. Pay and Accounts Office (IRLA), Ministry of I & B, A.G.C.R. Building, New Delhi.
4. All pay and Account Offices in accounts with S&D. Division.
5. Deputy Director, Song and Drama Division, Madras.
6. All Officers/Sections at the Hd. Qrs. of the Division.

Dr. P.K. Nandi
(DR. P.K. NANDI)
DIRECTOR

T.C.
P.C. Singh
Adv.
28/8/90

In the Central Administrative Tribunal, Circuit Bench, Lucknow
O.A. No. of 1990

G.K. Nagchandi Vs.
Union of India & others

-- Applicant

--- Respondents

ANNEXURE A-2

(19)

NO. A.22013/1/90-Adm.I
Song and Drama Division
Ministry of Information and Broadcasting

11C-A, Faizabad Road,
Lucknow.

Dated 27th August, 1990

ORDER

Consequent upon his transfer vide order
no. A.22013/1/90-Adm.I, dated 22.8.90 by Sh. K.
Nagchandi, Administrative Officer is relieved of
his duties to-day in the afternoon of 27th August,
1990. He is requested to hand over the charge of his
table/office belongings.

(B.P. Singh)
Deputy Director 27.8.90

Copy to the Director, Song and Drama
Division, New Delhi for his kind information and
record.

(S.P. Siana)
Deputy Director

T.C.
H.C. Anil
Adk
28-8-90

In the Central Administrative Tribunal
ब अदालत श्रीमान

(20)
महोदय

[वादी] अपीलान्त Sri G.K. Nagchandi

प्रतिवादी [रेपान्डेंट]

वकालतनामा



G.K. Nagchandi

Vs.

Union of India and others

बनाम

प्रतिवादी (रेपान्डेंट)

नं० मुकदमा

सन्

पेशी को ता०

१६ ई०

ऊपर लिखे मुकदमा में अपती ओर से श्री R.C. Singh, Advocate..

512/29, 7th Lane, Nishatganj, Lucknow

(Regn. No. U.P. 2388/1987)

वकील
महोदय
एडवोकेट

नाम आदालत	नाम
मुकदमा नं० नाम	बनाम
फरीकन	

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पंरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या मुलहनामा व इकबालदावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षरसे दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपवा अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार हैं और होगी मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या अपने किसी पंरोकार को भेजता रहूंगा अगर मुकदमा अदम पंरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसको जिम्मेदारी मेरे वकील पर नहीं होगी इसीलिए वह वकालत नामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

साक्षी (गवाह) ... साक्षी (गवाह) ...

दिनांक ... महीना ... सन् १६ ई०

स्वीकृत

27/8/90

A27

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

O.A.No. 361 of 1990 (L)

C.K.NAGCHANDI

.. Applicant

-versus-

Union of India and others

.. Opposite parties

COUNTER AFFIDAVIT ON BEHALF OF OPPOSITE PARTIES.

I, Dr. P.K. Nandi

aged about 47 years, son of Late Sh. Guiram Nandi

at present posted as Director

in the office of Song & Drama Division, Ministry of Information and Broadcasting, Darya Ganj, New Delhi do hereby solemnly affirm and state as under:

1. That the deponent is the opposite party No. 2 in the above case and he has been authorised to file this counter affidavit on behalf of all the opposite parties.

2. That the deponent has read and understand the contents of the application and is fully conversant with the facts stated in the application and he is in a position to give para-wise comments as herinunder:

3. That the contents of para 1 to 3 of the application needs no comments.

4. That the contents of para 4.1 of the application are admitted to the extent that the application was posted at Lucknow consequent upon his repatriation from deputation post. This was not the transfer.

JK

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5. That in reply to the contents of para 4.2 of the application, it is submitted that in this para true picture of the case has not been indicated. The facts remains that prior to the posting of the applicant to Lucknow in November 1988, he was working on deputation with Directorate of Field Publicity at Bhopal, an another sister media unit of the Information & Broadcasting Ministry. On his repatriation from deputation, the applicant could not be posted at Bhopal due to administrative reasons (as there was no vacancy in the grade at that station). However, he was posted at Lucknow, the nearest station. No doubt it is the policy of the Government that as far as possible and within the constraints of administrative feasibility, the husband and wife are to be posted at the same station, but since there was no vacancy in the grade at Bhopal, the request of the applicant could not be considered. Again when the Administrative Officer Bhopal was posted vice Administrative Officer, Chandigarh, in February 1990, the request of the applicant could not be considered, because the case of Administrative officer, posted at Bhopal and who is still working at Bhopal, also comes up under the purview of the DP&T's OM No. 28034/7/86-Estt. (A) dated 3.4.1986, as his wife is working as a Teacher under the State Government of Haryana i.e. at Faridabad. Because of his long illness and other family problems, it was observed that he was not in a position to cop-up with the heavy work load of Chandigarh

46
Director
& Deputy Director
27.12.92

1224

Regional office of this Division (Chandigarh Regional office is the heaviest office in so far as work-load is concerned at Lucknow Regional Office at No. 2), and as such was posted at Bhopal, which was not only a light centre but also nearest to his family.

6. That in reply to para 4.3 to 4.5 of the applicant it is submitted that it relates to Shri H.P. Solanky, Deputy Director, Song & Drama Division, against whom certain allegations have been levelled. Shri Solanky, has not been made a party in the case in his personal capacity. Since the acts reported to have been committed by Shri Solanky, cannot be termed as to have been done in his capacity of Deputy Director, it is for him to deny or admit the contents of these paras. However, contents of para 4.5 to the extent that the private parties had meetings, dharnas and demanded the action against the Deputy Director and Administrative Officer are admitted.

7. That the contents of para 4.6 of the application are not disputed.

8. That the contents of para 4.7 of the application are incorrect and misconceived and in reply it is submitted that the Division has received several complaints from VIPs and also from the private Registered Parties alleging that the private registered parties under the Lucknow Regional office are being harassed by way of demanding bribe. This appeared in the local newspapers and also the artists of the Private Regd. Parties held Dharna etc. before the office premises, resulting bad name to the office of the Division. With a view to streamline the

Director
Song & Drama Division
Tel : 273042

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working of the Regional office and to difuse the situation, it was considered appropriate to transfer the Administrative Officer i.e. the applicant from Lucknow. However, it is pertinent to mention that no disciplinary proceedings are pending against the applicant or contemplated against him with regard to the so called charges of bribe. A lenient view was taken by the Department on receiving complaints against the applicant and in order to save the image of the Department as a general the applicant was transferred from his present place of posting i.e. from Lucknow.

The order of transfer was not passed as a measure of punishment and the said order was purely an administrative order. The transfer in Govt. service of the officer like applicant is mere an accident of service and the said order of transfer cannot be termed as punitive order which was passed due to administrative exigencies.

9. That the contents of para 4.8 of the application are not disputed.

10. That the contents of para 4.9 are admitted to the extent that the applicant furnished an application dated 10.9.90, forwarding therewith the copy of the judgement of Ld. Tribunal dated 31.8.90 alongwith a copy of petition (OA No. 290 of 1990), and made a request for personal hearing and a decision on his representation. The other part of the para is denied. The fact remains that according to the Ld. Tribunal's judgement dated 31.8.90, the respondents were required

Director
Legal & Admin Division - 6
Tel: 273642

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- 6 -

is neither concerned with the news item reported to have appeared in daily evening newspaper 'Pratidin' on 20.9.90, nor had made any such statement, as

para 4.11 of the

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- 5 -

to consider the representation of the applicant dated 27.8.90 considering all the facts of the case before implementing the impugned transfer order dated 22.8.1990. In fact the respondents have already considered the representation of the applicant dated 27.8.90, prior to the receipt of the applicant's representation dated 10.9.90 along with the copy of the judgement dated 31.8.90 and accordingly the controlling officer of the applicant i.e. Deputy Director, Song & Drama Division Lucknow was informed that it has not been found possible to accede to the request of the applicant with the instructions to inform the petitioner, who in turn informed the applicant vide his office order No. S&D/DD/Misc/1/90-32 dated 10.9.90. The Lucknow's Regional office's office order dated 10.9.90 and the acknowledgement of the applicant dated 10.9.90 are annexed herewith as Annexures Nos. C-1 & C-2 respectively to this affidavit. However, the representation of the applicant dated 10.9.90, was again considered and he was informed vide our letter No. A-22013/1/90-Admn. I dated 21st Sept 1990 and a copy of this communication was also endorsed to his controlling officer i.e. the Deputy Director, Song & Drama Division, Lucknow.

11. That the contents of para 4.10 of the application are incorrect as stated, hence denied and in reply it is submitted that the representation of the applicant has already been disposed off as mentioned in reply to para 4.9 of the application above and respondent No. 2

46
Director
Song & Drama Division
Tel: 275042

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- 7 -

the programme and had gone to the extent to Dharna and public meetings etc. apart from their appeal through daily newspapers, against the working of that centre, resulting bad name to the organisation and disturbing the normal working of the Division. Any transfer for the smooth running of the office also amount to transfer in public interest. Under the circumstances specially when the charges are of non-verifiable nature, the transfer is considered only administratively feasible to diffuse such situation.

16. That the contents of para 4.16 of the application are incorrect as stated, hence denied and in reply it is submitted that the representation of the applicant has already been disposed off as reported in preceeding paragraphs and as such the relieving order dated 4.10.90 is in order.

17. That the contents of para 4.17 of the application are incorrect and misconceived and do not depict the correct picture. The fact remains that this Division has 8 sanctioned posts in the grade of Administrative officer i.e. one each at Delhi, Lucknow, Chandigarh, Bhopal, Guwahati, Madras, Pune and Calcutta. The posts in the grade of Administrative Officer are held at present by Km. Prem Lata Mallick since 14.1.1988 at Delhi, Sh. T.C.Lama since 13.3.89 at Guwahati, Sh. Sri Chand since 27.2.90 at Chandigarh, Sh. R.P.Saini, since March 1990 at Bhopal, Sh. G.K.Nagchandi (applicant) since 26.12.88 at Lucknow. Of the remaining 3 posts one is filled in by transfer on deputation at Calcutta and the

46.
Director
Song & Drama Division
Tel : 273042

ABY

the posts at Madras and Pune are vacant as the incumbent posted at Pune is absconding and one official i.e. Sh. V.K. Tara has proceeded on deputation with the Govt. of Punjab. From this it is evident that none of the officer in the grade of Administrative officer is continuously working for more than 10 years at a particular station. In so far as the alleged frequent transfer of the applicant is concerned, it is submitted that to reach at a conclusion whether or not the applicant had been transferred frequently it would be considered desirable to highlight the postings of the applicant of the past 10 years. Prior to his appointment by promotion to the post of Superintendent during the month of Feb. 1980 the applicant was working as Technical Assistant at Bhopal. He took over the charge of the post of Superintendent at Delhi where the sanctioned post in the grade was available, on 15th May 1980. The applicant was promoted to the post of Administrative Officer, on adhoc basis vide order No. A-32013/3/79-Admn.I dated 15th December 1980 and posted at Bhopal. The order dated 15th December 1980 is being enclosed as Annexure C-3 to this affidavit. Consequent upon reversion of Sh. B.R. Sarin, Assistant Director (Admn.) (adhoc) to the post of Administrative Officer and repatriation of services of Sh. GS Agarwal, a regular Administrative officer of the Division and his posting at Bhopal, Sh. Nagchandl i.e. the applicant had to be reverted to the post of Superintendent and accordingly on his reversion vide Order No. 1/72/65-S&D dated 19th Feb 1983, he was posted at Delhi

46
Director
S&D & Admn. Division
Tel: 275042

1235

Headquarters. The reversion of the applicant was to take effect from the date Shri GS Aggarwal took over the charge of the post on his repatriation from deputation. However, the applicant continued to officiate to the post of Administrative Officer, on adhoc basis at Bhopal and in the meantime the official senior to him appointed to the post of Administrative officer on regular basis i.e. Km. Prem Lata Mallick and posted at Guwahati declined to accept the promotion and the applicant was appointed to the post of Administrative Officer, on regular basis and posted at Guwahati vide order No. A-12026/2/83-Admn.I dated 11th July 1983, where he took over the charge of the post on 6.10.83. The order No. 1/72/65-S&D dated 19th Feb. 1983 and No. A-12026/2/83-Admn.I dated 11th July 1983 are annexed herewith as Annexure Nos C-4 & C-5 respectively to this affidavit. However, the applicant immediately after joining at Guwahati on 6.10.83, proceeded on leave with effect from 10.10.83 and did not resume his duties till he was posted at Pune, where he took over the charge of the post on 1.5.1984. After working a few months the applicant was relinquished of his charge of the post of Administrative officer, Pune, consequent upon his selection to the post of Field Publicity Officer, in Directorate of Field Publicity, an another Media Unit of the Ministry of Information & Broadcasting with posting at Gwalior. Prior to his repatriation from deputation with Directorate of Field Publicity, he was working at Bhopal, from where he joined the post of Administrative Officer in the Division at Lucknow where he was posted

46
Director
Song & Drama Division
Tel: 273042

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- 10 -

vice Shri TC Lama transferred to Guwahati who was having maximum period of stay at Lucknow. Now it shall be clear that every effort has been made to post the applicant in the past in and nearby Bhopal. Since the applicant presently working at Bhopal in the grade of Administrative Officer, i.e. Shri RP Saini, had been posted at Bhopal hardly a year back that too keeping in view of light work at that centre which is considered appropriate because of his health condition, his wife being employed under the Haryana Govt. and working at Faridabad, it would be not appropriate to disturb him for the present. In so far as the posting of Sh. Tara on his return from deputation, it is submitted that the Punjab Government had informed that the case of Sh. Tara for his permanent absorption in Punjab Government is under their active consideration. As such the doubt of the applicant is far from truth.

18. That the contents of para 18 of the application are incorrect as stated, hence denied and in reply it is submitted that in so far as the contents of Annexure A-9 to the application are concerned these cannot be relied for the simple reason that the applicant Sh Suri prejudiced because of certain vigilance cases against him.

19. That the contents of para 4.19 of the application needs no comments.

Director
Eng & D. M. Division
Tel: 2730-42

20. That the contents of para 4.20 of the application are incorrect as stated, hence denied and in reply it is submitted that the transfer and postings is purely an administrative matter and Sh. Solanky being a programme officer has got no power to influence the competent authority i.e. Head of Department.

21. That in reply to the contents of para 4.21 of the application it is submitted that there is no representation of the applicant pending as claimed for. As such his relief by respondent No. 4 is absolutely in order and correct by all means.

22. That in view of the facts and circumstances stated in the foregoing paragraphs, the reliefs sought by the applicant are not tenable in the eyes of the law.

23. That the contents of para 6 & 7 of the application need no comments.

24. That in reply to the contents of para 8 of the application, it is submitted that in view of the facts stated in the preceeding paragraphs the applicant is not entitled to get any relief, hence the reliefs sought by the applicant is liable to be rejected.

25. That in reply to the contents of para 9 of the application it is submitted that the interim order prayed by the applicant are liable to be rejected in view of the facts and circumstances stated in the preceeding paragraphs and as such the applicant is not entitled to get any interim order as prayed for.

Director
Sany & Datta Division
Tel : 273042

A38

26. That the contents of para 10 of the application need no comments.

27. That in view of the facts and circumstances stated in the foregoing paragraphs the application filed by the applicant is liable to be dismissed with costs to the Respondents.

46.
Deponent.

Place:

Dated:

Verification

I, the above named deponent do hereby verify that the contents of para 1 & 2 of the affidavit are true to my own knowledge, those of paragraphs 3 to 21 & 23 are believed by me to be true on the basis of records and information gathered, while those of paragraphs 22, 24 to 27 are also believed by me to be true on the basis of legal advice. No part of this affidavit is false and nothing material has been concealed.

46.
Deponent.

Place:

Dated:

~~Confidential~~

54

Annex R-2

Sono 8/8

8/10/90

Confidential

No. 520/DD/Misc 11/90 - 32
Song & Drama Division
Min. of I & B, Govt. of India

116-A, Faizabad Road
Lucknow.

Dated : 10/9/90

OFFICE ORDER

DD(A)
26/2/90

Reference his application dated 28/8/90 which was forwarded by this office to Director Song & Drama Division New Delhi it is informed to Sh. G.K. Nagchandi, Admn. Officer that his application has been considered by the Director S&DD New Delhi and it has not been found possible to ~~exceed~~ to his request.

accade

He is directed to report Dy. Director, S&DD Madras with immediate effect as he stands relieved from this office with immediate effect.

Sd/-

(B.P. Sinha)
Regional Deputy Director.

Sh. G.K. Nagchandi,
Administrative Officer,
Song & Drama Division
Lucknow.

S/C

P 4/c

Copy to the Director, Song & Drama Division, New Delhi with reference to his letter No. Confidential A-22013/1/90-400. I dated 06/9/90, 0100000. For information please. *read here today.*

encl - one receipt

by Sh. G.K. Nagchandi
A.O.

8/10/90

(B.P. Sinha)
Regional Deputy Director

~~Confidential~~

Aug

54

Annex R - 2

Receipt Encl: 68

Reg. letter to S&D/DD/Misc./1/90
confidential dt. 10/9/90 to NO
S&D/DD/UKC

C. George Reed

10/9
(Cik Rengchen di)
A.O.

No.A.32013/3/79-Adm .1
Song and Drama Division
Ministry of Information and Broadcasting

15/16, Subhash Marg, Daryaganj,
New Delhi-110002, Dec. 15, 1980.

ORDER

Director, Song and Drama Division is pleased to appoint the following Superintendents, purely on ad hoc basis, as Administrative Officers (Group 'B' post gazetted) carrying a scale of pay of Rs.650-30-740-35-840-25-40-960 from the dates as indicated against each till further orders.

S.No.	Name	Date from which promoted	Place where posted on ad hoc promotion	Remarks
1.	Kum.Premjata Mallick	9.12.1980	Delhi Regional Centre	Vice Shri B.R.Sarin AO(Delhi region) who has proceeded on leave from 9.12.80 to 22.1.1981
2.	Shri G.K.Nagchandi	From the date he assumes charge of the post till 22.1.80	Bhopal Regional Centre	

2. The ad hoc promotion will not bestow on Kum.Premjata Mallick and Shri G.K.Nagchandi, a claim for regular appointment to the grade and the services rendered on ad hoc basis in the grade of Administrative Officer will not count for the purpose of seniority in that grade and eligibility for promotion to the next higher grade.

3. Shri Nagchandi is relieved from hqrs. with effect from 15.12.1980. It is certified that Shri Nagchandi will be on temporary transfer.

G.K. Jalali
Deputy Director (Adm.)

Copy to:

1. Each individual concerned
2. All P&Os in account with SED Division
3. All Centres, SEDD/All officers and sections at hqrs.
4. P&O, IRLA Group, Min. of I&B, 100 Building, New Delhi
5. Personal files of S/Shri Sarin, Nagchandi and Kum.Premjata Mallick
6. Guard file (Adm..I)
7. Director for information.

G.K. Jalali
Deputy Director (Adm.)

Annexure G to AM
(263)

No. A-12026/2/83-Admn.I
Song and Drama Division
Ministry of Information and Broadcasting

15/16, Subhash Marg,
Darya Ganj, N. Delhi-110002.

Dated the July 11 1983

O R D E R

Director, Song and Drama Division is pleased to promote Sh. G.K. Nagchandi, Superintendent and officiating as Administrative Officer on ad hoc basis to the grade of Administrative Officer (Group 'B' Gazetted) in the scale of pay of Rs. 650-30-740-35-880-EB-40-960 with effect from the date he assumes charge.

On his regular promotion to the grade of Administrative Officer, Sh. G.K. Nagchandi is posted at Gauhati Centre of the Division.

Shri Nagchandi shall be on probation for a period of two years from the date he assumes charge.

T.C. Agarwal
(T.C. Agarwal)
Deputy Director (Admn.)

Copy to:-

1. Sh. G.K. Nagchandi, Administrative Officer, Song and Drama Division.
2. Deputy Director, Song & Drama Division, Gauhati.
3. Pay & Accounts Officer, IRLA Group, Ministry of I&B., A.G.C.R. Building, New Delhi.
4. All Pay & Accounts Officers in Account with Song and Drama Division.
5. All Centres of Song & Drama Division.
6. All Officers & Sections at hqrs.
- ✓ 7. Personal file of Sh. G.K. Nagchandi.
8. P.A. to Director for Director's folder.
9. Guard file.

T.C. Agarwal
(T.C. Agarwal)
Deputy Director (Admn.)

31
100/1000000
C.S. 202
243

No.1/72/65-S&D
Song and Drama Division
Ministry of Information and Broadcasting.

15/16, Subhash Marg,
Daryaganj, New Delhi-110002.

Dated the 19th February, 1983.

O R D E R

Shri B.R. Sarin, Assistant Director(Adm) ad-hoc stands reverted to his original post of Administrative Officer w.e.f. the afternoon of 28th February, 1983 and posted to Delhi Region. He will, however, continue to function as Drawing and Disbursing Officer.

2. Km. Premlata Mallick, Superintendent at present officiating as Administrative Officer on ad-hoc basis is appointed as Administrative Officer on regular basis w.e.f. 1.3.1983 (F.M.) and posted against the regular vacancy of Administrative Officer at Gauhati. She is directed to join at Gauhati immediately as the post of Administrative Officer at Gauhati is lying vacant for a considerable period. However, if she does not join at Gauhati upto 31st March, 1983, it shall be deemed that she has refused the promotion.

3. On his repatriation from deputation, Shri G.S. Agarwal is posted as Administrative Officer at the Regional Centre, Bhopal.

4. Consequent upon Shri Agarwal's posting at Bhopal, Shri G.K. Nagchandi, Administrative Officer(ad-hoc) stands reverted to the post of Superintendent from the date Shri Agarwal joins as Adm. Officer at Bhopal. Shri Nagchandi on his reversion is posted as Superintendent at Delhi Hqrs. vice Km. Premlata Mallick.

[Signature]
(B. Naarayan)
Director

Copy to:

1. All incumbents concerned.
2. Adm-I section (for personal files of the concerned incumbents).
3. All Officers at Hqrs (including Superintendents).
4. All Deputy Directors at Regional Centres.
- E.2*
Vechari
WPL

contd.....p-2/-

7C
[Signature]

74/4
Bench Copy

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH,
LUCKNOW.

REJOINDER AFFIDAVIT

In re:

C.A.No.361 of 1990 (L)

G.K.Nagchandi ...Applicant

Versus

Union of India and others ...Opp.Parties.

I, G.K.Nagchandi aged about 51 years
s/o Late Sri K.V.Nagchandi resident
of 116-A, Faizabad Road, Lucknow
(presently working as Administrative
officer in the office of Deputy
Director, Song and Drama Division,
Ministry of Information and Broad-
casting Lucknow), the deponent do
hereby solemnly affirm and state on
oath as under:-

1. That the deponent is the applicant in
the above described original application and as
such he is fully acquainted with the facts and
circumstances of the case.

Completed

MS

- 2 -

2. That the deponent has read and understood the contents of the counter affidavit filed on behalf of the opposite parties and its rejoinder is being filed hereunder.

3. That the contents of paras 1 and 2 of the counter affidavit need no reply.

4. That the contents of para 3 of the counter affidavit need no reply.

5. That the contents of para 4 of the counter affidavit need no reply except that the posting of the applicant at Lucknow was infact a transfer as stated in para 4.01 of the O.A.

6. That the contents of para 5 of the counter affidavit are not admitted as stated. It is wholly incorrect to say that the case of the applicant for transfer to Bhopal could not be considered because of the fact that the Administrative Officer working at Bhopal was also coming up under the purview of the Government of India, Department of Personnel and Public Grievances and Pension O.M. dated 3.4.1986. As stated by respondents themselves the wife of the Administrative Officer

Completed

at Bhopal is working as a teacher under the State Government of Haryana at Faridabad and nearest centres are Delhi, Chandigarh and Lucknow. Bhopal is not nearest to his family as stated. Further since the Administrative officer presently posted at Bhopal was working at Chandigarh which is nearer to Faridabad than Bhopal, as stated by respondents themselves, there was no justification for his transfer from Chandigarh to Bhopal. It was only a device to put an obstacle in the way for the applicant. Sri R.P.Saini, the Administrative Officer had applied for transfer to Delhi vide his application dated 12.12.90, a photostat copy of which is being annexed as Annexure No.R-1, but it was also not considered.

7. That the contents of para 6 of the counter affidavit are not admitted as stated. The respondents particularly No.2 has not mentioned any thing about the complaint made by the deponent as referred to in para 4.03 of the O.A. The respondents have also not replied the averments made by the deponent in para 4.04 of the O.A. regarding the responsibility for making payment of the bills. Further as stated by the respondents in para under reply that private parties had demanded action against the Dy.Director and the Administrative officer, the respondents have not mentioned as to what action was taken against the Dy.Director or what was the reason for discriminating the applicant.

Accepted

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8. That the contents of para 7 of the counter affidavit need no reply.

9. That the contents of para 8 of the counter affidavit are denied as wrong. The contents of para under reply itself makes it abundantly clear that the transfer of the applicant was ordered because of the alleged complaints made by private registered parties and the News Paper reports, which was not only unjust but also caused aspersion on the moral and character of the applicant. The Respondents ought to have enquired into the allegation before issuing the order of transfer. Moreover the private registered parties had demanded action against the Dy. Director as well as the Administrative Officer and it is not clear as to what weighed in the minds of Respondents for discriminating the applicant. The allegations are defamatory and the applicant has already submitted an application to the Respondent No.2 seeking permission for filing a suit for defamation but the permission has not yet been accorded. The order of transfer was infact passed as a punishment and neither it was an administrative

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- 5 -

order nor passed due to administrative exigencies as alleged. No doubt transfer is an incidence of service but the respondents cannot discriminate with the applicant.

10. That the contents of para 9 of the counter affidavit need no reply.

11. That the contents of para 10 of the counter affidavit are not admitted as stated. The representation of the applicant dated 27.8.90 was not considered taking into consideration all the facts as per the judgment and order dated 31.8.90 passed by this Hon'ble Tribunal. The applicant has not been given an opportunity of personal hearing nor any reason has been shown by the respondents as to why it was not possible to do so. The alleged letter No.A-22013/1/90-Admin-I dated 21.9.90 has not been received by the applicant till to-day, hence the same is denied.

12. That the contents of para 11 of the counter affidavit are denied and those of 4.10 of the O.A. are reiterated as to specifically stated that the representative applicant has not been disposed off as per

Cancelled

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- 7 -

particular case as the present one it does amount to punishment. Before acting on the alleged complaints the Respondents ought to have complied with the principles of natural justice and afforded a reasonable opportunity to the applicant to explain the matter. In fact the whole incident was verified by the Dy. Director (Respondent No. 4) and as such there was no occasion to transfer the applicant and the impugned transfer order is malefide and has been passed for oblique considerations.

16. That the contents of para 16 of the counter affidavit are denied as wrong and those of para 4.16 of the O.A. are reiterated as true. As already stated the applicant has still not received the copy of the alleged letter dated 21.9.90 about the disposal of his representation and he has also not been given personal hearing.

17. That the contents of para 17 of the counter affidavit are not admitted as stated. The respondents have tried to paint a distorted picture of the whole matter and have given only such information which depicts as if they are working in a reasonable manner. The postings of the applicant from 1973 to 1980 at Patna, Siliguri, Delhi and Pune have deliberately not been reflected.



In this context a bio-data of the applicant is being annexed as Annexure No.R-2. A statement showing the postings of other Administrative officers is also being annexed as Annexure No.R-2, which shows the favouritism done to some and harassment of the applicant becomes abundantly clear. In fact while working as Field Publicity Officer at Gwalior in 1985 the applicant sought reversion from senior position with a view to get a posting at Bhopal, where the vacancy of the Administrative Officer was available. The respondents however, did not agree to post the applicant to Bhopal for oblique considerations and posted the applicant to Pune, which clearly proves that the Respondents have made no efforts to post the applicant at Bhopal, rather have deliberately not posted even when vacancy did exist. The Respondents have misrepresented the facts to mislead this Hon'ble Tribunal. The contents of para 4.17 of the C.A. are reiterated as true. It may be mentioned here that the Respondent No.2 has transferred the employees to their choice stations alongwith posts, but the case of the applicant has deliberately not been considered. It may also be stated here that the Pay and Accounts office for Chandigarh and Bhopal offices is located at Delhi. This provides an opportunity to the Administrative Officers posted at Bhopal and Chandigarh to pay frequent visits to Delhi. As other Administrative Officers are residents of Delhi, the main objective of the Respondent No.2 in rejecting the request of the applicant for posting to Bhopal is to post ^{favoured} ~~favoured~~ persons so that he can frequently visit Delhi at Govt. expense.

18. That the contents of para 18 of the counter affidavit are not admitted as stated and the contents of para 4.18 of the O.A. are reiterated as true. Sri Vijay Suri have already furnished the evidence of the charges levelled vide his application dated 28.2.1990. No action has been taken by the Respondents in this regard. In this context it may be mentioned that the Circular No.C-19019/1/88-Vig dated 5.9.90 issued by the Respondent No.2 clearly shows that the officers and staff in his office enjoy liquor alongwith outsiders in office itself. It may be inferred from this that the officers and staff enjoy the liquor in office alongwith outsiders who may be agents through whom illegal gratification and bribe is demanded for transfers and postings. The money so obtained is later utilised for purchase of liquor and meals etc. A photostat copy of the Circular dated 5.9.90 is being annexed as Annexure No.R-4.

19. That the contents of para 19 of the counter affidavit need no reply. However it may be stated that this Hon'ble Tribunal has already issued notices to the Respondent No.3 and Sri B.P.Sinha the present incumbent of the office of Respondent No.4 vide order dated 4.4.91.

20. That the contents of para 20 of the counter affidavit are denied as wrong and those of para 4.20 of the O.A. are reiterated as true.

Cancelled

It may be stated here that the Respondent No.2 himself had written to the Respondent No.4 that decision has been taken in the matter after discussion with his colleagues at Headquarters one of whom is Mr.Solanky the then Dy.Director at Lucknow.

21. That the contents of para 21 of the counter affidavit are denied as wrong and misconceived. As already stated the applicant has not yet received the copy of the alleged letter dated 21.9.90 vide which the representation of the applicant is alleged to have been decided. Since the applicant was relieved by Respondent No.4 before the disposal of the representation of the applicant in accordance with the judgment and order dated 31.8.90 passed by this Hon'ble Tribunal, hence the relieving order is nullity in the eyes of Law.

22. That the contents of para 22 of the counter affidavit are denied as wrong and misconceived and the applicant is entitled to the reliefs sought for in the present case.

23. That the contents of para 23 of the counter affidavit need no reply.

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24. That the contents of para 24 of the counter affidavit are denied as wrong and misconceived. The original application filed by the applicant is liable to be allowed with cost.

25. That the contents of para 25 of the counter affidavit are denied as wrong and misconceived. This Hon'ble Tribunal had stayed the impugned transfer order after perusal of the original record vide interim order dated 23.11.90. Vide this order the respondents were required to file their counter affidavit within 4 weeks but they failed to file the counter affidavit within the stipulated time.


Deponent

Lucknow:

Dated: 17-7-1991.

VERIFICATION

I, G.K.Nagchandi s/o Late Sri K.V. Nagchandi age about 51 years working as Administrative Officer in the Office of Dy. Director, Song and Drama Division, Ministry of Information and Broadcasting, Lucknow r/o 116 A, Faizabad Road,

Lucknow do hereby verify that the contents of
paras..!to 20, 21(partly), 23(partly), 24

and 25 _____


of this affidavit are true to my personal
knowledge and those of paras..21(partly), 22

and 23(partly) _____

are believed to be true on legal advice and

paras... _____

are believed to be true on belief, and I have
not suppressed any material facts.


Deponent

Lucknow:

Dated: 17-7- ,1991.

IDENTIFICATION

I identify the deponent who has
signed before me.

Advocate.


T.C. ✓

G.K. Nagchandi

vs.

Union of India and others

--- Applicant-

--- Respondents
ANNEXURE NO. R-1

To

The Director,
Song and Drama Division,
15/16, Subhash Marg,
Daryaganj,
NEW DELHI-110002.

Sir,

In spite of my ill health and continuous treatment from T.B. Hospital/Safdarjung Hospital, New Delhi since 1987 I have obeyed your orders for my transfer twice from Delhi to Chandigarh in Feb. 1983 and then from Chandigarh to Bhopal in Feb. 90. The treatment is still going on as is evident from the copy of prescriptions enclosed.

2. (a) My wife is a teacher in Govt. Primary School Ballabgarh (Haryana).

(b) Moreover, she is also under treatment at Safdarjung Hospital.

(c) She has had serious set backs of deaths of two of her brothers and three sisters and also death of my father.

3. Recently I have suffered an attack of acute appendicular mess for which I have to undergo surgical operation as per medical advice.


4. I am the senior most A.O. and it has been the practice in the past that the senior most A.O. is kept in Hqarters.

5. Therefore, I appeal to your honour to kindly transfer me immediately to Delhi on HUMANITARIAN GROUNDS and also the justice of nature demands my posting in Delhi.

Thanking you in anticipation,

Yours faithfully,

Dated: 12th Dec. 1990.


(R.P. SAINI)
ADMINISTRATIVE OFFICER,
Song & Drama Division,
BHO PAL
(Camp: N.Delhi.).



G.K. Nagchandi

vs.

Union of India and others

--- Applicant

--- Respondents

ANNEXURE NO. R-2

**BIO DATA OF SRI G.K. NAGCHANDI
DESIGNATION: ADMINISTRATIVE OFFICER.**

(to be submitted in duplicate)

1. Name: G.K. NAGCHANDI
2. Father's Name: K.V. NAGCHANDI
3. Date of birth: 1-1-1940
4. Date of entry in services: 18-6-1959
5. Date of superannuation: 31-12-1997
6. Details of service rendered in Song & Drama Division in various capacities.

Sr. No.	Period	Designation	Place of duty	Remarks
1.	From 1-1-40 to 2-1-41	1.	2.	3.
1.	67	72	Tech. Asstt.	Bhopal
2.	73	76	Tech. Asstt.	Patna
3.	77	78	Manager	Elligudi/Delhi
4.			Tech. Asstt.	Pune
4.	79	4/80	Tech. Asstt.	Bhopal
5.	5/80	12/80	Asstt.	Delhi
6.	81	7/83	Adm. Officer	Bhopal
7.	8/83	10/84	Adm. Officer	Cauhati/Pune
8.	10/84 till date	On deputation to D.P.		

7. Languages known/spoken Hindi, English, Marathi

8. Details of field of specialisation

9. Whether you are covered under the guidelines regarding posting of husband and wife at the same station in accordance with the instructions contained in Deptt. of Personnel & Public Grievances & Pension O.M. No. 23034/7/86-Extt. (A) dated 3.4.1986
(Copy enclosed):

Yes, Certificate enclosed

If no details thereof may please be given.

Wife, Smt Anjali Nagchandi, is working in Directorate of Industries, M.P. Bhopal with a school going son and a college going daughter; it is essential that husband and wife live together so that children are well looked after. One establishment will also help the home economy which will be otherwise shattered.

In the Central Administrative Tribunal, Addl. Bench Allahabad
Circuit Bench, Lucknow
Original Application No. 361 of 1990(L)

■ G.K. Nagchandi

Vs.

Union of India and others

--- Applicant-

--- Respondents
ANNEXURE NO. R-3

Sl. No.	Name	Residence	Place of birth	Year
1.	Shri. G. K. Nagchandi	Allahabad (Delhi)	Delhi Lucknow Delhi Chandigarh Amritsar	1953 to 1970 1970 to 1982 1982 to 1987 1987 to 1990 1990 to till date
2.	Shri. S. S. S. S.	Delhi	Delhi Chandigarh Amritsar	1957 to 1980 1981 to 1986 1986 to 1990 (L-30) 1990 to till date
3.	Mr. P. P. P. P.	Delhi	Delhi	1965 to till date

[Signature]

In the Central Administrative Tribunal, Addl. Bench Allahabad
Circuit Bench, Lucknow

Original Application No. 361 of 1990(L)

G.K. Nagchandi

vs.

Union of India and others

--- Applicant ---

--- Respondents ---
ANNEXURE NO. R-4

No. C-19019/1/83-Vig.

Solr. Drara Division
Ministry of Information & Broadcasting

15/16 Subhash Marg
Daryaganj
New Delhi-110001.

Dated 5th Sept., 1990.

C I R C U L A R

Instances have come to my notice from time to time that Staff members and staff artistes sometime found available in the office having in-toxicated/consumed liqueur. It has also been noticed that many a time certain staff members/staff artistes/officers appeared on the stage or at the place of performance having consumed liqueur. Further, it has also been noticed that many persons take/consume liqueur in the office premises in the office hours and beyond the office hours. The practice of coming to office in state of intoxication or appearing on the stage or at the place of performance having consumed liqueur and taking or consuming liqueur in the office premises within office hours and beyond office hours, not only undesirable but is an act of indiscipline and misconduct under CCS (Conduct) Rules and therefore, suitable disciplinary action would be taken against the person having found in such a state. In this connection, a circular was earlier issued vide No. C-19019/1/83-Vig. dated the 1st September 1988, pointing out actionable of similar misconduct and it is once again reiterated that such act in future would be viewed seriously and the persons found in such a state will be dealt with severely.

All the officers at Hdqrs/Regional Dy. Directors/Asst. Directors/Officer incharge of the centre/sub-centres are therefore advised to note the instructions for strict compliance.

(Dr. P.K. NANDI)
DIRECTOR

All Officers at Hdqrs/All Regional Deputy Directors/Assistant Directors/Officer Incharge Sub-centres.

Copy to : DO (FS) - for information and record please.



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Branch Copy

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
Addl. Bench, ALHABAD
Circuit Bench, LUCKNOW.

Misc. Appn. No. 619 of 1991 (L)

In

Original Application No. 361 of 1990 (L)

F.F. 14.10.91

C.K. Nagchandi, aged about 50 years s/o Late Sri
K.V. Nagchandi r/o 116A, Faizabad Road, Lucknow
(employed as Administrative Officer, Song and
Drama Division, Ministry of Information and
Broadcasting, Government of India, Lucknow.

...Applicant

Versus

1. Union of India through the Secretary, Ministry
of Information and Broadcasting, New Delhi.
2. Director, Song and Drama Division, Ministry of
Information and Broadcasting, 15/16 Subhash
Marg, Daryaganj, New Delhi-11 0002.
3. Dr. P.K. Nandi, Director, Song and Drama Division,
Ministry of Information and Broadcasting,
15/16, Subhash Marg, Daryaganj, New Delhi.
4. The Deputy Director, Song and Drama Division,
Ministry of Information and Broadcasting,
Lucknow.

...Respondents.

A. LIST OF MEMBERS OF THE ORIGINAL
APPLICATION.

Brief facts leading to the Application:

1. That the applicant had submitted
an application initially on 25.9.1967 for

T.C.
P.C. Singh
Adv.
9/10/91

Ref

- 2 -

transfer to Bhopal in terms of Govt. of India, Deptt. of Personnel and Public Grievances and Pension Office Memorandum No.28034/7/86-Estt (3) dated 3.1.86 as his wife is serving under A.P.Govt. at Bhopal. However, he was transferred to Lucknow vide order dated 3.11.88 issued by the Respondent No.2.

2. That the applicant submitted another application on 20.3.81 for transfer from Lucknow to Bhopal but his case was not considered and the Administrative Officer working at Chandigarh whose wife is serving as a teacher in Ballabhgarh (Faridabad) under the Govt. of Haryana, was transferred to Bhopal.

3. That it is obvious that the Respondents are not following the guide lines and policy laid down by the Govt. regarding transfer of the employees whose spouse are working in Government service or in Public Undertakings for the reasons being known to them. On the one hand the applicant who had been submitting repeated representations for transfer to Bhopal had been transferred to Lucknow and on the other hand Sri A.P.Saini, Administrative Officer

T.C.
P.C. Singh
Adv.
9/10/91

who had requested for transfer from Chandigarh to Delhi was transferred to Bhopal.

4. That instead of considering the case of the applicant for transfer to Bhopal the applicant was transferred from Lucknow to Madras which is at more distance from Bhopal than Lucknow. This transfer is contrary to the letter and spirit of the Office Memorandum dated 3.4.1986 issued by the Govt. of India, Deptt. of Personnel and Public Grievances and Pension.

5. That the present O.A. has been filed against the transfer of the applicant from Lucknow to Madras and this Hon'ble Tribunal was pleased to stay the transfer order dated 22.8.1990 and relieving order dated 4.10.90 vide order dated 23.11.1990.

6. That though in ~~words~~ paragraph 4 of the O.A. it was mentioned that the applicant had submitted application for transfer to Bhopal in terms of the O.M. dated 3.4.1986 issued by the Govt. of India, Deptt. of Personnel and Public Grievances and Pension but due to

T.C.
17-11-91
Odr.
9/10/91

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- 4 -

inadvertence the grounds and prayer were not properly worded.

7. That under the circumstances the Ground and Prayer as mentioned in Paragraph 6 and 8 may be amended as under:

(a) Add -Ground

(j) In para 6-

Because the application of the applicant for transfer to Bhopal has not been considered in the light of O.M.No.28034/7/86-Estt(A) dated 3.4.1986 issued by the Govt. of India, Deptt. of Personnel and Public Grievances and Pension.

(b) Add-Relief No.C in Paragraph 8.

(c) issue a writ order or direction in the nature of MANDAMUS commanding the respondents to consider the application/Representation of the applicant for transfer to Bhopal in the light of O.M.No.28034/7/86-Estt (A) dated 3.4.86 issued by the Govt. of India, Deptt. of Personnel and public Grievances and Pension.

T.C.
P.C. Singh
Adv.
9/10/91

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- 5 -

8. That the applicant prays for bonafide.
RELIEF OR PRAYER
WHEREIN, it is humbly prayed

that this Hon'ble Tribunal may kindly
be pleased to allow the applicant to
make the amendments as mentioned in para
7 above in the Original Application in
the interest of justice.

Signature of Applicant

Lucknow: October 2, 1991.

VERIFICATION

I, G.K. Nagchandi s/o Late Sri

K.V. Nagchandi age about 50 years working as
Administrative Officer in the Office of Dy.
Director Song and Drama Division, Ministry of
Information and Broadcasting, Lucknow r/o 116-A,
Faizabad Road, Lucknow do hereby verify that
the contents of paras 1 to 8 are true to
my personal knowledge and I have not
suppressed any material facts.

T.C. Sgl
P.C. Adv.
9/10/91

Lucknow: Signature of the applicant.
Dated: October 2, 91

Lucknow: Signature of the Advocate
Dated: October 9, 1991.

BKS

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

CI CIVIL BENCH AT LUCKNOW

Civil Misc. An. No. 228 of 1992

In Re

C.I. No. 474 of 19⁹¹ (L)

R.S. Chauhan

...Applicant

Versus

Union of India & others

...Respondents

Application to expedite the matter
for early hearing of Interim Relief
Application.

On behalf of the applicant, it is most
respectfully brought to submit as under;

1. That the above application has been
preferred before this Hon'ble Tribunal challenging
the departmental action by which ^{on} the appellate
stage the entire proceedings has again been
initiated while the previous punishment order
after fulfilled enquiry has been passed and
that the same has also been implemented.

2. That through the above said application
interim relief has also been prayed that the
Opposite Party No. 2 and 3 be restrained to take
any further fresh proceedings against the
applicant during the pendency of this application.

R/S

(2)

3. That on admission stage on the interim relief this Hon'ble Tribunal was pleased and show caused to the Opposite Parties that why this application may not be admitted. This order was passed on dated 10.12.1991.

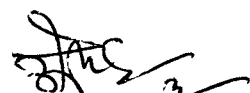
4. That it is also stated that 4 weeks time was allowed to respondents for filing objections/reply, if any, but nothing has been filed. The applicant has also served a copy of the order dated 10.12.1991 on the authorities but the respondents insist to file reply before this Hon'ble Tribunal started enquiry against the petitioner. While, it is well known by the authorities that the matter is sub-judice.

5. That the date of enquiry has time to time been fixed and adjournments are being given on the basis of application furnished by the applicant and the next date is being fixed i.e. ⁰⁴ 23.3.92.

It is, therefore, most respectfully prayed that the Hon'ble Tribunal may be pleased to allow this application and the matter pertaining to interim relief may be expedited as early as possible and after hearing the suitable order may be passed in the interest of justice.

Place: Lucknow

Dated: 5/3/92


Advocate,
Counsel for the appl

G.K. Nagchandi Vs
Union of India & others

Applicant

Respondents

ANNEXURE A-3

(21)

To,

The Director,
Song and Drama Division,
New Delhi.

(Shri B.Z. Sarin, D.D. (A))

(THROUGH PROPER CHANNEL)

Subject:- G.K. Nagchandi, Field Publicity Officer (L.R.)
Bhopal - repatriation to parent Department.

.....

Sir,

Kindly refer to J.D. DFP., Bhopal's letter No. 4/5/85-MP/
Admn dated 10/9/87 on the above subject.

As information vide this letter I will be relieved on
4/11/87 A.N. The Directorate is aware that my wife is working
in the Directorate of Industries, M.P. Bhopal. I have a school
going son and a college going daughter due for joining middle
college.

I am also not keeping good health these days due to
high blood pressure and have to remain on specific diet.
Specimen copies of Doctor's prescriptions are enclosed for
reference.

Under these circumstances displacement from Bhopal
will badly affect my domestic life. Keeping in view the
instructions contained in Department of Personnel and Public
grievances and Pension O.M. No. 28034/7/85-Entt(A) dated 3/4/86
I request for my posting at Bhopal. My biodata is enclosed
for ready reference.

Thanking you.

Yours faithfully,

Dated: 25.9.1987.

(G. K. NAGCHANDI)
FIELD PUBLICITY OFFICER (LR)
BHOPAL.

T.C.
H.C. Sarin
Adv.

28.9.90

(22)
No 60

BIO DATA OF SHRI G.K. NAGCHANDI
DESIGNATION: ADMINISTRATIVE OFFICER,

(to be submitted in duplicate)

1. Name: G.K. NAGCHANDI
2. Father's Name : K.V. NAGCHANDI
3. Date of birth: 1-1-1940
4. Date of entry in service: 18-6-1969
5. Date of superannuation: 31-1-1997
6. Details of service rendered in Song & Drama Division in various capacities.

Sr. No.	Period	Designation	Place of duty	Remarks.
1.	2.	3.	4.	5.
1.	69	72	Tech. Asstt.	Bhopal
2.	73	76	Tech. Asstt.	Patna
3.	77	78	Manager	Siligudi/Delhi
4.			Tech. Asstt.	Pune.
4.	79	4/80	Tech. Asstt.	Bhopal
5.	5/80	12/80	Supdt.	Delhi
6.	81	7/83	Admn. Officer	Bhopal
7.	8/83	10/84	Admn. Officer	Gauhati/Pune
8.	10/84 till date		On deputation	to DFP.

7. Languages known/spoken Hindi, English, *Marathi*

8. Details of field of specialisation -

9. Whether you are covered under the guidelines regarding posting of husband and wife at the same station in accordance with the instructions contained in Deptt. of Personnel & Public Grievances & Pension O.M. No. 23034/7/86- Estt.(A) dated 3.4.1986 (Copy enclosed);

Yes, Certificate enclosed

If so details thereof may please be given.

Wife, Smt Anjali Nagchandi, is working in Directorate of Industries, M.P. Bhopal with a school going son and a college going daughter. It is essential that husband and wife live together so that children are well looked after. Our establishment will also help the economy which will be otherwise.

L. J.
T.C.
R.C. S.J.
Ad.
28-8-90

Enclosure
25/3

G.K. Nagchandi V.
Union of India & others

-- Applicant
--- Respondents (23)

ANNEXURE A-4

Copy of O.M.No. 28034/7/86-Estt(A) dated 3.4.86

OFFICE MEMORANDUM

Subject: Posting of husband and wife at the same station.

.....

The question of formulation of a policy regarding the posting at the same place of husband and wife who are in Government service or in the service of public Sector Undertakings has been raised in Parliament and other forums on several occasions. Government's position has been that requests of government servants and employees of public sector undertakings for posting at the same station usually receive sympathetic consideration, and that each case is decided on merits, keeping in view the administrative requirements.

2. The Government of India have given the utmost importance to the enhancement of women's status in all sectors and all walks of life. Strategies and policies are being formulated, and implemented by different Ministries of the Central Government to achieve this end. It is also considered necessary to have a policy which can enable women employed under the Government and the Public Sector Undertakings to discharge their responsibilities as wife/mother on the one hand, and productive workers on the other, more effectively. It is the policy of the Government that as far as possible and within the constraints of administrative feasibility, the husband and wife should be posted at the same station to enable them to lead a normal family life and to ensure the education and welfare of their children.

3. In February 1976, the then Department of Social Welfare had issued a circular D.O. letter to all Ministries and Departments requesting them to give serious consideration to the question of posting husband and wife at the same station. However, representations continue to be received by the Department of Women's Welfare in the Ministry of Human Resources Development from women seeking the intervention of that Department for a posting at the place where their husbands are posted. It has, therefore, now been decided to lay down a broad statement of policy at least with regard to those employees who are under the purview of the Central Government/Public Sector Undertakings. An attempt has, therefore, been made in the following paragraphs to lay down some guidelines to enable the cadre controlling authorities to consider the requests from spouses for a posting at the same station. At the outset, it may be clarified that it may not be possible to bring every category of employee within the ambit of this policy as situations of husband/wife employment are varied and manifold. The guidelines given below are, therefore, illustrative and not exhaustive. Government desire that in all other cases the Cadre controlling authority should consider such requests with utmost sympathy.

4. The classes of cases that may arise, and the guidelines for dealing with each class of case, are given below:-

contd.....p/2.

T.C
L.S.
Adv.
28.8.90

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:-2:-

- (i) Where the spouses belong to the same All India Service or two of the All India Services, namely, IAS, IPS and Indian Forest Service (Group A) :
- The spouses will be posted to the same Cadre by providing for a Cadre transfer of one spouse to the Cadre of the other spouse subject to their not being posted by this process to their home Cadre. Postings within the Cadre will, of course, fall within the purview of the State Government.
- (ii) Where one spouse belongs to one of the All India Services and the other spouse belongs to one of the Central Services :
- The Cadre controlling authority of the Central Service may post the officer to the station, or if there is no post in that station, to the State where the other spouse belonging to the All India Service is posted.
- (iii) Where the spouses belong to the same Central Service:
- The Cadre controlling authority may post the spouses to the same station.
- (iv) Where one spouse belongs to one Central Service and the other spouse belongs to another Central Service:
- The spouse with the longer service at a station may apply to the appropriate Cadre controlling authority and the said authority may post the said officer to the station, or if there is no post in that station to the State, where the other spouse belonging to the other Central Service is posted.
- (v) Where one spouse belongs to an All India Service and the other spouse belongs to a Public Sector Undertaking:-
- The spouse employed under the Public Sector Undertaking may apply to the competent authority and said authority may post the said officer to the station, or if there is no post under the PSU in that station, to the State where the other spouse is posted.
- (vi) Where the spouse belongs to a Central Service and the other spouse belongs to a PSU:-
- The spouse employed under the PSU may apply to the competent authority and the said authority may post the officer to the station, or if there is no post under the PSU in that station, to the State where the other spouse is posted. If, however, the request cannot be granted because the PSU has no post in the said station State, then the spouse

contd.....p/3.

T.C.
Recd.
Adv.
28.8.90

:-3:-

belonging to the Central Service may apply to the appropriate Cadre controlling authority and the said authority may post the said officer to the station, or if there is no post in that station, to the State where the spouse employed under PSU is posted.

(vii) Where one spouse is employed under the Central Government and the other spouse is employed under the State Government :-

- The spouse employed under the Central Government may apply to the competent authority and the competent authority may post the said officer to the station, or if there is no post in that station, to the State where the other spouse is posted.

5. As will be seen from the illustrations, given above, they do not cover all possible categories of cases which may arise. In fact, it is not possible to anticipate all the categories of cases. Each case, not covered by the above guidelines, will have to be dealt with keeping in mind the spirit in which these guidelines have been laid down and the larger objective of ensuring that a husband and wife are, as far as possible and within the constraints of administrative convenience, posted at the same station.

6. Ministry of Finance etc. are requested to bring the above instructions to the notice of all administrative authorities under their control and ensure compliance.

7. In so far as persons serving in Indian Audit and Accounts Department are concerned, these orders issue in consultation with the comptroller and Auditor General of India.

8. This issues with the concurrence of the Department of Public Enterprises.

9. Hindi version will follow.

S/- (Mrs. Aarti Khosla)
Under Secretary to the Govt. of India.

T.C.
A.C. Singh
Adv.
20-8-90

In the Central Administrative Tribunal, Circuit Bench, Lucknow
O.A. No. 76/1990

G.K. Nagchandi Vs.
Union of India & others

-- Applicant *PN*

--- Respondents

ANNEXURE A-5

(26)

No. 30/1/1/89/conf1./A.O/LKO
Song & Drama Division
Min. of I & B, Govt. of India

116-A, Faizabad Road
Lucknow.

To

Dt. 16/9/89

The Director,
(Sh. A.N. Ganguly, J.D.)
Song & Drama Division
Min. of I & B, Govt. of India
15/16, Subhash Marg
Darya Ganj, New Delhi-110002.

Subj:- Financial irregularity amounting to misappropriation
of Government money in respect of Lucknow Centre.

Sir,

An amount of Rs36/- (Rs thirty six) only was reportedly
deposited in the office by Sh. Ram Gopal, DPC on 31/7/89.
Sh. Sahab Din cashier did not report the receipt of this
amount to the Administrative Officer.

LWS
The receipt of this amount came to the knowledge of
Administrative Officer, Lucknow only on 11/9/89 when cash
book and the money receipt book was put up to him. On the
scrutiny, an entry on the body of TA bill of Ram Gopal
was found indicating that the said amount was to be
deposited vide challan no 3/8/89 dated 17/8/89. The entry
however, found to have been overwritten to read as 3/9/89
dated 11/9/89. This raised doubt and the Administrative-
Officer started looking into other papers and recollecting
his memory. The memory of the A.O. told him that the
Dy. Director, Lucknow while sending a case against Ram Gopal
referred to this amount and the entry of the amount perhaps
was available in the challan register which is presently at
Hrs. Delhi. The challan register in queuing was sent to
Hrs. on 20/8/89, 19/8/89 was a holiday. Obviously the entry
in the Challan Register was made by the cashier on or before
18/8/89. The Challan No. and date i.e. 3/8/89 dt. 17/8/89
therefore appears to be correct. The entry in challan -
register of the said amount proves that the money in question
was in any case with the cashier on 17/8/89.

T.C.
15.9.89
Adv.
28.8.90
What appears to be that the money in question was in
any case with the cashier on 17/8/89 and the Dy. Director
LKO was also perhaps aware of this. But to strengthen the
charge levelled against Sh. Ram Gopal, the money in question
was deliberately kept out of records. As the case amounts
to temporary embezzlement, although of a small amount, and
the Dy. Director, Lucknow also seems to be a party to it.
The case is being submitted to you directly being the next
higher authority for necessary action as may be considered
fit.

It may be pointed out that during verbal discussions
Sh. Ram Gopal stated to have given this amount on 31/7/89
and Shiv Charan, peon seconded the statement of Sh. Ram Gopal.
Sh. Sahab Din cashier firstly admitted verbally to have
received the amount on 31/7/89, then changed his statement
to make it 31/8/89 and finally has given in writing to
have received this amount on 11/9/89. It is also not
understood as how an entry, if available, of the amount

received on 11/9/89 was made in the challan register already at hqrs. since 20/8/89? How ent entry to this effect was made on the body of the TA bill and how a challan bearing No 3/8/89 (corrected to read as 3/9/89) was to put up to A.O. on 11/9/89.

The copy of office note dated 14/9/89, reply of Sh. Sahab Din, TA bill in original and challan in original are enclosed for necessary verification.

In view of above Shri Sahab Din cannot be trusted to be incharge of cash. It will be in public interest that he is removed from the job of cashier immediately. However as this case is linked with that of Sh. Ram Gopal pending at hqrs. the case is being submitted to you for consideration.

Yours faithfully

(G. K. Nagchoudi),
Administrative Officer.

T.C

Recd

Adh.

28-8-89

G.K. Nagchandi Vs
Union of India & others

-- Applicant

--- Respondents

ANNEXURE A-6

(28)

No. DO/1/1/89/Conf AO/LKO
Song and Drama Division
Min. of I & B, Govt. of India

116-A, Faizabad Road
Lucknow.

Dt. 16/9/89

To

Shri Sahab Singh
Director,
Song & Drama Division
Min. of I & B, Govt. of India
15/16, Subhash Marg Darya Gang
New Delhi.

Sub:- Financial mismanagement by Deputy Director, Lucknow.

Sir,

Since my joining at Lucknow I have been verbally requesting the Dy. Director, Lucknow to work within the framework of rules. At times like in the matters of purchase of fans and coolers for Lucknow office he has been very rigid about the rules. But when it comes to On Account Advances and other payments of staff and staff artistes in particular he is always prepared to jump the rules and regulations. Although various bills amounting to Rs 8 to 10 lacs were cleared by me up to 31/3/89, on account advances and few old payment of staff artistes remained pending. The On Account Advances operated after the joining of Dy. Director, Lucknow i.e. December 88 were examined and observations were communicated to persons concerned. Copies of these observations are enclosed for ready reference. Case regarding the payment of old dues was also submitted to the hqs. Delhi. Still the Dy. Director LKO kept on pressurising me for adjustment/payment of bills in respect of On Account Advances till on 15/6/89 when I was almost forced to proceed on leave. Copy of my application dt. 15/6/89 is enclosed which is self-explanatory. The Dy. Director, LKO immediately after getting the charge of Drawing & Disbursing Officer went with the speed of rocket to release the payments and adjust On Account Advances, ignoring all the rules and regulations, and overruling my observations/all the matters. Some of the cases deserve to be brought to your kind notice which I am doing as a responsible and conscious Govt. servant. As my appointment as DDO has been done by you. I consider myself to be dutybound to inform you the lapses.

Treasury rules say that the DDO should exercise the same vigilance while spending Govt. Money as a person of ordinary prudence would exercise while spending his own money. As this fundamental principle does not appear to have been followed by the Dy. Director, LKO, the lapses deserve immediate attention:-

1. PAYMENT OF Rs 84,000/- (RUPEES EIGHTY FOUR THOUSAND) WITHOUT ANY HURDLE

A sum of Rs 84,000/- has been paid by Dy. Director, Lucknow to Producer, Song & Drama Division Carbhanga Centre vide D. Draft No. OL/A/5 048225 dt. 15/6/89 - Rs 84,000/- covering letter dt. 19/6/89 (photocopy enclosed) without any sanction, bona fide purpose of Govt. programmes.

The amount in question was drawn in anticipation of sanction from the Ministry for a then proposed Song & Drama Festival at Lucknow. Till 15/6/89 the sanction was not received and hence all other demand drafts were sent to respective entres but the demand draft for Rs 84,000/- was withheld by me. The Deputy Director, Lucknow was verbally told that in case the sanction for the proposed festival is not received within next few days the payment of the demand draft may be obtained by cancellation and the money deposited in the Govt. Account. The Dy. Director was however reluctant to do so. It was impressed upon him that the Government's money is not for distribution like charity and hence it will be highly irregular if the payment is released. However, the Dy. Director released the payment on 19/6/89. The sanction for Festival at Lucknow has not reached till date and the payment of Rs 84,000/- to Producer, Carbhanga has now almost become a fictitious payment. There is every likelihood of misuse of this amount at Carbhanga. Ministry have to

be verified. The money in question

T.C.
R.C. G. Adv.
28.8.90

The money in question is still lying at Darbhanga. You may like, Sir, to investigate the matter.

2. PAYMENT OF RS. 44,741/- (FORTY FOUR THOUSAND SEVEN HUNDRED FORTY ONE) ONLY AS ARREARS OF PAY TO THE STAFF ARTISTE.:-

An amount of Rs 44,741/- has been paid vide voucher No. 151/7/89 (Rs 24,201/-) to Sh. C.B. Goswami, Staff Artiste of Nainital and voucher No. 152/7/89 (Rs 20540/-) to Sh. S.K. Roy, S.A. Darbhanga being the payment of Arrears of Fee.

H/C / Due to some observations and for want of signatures of AD(A) the case was referred to hqs. The hqs. returned the file with some observations. The file in question is linked for ready reference. The hqs. did not authorise the payment of said amount. The Asstt. Director (Admn) also did not sign the due and drawn statements.

However the Dy. Director, LKO for the reasons best known to him only overruled every body from Admn. Officer to the Director and broke on the steel almirah of the Admn. Officer (on leave), took away the bills lying in the almirah and passed them for payment.

It may be pointed out that the payments in question pertained to the period 1975 (C.B. Goswami) & 1979 (Sh. S.K. Roy). During this period the powers of D&DO were with Asstt. Director (Admn.) and therefore his signatures on Due and Drawn Statements, a corresponding entry in the old record was a absolute necessity. All this was ignored by the Dy. Director, LKO and the bills were passed for payments by signing the even the old statements. You may kindly like to look into this matter.

3. PAYMENT OF TRANSFER TA BILL:- A transfer T.A. bill in respect of

S/C / Sh. H.L. Kundu, A.D. Nainital was pending in Lucknow office. This bill amounting to Rs 2472/- was ~~pending~~ returned to A.D. Nainital with the observations as may be seen in the enclosed letter. Under Supplementary Rule 2(8) in case of wife the necessary condition for availing transfer benefits is "residing with". As the transfer claim was not within this rule the claim was rejected by me. However the Dy. Director, LKO again overruled and released this payment. To my mind it is a wrong payment. You may, Sir, like to ~~examine~~ the issue and fix up the responsibility for this wrong payment.

4. ON ACCOUNT ADVANCE RS. 50,000/- (FIFTY THOUSAND) ONLY IN THE NAME OF SHRI N. DIBBY PRODUCTIONS S&D DARBHANGA:-

in providing power connection. G/C / An amount of Rs 1,21,189/- with an On Account Advance of Rs 50000/- was sanctioned by the Ministry for setting up of Camp at Maha Kumbh Mela in Allahabad. The sanction accorded by the Ministry had 4/5 heads of expenditures, with perhaps no permission to exceed even the headwise expenditure. Inspite of this nearly double expenditure has been incurred. A duty vehicle (TAXI) was hired for which no sanction was accorded by the Ministry. The Dy. Directors at regions do not have powers for hire of TAXI. One voucher amounting to Rs 1150/- pertaining to another On Acctt. Advance operated by Sh. S.K. Roy Darbhanga has also linked with this on Acctt. Advance, to split up the excess expenditure of that on Acctt. Advance.

Inspite of all these the Dy. Director, LKO did not bother to obtain a revised sanction from the Ministry and adjusted the On Acctt. Advance by overruling even the Ministry.

5. ON ACCOUNT ADVANCE RS. 16,000/- TO SHRI RAM GOPAL L.D.C. LUCKNOW.

A sanction of Rs 20000/- with an On Acctt. Advance of Rs 16000/- was accorded by the Director, for preparation of a new play KANYA DAK by Patna Centre for production at Allahabad. According to reports the play was not prepared and presented at Allahabad, by D.B.T. Patna. All the full expenditure of Rs 16000/- has been booked by splitting up of expenditures from other On Acctt. Advances operated by Patna, Nainital Darbhanga Centres. What is most surprising in this case is that the submitting a case for revalidation for sanction the Dy. Director, LKO certified that the production was prepared and staged at Allahabad.

T.C.

Ac-51

Adv.

28-8-90

(5)

The case regarding the revalidation of sanction is pending at hqrs. and this can be verified. The another surprising factor is that in fact as far as my memory goes the expenditure against this sanction was even less than Rs 16000/- and some amount was returned by Sh. Ram Gopal and there was infact no pending bill against this on Acctt. Adv. It is surprising that the Dy. Director, LKO has linked voucher worth Rs 2434/- against this sanction and submitted them to hqrs. for ex-post facto sanction. These voucher are obviously of some other on Acctt. Adv. and appear to have been linked with this vide splitting up the expenditure. This is required to be investigated.

6. ON ACCTT. ADVANCE OF Rs 16000/- TO SHRI H.N. SINGH D.C. DARBHANGA FOR PROGRAMME AT SUPAUL MELA IN BIHAR.

An amount of Rs 20000/- with an On Acctt. Advance of Rs 16000/- was sanctioned by the Director for arranging programmes at Supaul Mela in Bihar. The expenditure incurred against this sanction was much more than the sanctioned amount. While submitting a case for revalidation of sanction the Dy. Director, LKO has however certified that the expenditure is within the sanction. This file is pending at hqrs. The certificate recorded by the Dy. Director, Lucknow is totally wrong and again this is a case of splitting up of expenditure. Photocopies of one letter and some notings are enclosed which prove the excess expenditure. Hqrs. may have to investigate this case.

7. ON ACCTT. ADVANCE OF Rs 20000/- IN RESPECT OF SH. S.K. ROY, STAFF ARTIST DARBHANGA.

An amount of Rs 20000/- with an On Acctt. of Rs 16000/- was sanctioned by the Director for programmes by Darbhanga Troupe at Allahabad Kumbh Mela. The expenditure more than the sanctioned amount has been incurred against this sanction also and one bill amounting to Rs 1190/- has been linked with the sanction at Sl. No.04. The certificate furnished by the Dy. Director, LKO that the expenditure is within the sanction is therefore wrong. It may be pointed out that while issuing the sanction the Director, had approved the headwise expenditure but in all the cases (five cases) the Dy. Director, LKO overruled the Director and issued open sanctions without giving heads of the expenditure. Thereby paving away to the incumbent staff in the field to manipulate the things, and the undue and unprecedented haste shown by the Dy. Director, LKO in settling such cases has left behind an air of doubt.

During the period the Dy. Director, LKO remained Freeling and Discharging Officer he cleared several such cases. Above is not the exhaustive list of irregularities and as a detailed verification is done I am sure more such cases will be noticed. I will therefore request your good office kindly to look into the matter. If sanction for investigation is taken I will request you kindly to appoint a man who is impartial and has thorough knowledge of rules.

Thanking you.

Yours faithfully

(G. K. Nagchandi),
Administrative Officer.

Copy to Sh. A.K. Ganguly, Joint Director, SMO, New Delhi for information and necessary action.

(G. K. Nagchandi),
Administrative Officer.

28.8.90

In the Central Administrative Tribunal, Circuit Bench, Lucknow
O.A. No. of 1990

G.K. Nagchandi Vs.
Union of India & others

-- Applicant

--- Respondents

ANNEXURE A-7

DO.NO. 1/1/89/Conf/10/LKO
Song And Drama Division
Min. of I & B, Govt. of India

110-A, Faizabad Road
Lucknow.

25. /02/90

To

Shri Kirpa Sagar,
Director,
Song And Drama Division
New Delhi.

Sub : - Financial mismanagement by Dy. Director, Lucknow
and financial irregularity amounting to
misappropriation of Govt. money.

Respected Sir,

I am enclosing for your ready reference copies of my
letters of even numbers dated 16/9/89 on the subjects
mentioned above.

Perhaps due to retirement of the Joint Director and
change in the posting of the Director, the above issues
have remained unattended at the yours. I am therefore
bringing these matters into your kind notice as a conscious
officer and hope that some action will be taken.

I know that you are already hard pressed due to
preengagements but the above matters are also of equal
importance and need your urgent attention.

I understand that some changes in the postings of
Administrative Officers are being contemplated at LKO.,
perhaps offering me a posting at a place like
Calcutta. Should this happen, it means protection to a
wrongful person and punishment to an honest and duty-bound
officer. If at all I am to be shifted from Lucknow, my
only choice will be Bhopal. I wish that my information is
wrong and hope that wise counsel will prevail at the LKO.

In the end I beg your pardon for having bothered you
so much and once again convey my best wishes for the
New Year.

Thanking you.

With kind regards.

Yours faithfully

(G.K. Nagchandi),
Administrative Officer.

Copy to:-

Shri A.K. Srivastava, Dy. Director (P), Song & Drama
Division, Ministry of I & B, New Delhi.

(G.K. Nagchandi),
Administrative Officer.

9-2-90

G.K. Nagchandi Vs.
Union of India & others

As Applicant

(32)

Page A-8

The Director,
Song and Drama Division,
15/16, Subhash Marg,
Darya Ganj,
New Delhi-110002.

(Through Proper Channel)

Sub:- Request for transfer to Bhopal.

Sir,

Consequent upon my repatriation from deputation and in compliance with your Order No. A-22019/2/87-Adm. dated 3-11-1988, I joined as Administrative Officer on 26-12-88 at Regional Centre Song and Drama Division, Lucknow.

On previous occasion, I had submitted request letter requesting at Bhopal Centre of the Division for the following reasons :-

- 1- My physique has further deteriorated and my life is suffering badly due to hypertension and high blood pressure. Physician has advised me for proper diet and to live under proper family care.
- 2- My wife is employed at Bhopal in Dte. of Industries, Government of Madhya Pradesh. Her transfer to Lucknow is not possible as there is no office of her Department in Uttar Pradesh. Thus due to my transfer she is separated from me.
- 3- I have two children the eldest one is the daughter. They are prosecuting their study at Bhopal and they also require my presence at Bhopal. Besides I have to find some negotiation for the marriage of my daughter and in this connection my presence in Bhopal is essential.

The above problems have not only disturbed my family life by separation due to my posting at Lucknow but have adversely affected my wife and children in maintaining their day today life there. Apart from that we have to maintain now two establishment due to my posting at Lucknow.

In view of above and Office Memorandum No. 28034/7/80-Estt. dated 3-4-1986 regarding posting of husband and wife at the same station, I am to request your honour to post me at Bhopal Centre of the Division so that I could live a normal life with my wife by ensuring the education and welfare of my children at Bhopal. I am prepared even to forego my transfer benefits in the event of my posting at Bhopal Centre of the Division.

In anticipation of your kind orders.

Yours faithfully,

Dated: 28-3-1989

T.C.

(Signature)

(G.K. Nagchandi)

Adv Administrative Officer
Song & Drama Division
Lucknow.

20.8.90

In the Central Administrative Tribunal, Circuit Bench, Lucknow
O.A. No. of 1990

G.K. Nagchandi Vs.
Union of India & others

-- Applicant

--- Respondents

ANNEXURE A-@9

33

STATE

EXPRESS

TELEGRAM

SHRI KRIPA SAGAR
DIRECTOR :
SONG AND DRAMA DIVISION
15/16 SUBHASH MARG
DARYA GANJ
NEW DELHI

REFERENCE MY LETTER OF 4TH INSTANT SURPRISED TO SEE
TRANSFER ORDER OF ADMINISTRATIVE OFFICERS NOT CONSIDERING
MY CASE FOR POSTING AT BHOPAL INSPIE OF REPEATED REQUESTS
(.) KINDLY RECONSIDER THE INJUSTICE DONE

NAGCHANDI

N.T.T.

No.A-19012/2/88/S&D/LKO
Song and Drama Division
Ministry of Information and Broadcasting
Government of India

116-A, Faizabad Road,
Lucknow-226007

Dated: 9-2-1989

Copy by post in confirmation to Shri Kripa Sagar,
Director, Song and Drama Division, 15/16, Subhash Marg,
Darya Ganj, New Delhi-110002.

(G.K. Nagchandi)
Administrative Officer

28.8.90

vs.

-- Applicant

--- Respondents

ANNEXURE A-10

64

माननीय श्री विश्वनाथ प्रताप सिंह जी
भारत प्रधानमंत्री
भारत सरकार,
प्रधानमंत्री कार्यालय, नई दिल्ली।

गौतम और नाटक प्रभाग लखनऊ कार्यालय की नाटक पाठियों द्वारा

1- श्री उरवंश जयसवाल की पार्टी द्वारा जो कार्यक्रम दिये जाते हैं उनमें उरवंश जयसवाल जो कि पार्टी के लीडर है कभी भी किसी कार्यक्रम में खुद उपस्थिति नहीं होते हैं किसी अन्य व्यक्ति को भेज कर कार्यक्रम की खानापुरी मात्र अपुरे कलाकारों से करा दी जाती है तथा भुगतान हेतु बिल दे दिये जाते हैं। जबकि नियम के अनुसार उनको प्रत्येक कार्यक्रम में खुद जाना चाहिए तथा पूरे कलाकार ले जाने चाहिए।

2- श्रीमती स्नेह लता चोपड़ा की पार्टी द्वारा भी किसी कार्यक्रम में पूरे ध्यान से नहीं ले जाये जाते हैं तथा कार्यक्रम पूरे नहीं दिये जाते है तथा फर्जी प्रमाण-पत्र आवंटित कार्यक्रमों का तैयार करवाकर पूरे पैसों सरकार से वसूल कर लिये जाते है।

५.- श्रीमती योपड़ा की अपनी पार्टी द्वारा मध्यम की एक दूसरी पार्टी
सर्वित कलासंगम के कार्यक्रम कराती हैं तथा अपने पुत्र के नाम पर बिल देकर गीत
और नाटक प्रभाग से पैसे वसूल कर लेती है। ध्यात रहे कि सर्वित कला संगम के
बीडर ३० ५० सरकार में सरकार पद पर है तथा वे कभी अपनी पार्टी द्वारा
कार्यक्रम नहीं कराते हैं। इस प्रकार योपड़ा की पार्टी दोहरा लाभ कमाती है
जो कि सरकार की कानून में जुगुप्स है। तथा इस पार्टी द्वारा भी फर्जी प्रमाण-
पत्र के आधार पर सरकार से पैसा वसूल किया जाता है।

4- इसके अतिरिक्त कानूनी तौर पर तथा प्रभात कला केन्द्र नाम की पार्टियों द्वारा उत्तरहीन, अधूरे कार्यक्रम दिये जाते हैं तथा अवैध रूप से कहीं प्रमाण-पत्र छापित कर सरकारी धन हड़पा जाता है।

प्रभाग के किसी भी अधिकारियों द्वारा फील्ड में जाकर कभी भी कार्यक्रमों की जाँच नहीं की जाती है तथा ऐसे ही बिल पास कर दिये जाते हैं।

11. दो-दो स्रोतों की उपानयन शक्ति और नरक प्रणाली

312. 5. 25. 2011

भयद्वीप

C-13- 2443, श्री

गद्य-पद्य भाग १३.

१०५०३०

G.K. Nagchandi Vs.
Union of India & others

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गीत एवं नाट
सूचना और प्रसार
भारत सरकार

कार्यालय

प्रकरण कार्यालय में दक्षिण
पूर पंजीकृत करने के बिना के भारत
के पत्र के बारे में है जो उन्होंने
जिसकी प्रतिलिपि प्रशासनिक अधिकारी

पत्र में लिखे गये निम्नलिखित
हमारे से उप निर्देशक मण्डल के
23-2-90 के बीच जब उप निर्देशक
केदार मिश्रा संपत्तीय कार्यालय में
कि ये दोनों ही मैसर्स गोमती कला
की अर्थात् छोड़कर जा गये हैं।
जो में बताया था तथा अन्य बातों
में उन्होंने कहा था कि मौखिक रिपोर्ट
नहीं दी जाये और अगर वे कभी गए
कर सकते हैं। उन्होंने कहा था
प्रभात कला केन्द्र के राज्य कार्यक्रम
पश्चात् वे अपनी शिकायत लिखित
अथ उपरोक्त शिकायत प्राप्त हुई
के तार कर्मी को केदार मिश्र के स

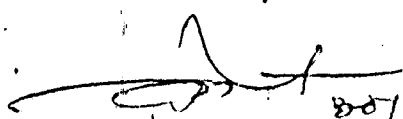
उहाँ तक शिकायत में कि
जायसवाल के बारे में लिखी गई व
वर्तमान सामाजिक और व्यवसायिक
के स्वयं कार्यकर्मी हैं न जाते हैं।
जब उप निर्देशक भी स्वयं उपस्थित
कार्यक्रम में श्री जायसवाल ने भाग
में उनका नाम है और था उपलब्ध
सगा ऐसा नहीं है तो किश आशा
जिले पास किये जा रहे हैं यह कि
भी मार्ग दर्शन प्राप्त करने की आ
जहाँ तक और श्री जायसवाल की।

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लिखना चाहुंगा कि मैं उप निदेशक द्वारा जारी किये गये निष्पादन प्रमाण पत्र के आधार पर बिल पास करता हूँ। कार्यक्रम सम्बन्धी डाक या कोर्स भी कागज मेरे पास नहीं जाता है। उप निदेशक मण्डल की अनुपस्थिति में यदावदा जब डाक देखने का अवसर मुझे मिलता है तब मैं यह पाता हूँ कि पार्टियों सम्बन्धित अधिकारियों के प्रमाण पत्र अपने बिलों के साथ ही भेजती हैं और सम्भवतः इन प्रमाण पत्रों के आधार पर ही उप निदेशक प्रदर्शन प्रमाण पत्र जारी करते हैं। जबकि सम्बन्धित अधिकारी से प्रमाण पत्र की डाक से ही उनके कार्यालय में हो मिलने चाहिये। शत प्रतिशत प्रकरणों में ऐसी न होने के कारण पत्रों प्रमाण पत्रों के आधार पर भुगतान की सम्भावना से बचका नहीं किया जा सकता। अतः जब आवश्यक लगती है।

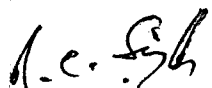

उपरोक्त संदर्भ में यह उचित होगा कि हम सहायक निदेशक पटना या नैनताल की उपरोक्त 4-5 दलों के कार्यक्षेत्रों की जाँच करने के लिये नियुक्त करें। ये/कार्यक्षेत्रों के दलों पर जाकर कम से कम 10-20 प्रतिशत तक वास्तविक चेकिंग करें। एम रिपोर्ट में। जब तक यह कार्यवाही पूर्ण नहीं हो जाती तथा श्री रावजी जयसवाल एवं सर्वेश कला संगम के बारे में मुख्यालय से निर्णय नहीं हो जाता तब तक इन दलों के कार्यालय में तथा दैतन एवं सेवा अधिकारी के पास लीखत सभी बिलों के भुगतान रोकना उचित होगा। उप निदेशक मण्डल की अनुपस्थिति में। पूरी तरह से संतुष्ट होने के बाद ही इन दलों का भुगतान करना ठीक होगा। तुरन्त प्रभाव से इन दलों के विशेष रूप से श्री जयसवाल के तथा सर्वेश कला संगम के कार्यक्रम भी बंद होना आवश्यक जान पड़ता है। भुगतान की देरी के लिए दलों की हम विश्वास में लेकर उनसे सहयोग करने की फर सख्त है तथा इस मामले की जल्द से जल्द निपटा सकते हैं।

रिपोर्ट दो-तीन माह में सम्पन्न


(गो के नागचौडी)
प्रशासनिक अधिकारी

उप निदेशक (लखनऊ)

T.C.

28-8-90

In the Central Administrative Tribunal, Circuit Bench, Lucknow
O.A. No. 190

G.K. Nagchandi Vs.
Union of India & others

-- Applicant

--- Respondents

ANNEXURE A-12

RECD
Confidential

NO.AO/1/LKO/Conf.
Song and Drama Division
Ministry of Information and Broadcasting

116-A, Faizabad Road,
Lucknow

April 4, 1990

To,

Shri R.K. Braroo,
Deputy Director (P&C),
Song and Drama Division,
New Delhi.

Sub.: Complaint regarding payments of Registered
Parties on alleged forged certificates.

Sir,

Kindly refer to the complaint of Shri R.D. Shukla, resident of Nirala Nagar, Lucknow on the subject mentioned above, a copy of which was also marked by him to the Administrative Officer, Song and Drama Division, Lucknow.

In this connection a note was put up to the Deputy Director (LKO) on 30.3.'90. A copy of the said note is enclosed for your ready reference.

The Dy. Director (LKO) has not so far taken any note of the AO's note dated 30.3.'90 or at least the AO is not aware of any action taken. Under the circumstances the matter is being referred to you for action as may be deemed fit.

The matters relating to the party of Shri Harbans Jaiswal, Sarvesh Kala Sangam and to some extent that of Mrs. Chopra appears to be correct and some action is, therefore, required to be taken.

With thanks.

Yours faithfully,

(G.K. Nagchandi)
Administrative Officer

Encl.: one

T.C.
R.C. Singh
Adv.
28-8-90

In the Central Administrative Tribunal, Circuit Bench, Lucknow
O.A. No. of 1990

G.K. Nagchandi Vs.
Union of India & others

-- Applicant

--- Respondents

ANNEXURE A-13

38

STATE

EXPRESS

TELEGRAM

R.K. BRAROO

DEPUTY DIRECTOR P & C
SONG DRAMA DIVISION
15/16 SUBHASH MARG
DARYA GANJ
NEW DELHI

REFERENCE ADMINISTRATIVE OFFICER CONFIDENTIAL
LETTER OF FOURTH APRIL REGARDING COMPLAINT OF
REGISTERED PARTIES (;) REQUEST KINDLY ISSUE
ORDERS (.) PARTIES PAYMENTS HELD UP PRESSING (.)
DETAILS FOLLOWS

ADMINISTRATIVE OFFICER

NTT

No. AO/1/400 dated 24/5/90
Song & Drama Division,
Min. of I&E, Govt. of India

116-A, Faizabad Road
Lucknow.
Dated:- 24/5/90

Post copy in confirmation to Sh. R.K. Braroo, Dy. Director (P&C) and Acting Director Song & Drama Division, New Delhi for information and necessary action. The photocopy of Administrative Officer Lucknow's confidential letter No. AO/01/LKO dated 4/4/1990 along with enclosure is submitted herewith for ready reference. The note is self-explanatory and was submitted to Dy. Director, Lucknow on 30/3/90 and is still with him (Shri H.P. Solanky). As the release of payment to five Private Regd Parties in the absence of clear orders on the said note is likely to create problems for the Administrative Officer himself, it is requested that the orders on the case may please be passed at your earliest.

(G.K. Nagchandi)
Administrative Officer.

/RG/

24/5/90

20.8.90

G.K. Nagchandi Vs.
Union of India & others

-- Applicant

--- Respondents

ANNEXURE A-14

खतब चितना १६ जुलाई १९९० (३)

सांस्कृतिक कलाकारों ने अपनी व्यथा सूचना निदेशक को सुनायी

(विना संवाद पत्र)
कलकत्ता सूचना विभाग ने पंजीकृत
संस्कृतिक दलों के नेता
कलाकारों का दुखद सूचना तथा आपन
हैने सूचना निदेशक को पात भये तथा
उनके साथ एक बैठक की।

बैठक में उ.प्र. पंजीकृत कलाकार संघ
की ओर से सूचना निदेशक शीला कृष्ण
का स्वागत करते हुए उन्हें कलाकारों की
शिथिल समस्याओं से अवगत कराया गया।
उन्होंने सूचना निदेशक को १५
सूचना निदेशक भी दिया गया।

बैठक में बातचीत के दौरान सूचना
निदेशक ने कलाकारों को पूरा आश्वासन
दिया कि विभाग की ओर से उन्हें पूरा
सहयोग दिया जायेगा तथा समस्याओं के
सम्बन्ध में शीघ्र ही आवश्यक कार्यवाही
की जायेगी।

ज्ञान में मुख्य रूप से पारिवारिक
बढ़ने, यात्रा भत्ता देने, प्रमाण-पत्रों को

प्रदान करने के नियमों में शिथिलता देने,
बाहर के कार्यक्रमों में दलों के आवास
की व्यवस्था करना, कलाकारों को परिचय
पत्र देने, प्रत्येक माह में कार्यक्रमों की
सूचना निर्धारित करने, समय से भुगतान
आदि करने की मांग की गयी है।

बैठक में प्रदेश भर से आये तीसरे
कलाकारों ने भाग लिया। सौहार्दपूर्ण
वातावरण में बैठक सम्पन्न होने के बाद
उ.प्र. कलाकार संघ की एक आवश्यक
बैठक अपराह्न सूचना निदेशकालय परिसर में
बुलाई गयी।

बैठक में एक प्रस्ताव पारित करते
हुए सत्कार के सूचना एवं प्रसारण
मंत्रालय के गौतम एवं नाटक प्रभाग के
देशीय कार्यालय में कार्यरत प्रशासनिक
अधिकारी द्वारा फैलाये जा रहे प्रद.कार
की कई शब्दों में निंदा की गयी।

बैठक में कई कलाकारों ने उचित
प्रशासनिक अधिकारी पर आरोप लगाया

कि वे तीव्र शिवर की मांग करते हैं और न
हैने पर कलाकारों को अनारथक रूप से
पूरा भुगतान दिया जाता है।

बैठक में सर्व सम्मति से एक प्रस्ताव
पारित करते निर्णय किया गया कि जब
तक उचित प्रशासनिक अधिकारी के
खिलाफ आवश्यक अनुसन्धानात्मक
कार्यवाही नहीं की जाती तब तक कोई
भी पंजीकृत सांस्कृतिक दल अपना
कार्यक्रम उचित विभाग से नहीं करेगा।

बैठक में केन्द्रीय सूचना एवं प्रसारण
मन्त्री से दृढ़ सम्बन्ध में आवश्यक कार्यवाही
करने की मांग भी की गयी।

दैनिक जागरण, लखनऊ १६ जुलाई, १९९०

पंजीकृत कलाकारों की

बैठक सम्पन्न

लखनऊ, १६ जुलाई (वि.)। राष्ट्रीय सूचना
निदेशकालय के आदीटोरियम में प्रदेश के सूचना
विभाग से पंजीकृत सांस्कृतिक दलों के
नेताओं की बैठक सूचना निदेशक शीला कृष्ण
की अध्यक्षता में सम्पन्न हुई।

बैठक में उ.प्र. पंजीकृत कलाकार संघ की
ओर सूचना निदेशक शीला कृष्ण का स्वागत
करते हुए उन्हें कलाकारों की शिथिल
समस्याओं से अवगत कराया गया। संघ की
ओर से सूचना निदेशक को एक १५ राष्ट्रीय
समापन भी दिया गया। बातचीत के दौरान
सूचना निदेशक ने कलाकारों को पूरा
आश्वासन दिया कि विभाग की ओर से उन्हें
पूरा सहयोग दिया जायेगा तथा समस्याओं के
सम्बन्ध में शीघ्र ही आवश्यक कार्यवाही की
जायेगी। श्री शीला कृष्ण ने कलाकारों की
शिथिलताओं को पूरा विभाग रूप से कार्यवाही की
जायेगी।

ज्ञान में मुख्य रूप से पारिवारिक बढ़ने,
यात्रा भत्ता देने, प्रमाण-पत्रों की प्रदान करने के
नियमों में शिथिलता देने, बाहर के कार्यक्रमों में
दलों के आवास की व्यवस्था करना, कलाकारों

(वि.) नवभारत टाइम्स, लखनऊ १६ जुलाई १९९०

पंजीकृत कलाकारों की

फीस बढ़ाने की मांग

लखनऊ, १६ जुलाई (वि.)। राष्ट्रीय
सूचना निदेशकालय के आदीटोरियम में प्रदेश
के सूचना विभाग से पंजीकृत संस्कृतिक
दलों के नेताओं की एक बैठक
सूचना निदेशक शीला कृष्ण की अध्यक्षता में
कल हुई। बैठक में उ.प्र. पंजीकृत कलाकार
संघ की ओर से सूचना निदेशक का स्वागत
करते हुए उन्हें कलाकारों की शिथिल
समस्याओं से अवगत कराया गया। १५
राष्ट्रीय समापन भी दिया गया।

सूचना निदेशक ने कलाकारों को
आश्वासन दिया कि विभाग की ओर से उन्हें
पूरा सहयोग दिया जायेगा तथा समस्याओं के
सम्बन्ध में शीघ्र ही आवश्यक कार्यवाही की
जायेगी। ज्ञान में मुख्य रूप से पारिवारिक
बढ़ने, यात्रा भत्ता देने, प्रमाण-पत्रों को
प्रदान करने के नियमों में शिथिलता देने,
बाहर के कार्यक्रमों में दलों के आवास की
व्यवस्था करना, कलाकारों को परिचय पत्र
देने, दर नहीं देने कार्यक्रमों की सूचना निर्धारित
करने की मांग भी की गयी।

In the Central Administrative Tribunal, Circuit Bench, Lucknow
O.A. No. of 1990

G.K. Nagchandi Vs.
Union of India & others

-- Applicant

--- Respondents

ANNEXURE A-15

तत्काल

क्र.संख्या-22011/2/88-नीति
गीत और नाटक प्रभाग
सूचना एवं प्रसारण मंत्रालय, भारत सरकार
XXXXXXXX

15/16, सुभाष मार्ग, दरियागंज
नई दिल्ली-110002

दिनांक 27/07/1990

सेवा में,

श्रीमान बी०पी० सिन्हा,
उप-निदेशक
गीत और नाटक प्रभाग,
116-ए-पैजाबाद रोड
लखनऊ।

महोदय,

माननीय मंत्री महोदय, सूचना एवं प्रसारण मंत्रालय
भारत सरकार को भेजे गये महामन्त्री उत्तर प्रदेश पंजीकृत कलाकार संघ
के पत्र दिनांक 18/7/90 की प्रतिसलपन की जा रही है। अनुरोध
है कि अपनी टिप्पणी तत्काल भेजे।

भवदीय,

सलग्न : तीन

राधा कृष्ण झा
(राधा कृष्ण झा)
उप-निदेशक

T.C.
Adm.
28-8-90

उत्तर प्रदेश पंजीकृत कलाकार संघ

ई. 1492, राजा जी पुरम,

लखनऊ, 226 017

दिनांक 18.7.90

पत्रांक

पदाधिकारी

अध्यक्ष

अभय राम शर्मा

कार्यकारी अध्यक्ष

श्रीमती स्नेह लता

उपाध्यक्ष

शराफत अली

महामंत्री

अध्यक्ष नारायण

कोषाध्यक्ष

मदन सहगल

उपमंत्री

अशोकचोपड़ा

सेवा में,

माननीय मन्त्री महोदय,

सूचना एवं प्रसारण मन्त्रालय,

गारात सरकार,

नई दिल्ली ।

महोदय,

आपके मन्त्रालय के अधीन उत्तर प्रदेश में स्थित गीत और नाटक प्रभाग, लखनऊ में पनप रहे भ्रष्टाचार की ओर आपका ध्यान आकर्षित करना चाहता हूँ ।

दिनांक 14.7.90 को उ० प्र० के समस्त पंजीकृत दल के नेताओं की एक बैठक सूचना विभाग, उ० प्र० के प्रांगण में हुई जिसमें कई दल के नेताओं ने आपके मन्त्रालय के अधीन गीत और नाटक प्रभाग, लखनऊ में पनप रहे भ्रष्टाचार की ओर ध्यान दिलाकर घोर निन्दा की ।

सर्वप्रथम अधिकांश दलों को जो प्रत्येक गाह में नियमित कार्यक्रम दिए जाते थे, वह लगभग अप्रैल माह से बन्द हैं और दलों को नियमित कार्यक्रम न मिलने से दल के कलाकारों में असन्तोष व्याप्त है साथ ही वे अपने आप को धरोजगार महसूस कर रहे हैं ।

कुछ दलों का भुगतान भी नियमित ढंग से नहीं हो रहा है और उन्हें अनावश्यक ढंग से परेशान किया जा रहा है । यहाँ तक कि कुछ दलों के भुगतान का चेक कार्यालय में आ जाने के बाद उसकी तिथि जब बीत गयी तब उन्हें चेक दिया गया जिससे दल तथा दल के कलाकार भुगतान न प्राप्त हो पाने से आर्थिक संकट में हैं ।

कुछ दल के नेताओं ने इस बात का संकेत दिया है कि प्रभाग के प्रशासनिक अधिकारी दल के नेताओं से उनके भुगतान पर 10 या 15 प्रतिशत कमीशन की मांग कर रहे हैं । और उस कमीशन के स्वयं में दल के नेता चाहें क्यों न क्यों मांगपत्र लाकर क्यों ही कार्यक्रम करें और उसका भुगतान प्राप्त करें ।

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L. S. X

Adv.

20.8.90

उत्तर प्रदेश पंजीकृत कलाकार संघ

ई. 1492, राजा जी पुरम,

लखनऊ, 226 017

दिनांक 18.7.90 ..

पंजीकृत

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अध्यक्ष

शमश राम शर्मा

सहकारी अध्यक्ष

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हामंत्री

अलख नारायण

सहाय्यक्ष

दिन सहगल

समन्त्री

शोफचोपड़ा

पंजीकृत कलाकार संघ की बैठक में उपरोक्त बातों को लेकर इस बात का निर्णय लिया गया कि जब तक गीत एवं नाटक प्रभाग, उ०प्र० लखनऊ से यह प्रस्ताव तमाप्त नहीं किया जायेगा तब तक हम सभी दल के नेता प्रचार कार्य नहीं करेंगे।

अतएव आपसे अनुरोध है कि उपरोक्त बातों को ध्यान में रखते हुए हम पंजीकृत दल के कलाकारों को धेरो प्यारी तथा प्रस्ताव से बचावें तथा इसकी जांच करके उचित कदम उठावें।

भवदीय,

§ अलख नारायण §

महामन्त्री

प्रतिनिधि- निदेशक, गीत और नाटक प्रभाग, सूचना एवं प्रसारण मन्त्रालय, 15/16 दरियार्गज, नई दिल्ली को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

§ अलख नारायण §

T.C.

28-8-90

तमसः तेन्रल एडमिनिस्ट्रेटिव ट्रिब्यूनल, तर्किट बेन्च, लखनऊ।

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सन 1990

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अपलीकैण्ट

बनाम

यूनियन आफ इण्डिया एवं अन्य

रेस्पान्डेन्ट

अनेकर नं०-"ए-16"

गोपनीय/ तत्काल

सं० आर-11012/7/90/गीना/लख०

सेवा में,

श्री राधा कृष्ण बाल,
उप निदेशक,
गीत एवं नाटक प्रभाग,
नई दिल्ली-110002

अगस्त, 3, 1990

महोदय,

कृपया आप अपने पत्र संख्या- 22011/2/88 नीति दिनांक 27.07.1990 का अवलोकन करें जो आज ही दिनांक 3.8.90 को प्राप्त हुआ है जिसके द्वारा आपने उत्तर प्रदेश पंजीकृत कलाकार संघ द्वारा माननीय सूचना एवं प्रसारण मंत्री को लिखे गये उनके पत्र दिनांक 18.7.90 की प्रतिलिपि भेजते हुए टिप्पणी माली है।

उत्तर प्रदेश पंजीकृत कलाकार संघ कोई मान्यता प्राप्त संघ नहीं है।

दिनांक 14.7.90 को सूचना विभाग उत्तर प्रदेश में हुई बैठक के बारे में सूचना निदेशक को पत्र लिखा गया था। उनके पत्र की फोटो प्रति संलग्न है जो संव्य ही स्थिति को स्पष्ट करती है।

यह कहना गलत है कि माह अप्रैल 90 से पंजीकृत दलों को कार्यक्रम आवंटित नहीं किये गये, माह अप्रैल तथा मई 90 के कार्यक्रम पूर्व उप निदेशक द्वारा आवंटित किये गये थे। आवंटन आदेशों की फोटो प्रति संलग्न है। माल जून 90 में भी आवश्यकतानुसार कार्यक्रमों का आवंटन किया गया था। फोटो प्रति संलग्न।

सभी दलों का भुगतान नियमित प्रक्रिया के अनुसार यथासंभव प्राप्ति से प्राप्ति किया जाता है। कुछ दल जैसे मैतर्त लखनऊ लोक मंच,

लखनऊ मैतर्स यू०पी० पपेट इण्ड फोक आर्ट ग्रुप, लखनऊ मैतर्स नव प्रभात कला केन्द्र, लखनऊ मैतर्स तर्वेष्टा कला संगम, लखनऊ एवं मैतर्स गोमती कला संगम लखनऊ के भुगतान माह मार्च 90 से जून 90 तक अवश्य लम्बित रहे। भुगतान रोकने का कारण यह था कि ऐसी शिकायत प्राप्त हुयी थी कि ये दल कार्यक्रम नहीं करते तथा फर्जी प्रमाण पत्र/ बिल प्रस्तुत करते है। कार्यक्रमों में कम कलाकार ले जाने तथा वटिया स्तर के कार्यक्रम देना भी इस शिकायत का एक अंग था। शिकायत माननीय प्रधान मंत्री जी के पास भेजी गई थी तथा प्रतिलिपि इस कार्यालय को दी गयी थी। इस प्रकरण में निर्णय होने में तथा इस दलों के भुगतान होने में विलम्ब होना स्वाभाविक है। इस विषय पर कृपया इस कार्यालय के गोपनीय पत्र संख्या एजो/1/ल५/कान्फो दिनांक 4.4.1990 तथा तार दिनांक 24.5.90 का अवलोकन करे जो आपके नाम से भेजा गया था। स्पष्ट आदेश मिलने पर प्रशासनिक अधिकारी ने दलों के भुगतान कर दिये। दो दलों के चेक वर्तमान में वेतन एवं देखा कार्यालय में रिवेलीडेशन हेतु लम्बित है।

जहाँ तक कार्यालय के प्रशासनिक अधिकारी द्वारा कमीशन आदि मांगने का प्रश्न है कोई ठोस प्रमाण नहीं मिल पाया है। कमीशन के बदले में प्रशासनिक अधिकारी फर्जी प्रमाण पत्र लेकर देने के लिए कैसे कह सकते है। प्रमाण पत्र तो कार्यक्रम करवाने वाले अधिकारी को देना होता है जो अधिकांश प्रमाणों में सैकड़ों किलोमीटर दूर बैठा होता है और उससे प्रशासनिक अधिकारी फर्जी प्रमाण पत्र देने के लिए बाध्य नहीं कर सकते है। यह कार्य तो पंजीकृत दल ही करवा सकता है जैसे कि शिकायतें मिली थी। पूर्व में सभी पंजीकृत दलों के लिए उप निदेशक के कमरे के दरवाजे खुले रहते थे। दिनांक 21.5.90 को कार्यभार ग्रहण करने के बाद से मैन पंजीकृत दलों के नेताओं का कार्यालय में आना केवल कार्यक्रमों के सुधार हेतु सीमित रखा है। मैं सभी से केवल पूर्व निर्धारित समय पर ही मिलता हूँ और वह भी केवल कार्यक्रमों के सुधार व नये कार्यक्रम निर्माण हेतु ।

Signature
T.C.
28.8.90

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH
LUCKNOW.

Original Application No. of 1990

G.K.Nagchandi

...Applicant

Versus

Union of India and others.

...Respondents.

ANNEXURE NO.A-17

CONFIDENTIAL

No.R-11012/7/9 OrsS&D/LKO

August 3, 1990

To

The Director,
Song and Drama Division,
15/16, Subhash Marg,
Darya Ganj,
New Delhi-110002

Sir,

The day i.e. 21st May, 1990 I had taken over Lucknow Region and immediately I proceeded to Varanasi to inspect/surprise check of the U.P. & Bihar troupe stationed at Patna on tour to Varanasi.

Just to avoid any misunderstanding between the Pvt.Regd.Parties and this office, I started discouraging the parties to visit this office quite often only for allotment of programmes and clearing off some of the outstanding correct and incorrect bills. Inspite of my several repeated requests to some of the Pvt. Regd. Party leaders to discuss about the programme improvement and show me the programme packets as being presented in the field till date no party leader has come forward to discuss the programme improvement and showing me some of their representative items being presented in the field. I do not meet any party leader without prior appoint-

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ment for which they have made a big issue and are out to malign and bring disrupute to this world's most unique and powerful live media office by their pressure and tatling tactics to get the programmes allotted some how or other-by hook or by crook.

I, being the Regional Deputy Director incharge for entire U.P. and Bihar, will certainly demand from those so called Pvt. Regd. Parties who are holding this office at ransome to show me their standard of programmes. What to speak of myself, even any level officer of Govt. of India can not dare to drain out the public money in the name of such programmes.

I have strong contention and am fully convinced, after a careful investigation, observation and discussions with different agencies like DFP, that they are putting very sub-standard programme and do not perform with full team (as presented at the time of screening).

Some of the Pvt. Regd. Parties combined together have started a deep routed conspiracy against this office specially against myself and the Administrative Officer, in the name of "Currruption". When I came to know about this aspect I immediately told some of the accusers to give in writing any of their grievnces against any of our officers and till date I have received none.

The situation is fluide and almost every day I am subject of humiliation and embarrasment due to the nasty and untruthful attitude of some of the local

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T.C.
20.8.90

इसी बात से यहाँ के दलों में रोष है। इस विषय में एक पत्र अलग से लिखा गया है। सम्भवतः अपनी मर्जी से उप निदेशक से मिलने की सुविधा प्राप्त करने के लिए ही दल यह भौति फैलाने का प्रयत्न कर रहे हैं कि कार्यालय में भ्रष्टाचार है। यह विचित लगता कि जब पंजीकृत दल के नेताओं का कार्यालय में जाना सीमित है तब तो भ्रष्टाचार का हंगामा है। जब इनका आना जाना विधि होगा तो क्या होगा ? एकदल मैतर्त गोमती कला तंगन ने तो इस विषय में लिखित बयान भी दिया है जिसकीफोटो प्रति तंगन है। संघ के पदाधिकारियों में श्रीमती स्नेहलता चोपड़ा तथा श्री अशाक चोपड़ा शामिल है। श्रीमती स्नेहलता चोपड़ा के दल पर पहले ही गम्भीर आरोप है। श्री अशाक चोपड़ा का दल कार्यालय में पंजीकृत नहीं है फिर भी मैतर्त तर्पेश कला तंगन के नाम पर कार्यक्रम करने का आरोप है। ऐसे काला तूषी में दर्ज लोग शिकायत नहीं करेंगे तो और क्या करेंगे। प्रभाग को अपने अधिकारियों पर विश्वास होना चाहिये तथा ऐसी शिकायतों पर उल्टी कार्यवाही कर ऐसे दलों को तत्काल समाप्त कर देना चाहिये।

जहाँ तक पंजीकृत दलों द्वारा कार्यक्रम न करने का प्रश्न है पर्याप्त विचार विमर्श के बाद मैंने त्वयं यह निर्णय लिया है कि जब तक मैं पंजीकृत दलों के कार्यक्रमों के स्तर से संतुष्ट नहीं होता हूँ दलों को कार्यक्रम आवंटित नहीं दूँगा। अतः दल द्वारा कार्यक्रम करने का प्रश्न ही नहीं है।

यद्यपि तो यह है कि इन शिकायती दलों द्वारा निम्न कोटि के कार्यक्रम बिना पूरी टीम के करने के साथ करने का कुछ रजेंटियों ने मौखिक रूप से मुझे बताया है जितने क्षेत्रीय प्रचार अधिकारी एवं सूचना अधिकारी प्रपत्र सूचना कार्यालय, शामिल है।

तंगन

प्रतिलिपि सेवा में निदेशक, गीत एवं नाटक प्रभाग,
नई दिल्ली को सूचनाय प्रेषित।

मपदीय
Sd/-
वामदेव प्रसाद तिलहा,
प्रादेशिक उप निदेशक

वामदेव प्रसाद तिलहा,
प्रादेशिक उप निदेशक

तत्त्व-प्रतिलिपि

28.8.90

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH
LUCKNOW.

Original Application No. of 1990

G.K. Nagchandi

...Applicant

Versus

Union of India and others.

...Respondents.

ANNEXURE NO. A-17

CONFIDENTIAL

No. R-11012/7/90 RS&D/LKO

August 3, 1990

To

The Director,
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A44

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Journalist in connivance with some of our disgruntled Pvt.Regd.Party leaders and it is quite evident from the Newspapers they they have(Journalists)blown out of no proportion. Only 10-15 disgruntled artists with a big banner came to demonstrate before this Regional Centre and the paper says they were more than 100(Pvt.Parties). I have the authentication and am sending the photographs which will speak itself.

I will be the last person to budge from my genuine right to see their performance and improve upon it. But they are avoiding it on one pretext or the other. Till they are able to show me their programme, I will not allot even a single programme to them. I advise the Hdqrs to remain nutral but be vigilant about the entire fluide situation. I will deal the situation with iron hand and for which theHdqrs must have some confidence in me. They have, in their interview to the press vowed that till the Regional Deputy Director and Administrative Officer are not transferred from this Region they will continue their stire. Some of the Pvt.Regd.Party leaders are pulling strings in a big way. As usual these tactics will not deter the Regional Deputy Director from his stand.

This is for your only kind information please.

Yours faithfully,

Sd/- X X X
(B.P.SINHA)
Regional Deputy Director

Copy to Shri B.K.Brando, Deputy Director(P&C),
Song and Drama Division, New Delhi for information.

(B.P.Sinha)
Regional Deputy Director.

T.C.

(C. Singh)

28.8.90

Long

In the Central Administrative Tribunal, Circuit Bench, Lucknow
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ANNEXURE A-18

नया फैसला

दि - 1/8/90.

आज्ञा

दि - 1/8/90

कलाकारों द्वारा आज प्रदर्शन

(कार्यालय संवाददाता)

लखनऊ, मंगलवार। प्रदेश के सभी पंजीकृत सांस्कृतिक दलों के कलाकारों की एक बैठक आज यहां हुई। बैठक में तय किया गया कि 9 अगस्त को सभी दलों के कलाकार गीत एवं नाटक प्रभाग के क्षेत्रीय कार्यालय पर प्रदर्शन करेंगे।

बैठक में यह भी मांग की गयी कि यूनिसेफ द्वारा कराया जाने वाला राष्ट्रीय टीकाकरण कार्यक्रम का प्रचार गीत एवं नाटक प्रभाग से न कराकर परिवार कल्याण विभाग, सूचना एवं जनसम्पर्क विभाग अथवा स्वयं यूनिसेफ द्वारा कराया जाय।

इस मौके पर नी कलाकारों की एक समिति बनायी गयी जो नुककड़ नाटकों द्वारा गीत एवं नाटक प्रभाग में व्याप्त भ्रष्टाचार को आम जनता से अवगत करायेगी। बैठक में प्रभाग के उप निदेशक और प्रशासनिक अधिकारी के विरुद्ध धरिवाए किये जाने की मांग की गयी।

भ्रष्टाचारका विरोध करने सांस्कृतिक दल

लखनऊ, मंगलवार। उप्र. पंजीकृत कलाकार सघ के तत्वावधानमें प्रदेशके सम्मन पंजीकृत सांस्कृतिक दलोंके नेताओं तथा कलाकारोंकी एक बैठक सम्पन्न हुई जिसमें यह सर्वसम्मतिमें निर्णय लिया गया कि सूचना एवं प्रसारण मंत्रालय भारत सरकारके गीत एवं नाटक प्रभागके क्षेत्रीय कार्यालयमें व्याप्त भ्रष्टाचारसे प्रधान मंत्री तथा विभागके अन्य वरिष्ठ अधिकारियोंको अवगत कराया जाय।

बैठकमें यह भी मांग की गयी कि यूनिसेफ द्वारा कराया जानेवाला राष्ट्रीय टीकाकरण कार्यक्रमका प्रचार गीत एवं नाटक प्रभागसे न कराकर परिवार कल्याण विभाग, सूचना एवं जनसम्पर्क विभाग अथवा स्वयं यूनिसेफ द्वारा कराया जाय।

बैठकमें निर्णय लिया गया कि लखनऊ स्थित सभी दलोंके कलाकार दिनांक 9 अगस्तको गीत एवं नाटक प्रभागके क्षेत्रीय कार्यालयपर दिनमें 99 घंटे प्रदर्शन करके विरोध प्रकट करेंगे।

बैठकमें सभी दल नेताओं और कलाकारोंने निर्णय लिया कि कलाक प्रभागके उपनिदेशक और प्रशासनिक अधिकारियोंके खिलाफ कार्रवाई करके उन्हे स्थानान्तरित नहीं किया जायगा।

T.C.

He. R. J.

Adm.

28.8.90

In the Central Administrative Tribunal, Circuit Bench, Lucknow. (50)
O.A. No. of 1990

G.K. Nagchandi Vs.
Union of India & others

-- Applicant

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ANNEXURE A-19

To

The Regional Deputy Director
Song & Drama Division
116-A, Faizabad Road,
Lucknow.

Subject:- Representation against unwarrantable transfer.

Reference :- Relieving order No. A.22013/1/90-Admn.I
dated 27/8/90.

Sir,

I am submitting herewith a representation against my transfer order which may please be forwarded to the Director, Song & Drama Division, New Delhi, under intimation to me.

The handing-over and taking-over of the charge of the Lucknow will be done after the reply of the representation is received from Hqrs. Delhi.

Yours faithfully

Encl: as above.

Dated : 27/8/90

(G. K. Nagchandi)
Administrative Officer.
Song And Drama Division,
Lucknow.

T.C.
(G.K. Nagchandi)
Adv.

G.K. Nagchandi Vs.
Union of India & others

-- Applicant

--- Respondents

ANNEXURE A-19 (page 2)

113-A, Faizabad Rd.
Lucknow.

To

Dr. P.K. Mondl
Director,
Song & Drama Division
Min. of I & B,
Govt. of India
15/16, Subhash Marg
Varyo Ganj,
New Delhi.

Subject:- Representation against unwarrantable transfer.

Sir,

I have received, with a rude shock, your order No. A-22013/1/90-Adm.-I dated 22/8/90 transferring me from Lucknow to Madras. In this connection I am submitting the following few lines for your kind consideration:-

- (1.) Since my joining at Lucknow on 26/12/1988 I have been requesting for transfer to Bhopal under the provisions of Department of Personnel, Min. of Home Affairs office memorandum No. 23054/7/83-Estt. (A) dated 3/4/83 which lays down the policy of the Govt. regarding posting of husband & wife at the same station.
- (2.) I joined the Division on 10/6/69. Since then for most of the period I remained away from my family due to posting at Patna, Siliguri, Delhi, Pune and Guwahati etc. When the transfers & postings of the Administrative Officers were recently done, my case was not considered. However, as the posting at Lucknow being the nearest station to Bhopal was reasonably convenient to me. I somehow adjusted at that time. But the order requesting transferring me from Lucknow to Madras has totally shaken my confidence. Madras is not only far away from Bhopal but I will also have to face language and food problems, affecting my working efficiency. I will humbly submit that this unwarrantable transfer order may please be cancelled.

The charge of Lucknow will be handed over if my request is not considered favourably. Till then I am continuing to function at Lucknow as Administrative Officer.

Thanking you.

Dated: 27/8/1990

Yours faithfully

(G.K. Nagchandi)
Adm. Officer,
Song & Drama Divn.
Lucknow.

28/8/90

In the Central Administrative Tribunal, Circuit Bench, Lucknow
O.A. No. of 1990

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-- Applicant

--- Respondents

ANNEXURE A-20

No. A- 19012/2/88/S&D/LKO-29.
Song and Drama Division
Min. of I & B, Govt. of India

116-A, Faizabad Road,
Lucknow.

To

Dated 23/8/90

The Director,
Song & Drama Division
15/16, Subhash Marg
Darya Ganj
New Delhi.

Sir,

Please find enclosed herewith a representation
alongwith covering letter submitted by Sh. G.K.-
Nagchandi, Administrative Officer against his
transfer order number A. 22013/1/90-Admn.I dated
22/8/90 and subsequent relieving order vido No.
A. 22013/1/90-Admn.I dated 27/8/90.

Yours faithfully

Encl: as above.

(B. P. Sinha)
Regional Dy. Director.

✓ Copy to Sh. G.K. Nagchandi, Administrative Officer,
Song & Drama Division, Lucknow with reference his
representation dated 27/8/90.

/RG/

(B. P. Sinha)
Regional Deputy Director.

T.C.

f.c. Syl

Ad.

28/8/90