

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH

OA/TA/RA/CP/MA/PT ...34/96 of 20.....

Udai Bhan SinghApplicant(S)

Versus

U.O.G.Respondent(S)

INDEX SHEET

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Certified that the file is complete in all respects.

Signature of S.O.

Signature of Deal. Hand

(AS)

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

O.A.No. 34/1990

Udai Bhan Singh

Applicant

versus

Union of India & others

Respondents.

Shri V.C.Tripathi, Counsel for applicant.
Shri Dinesh Chandra Counsel for Respondents.

CORAM

HON.MR.JUSTICE U.C.SRIVASTAVA, V.C.

HON.MR.K.OBAYYA, ADM.MEMBER.

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

The applicant who was appointed as Assistant Controller in the office of Director Census Operation, in the year 1970, was promoted on adhoc basis on the post of Computer on 28.1.1981. He was given an adverse remark in the year 1981 which was communicated to him on 3.9.82. The remarks were as follows:

"An average worker. Needs to restrain himself in speech and behaviour." Indulged in unrestrained behaviour in speech and conduct in the office. Despite verbal warnings he failed to show improvement.

The petitioner made representation against the adverse remarks on 21.9.82 to the Registrar General of India who rejected the same which was communicated to him on 27.2.86. It appears that in between the applicant, after

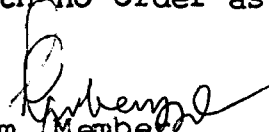
61

(A6)

a lapse of four years made representation to the Home Secretary on 30th May, 1986 and another representation was made on 2.5.89.

2. The applicant's representation was rejected. Then after a lapse of four years he made a representation to the Home Secretary. The said representation was followed by another representation in which no interference was made by the Home Ministry. Thereafter, the applicant approached the Tribunal.

3. On behalf of the applicant it has been contended that the entry was communicated to him and representation rejected and the Home Ministry did not interfere in the matter. The said plea that the representation was not decided, will not extend the limitation. The application cannot be entertained as the cause of action had accrued much before. So far as the entry is concerned, only it represents the factual position. It appears that after oral warning entry was given to the applicant and Registrar General considered it and did not find it fit case for expunging the same. In our opinion, the application is liable to be dismissed and accordingly it is dismissed with no order as to costs.


Adm. Member.


Vice Chairman.

Shakeel/

Lucknow: Dated: 15.7.92

(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 34 of 1989 (1)

APPLICANT(S) U. B. Singh

RESPONDENT(S) _____

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

(A2)

Particulars to be Examined

Endorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed ?
12. Are extra copies of the application with Annexures filed ?
 - a) Identical with the Original ?
 - b) Defective ?
 - c) Wanting in Annexures

No. _____ pages Nos _____ ?
13. Have the file size envelopes bearing full addresses of the respondents been filed ?
14. Are the given address the registered 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.

4/2

4/2

No

4/2

4/2

NA

4/2

4/2

4/2

ainesh/

34/90(L)

(A3)

3/1/90

Hon. Justice K. Neth, VC
Hon. K. D. Raman AM

Adm. +

Issue note

list for further orders on 14.3.90

AM

VC

OR
S. V. K. Choudhary
files notices on behalf
of C.P.s.
No reply filed.
S. F. O.

14.3.1990

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

h
13/3

~~No one appears for the respondents.~~
~~It appears that office has not sent notices~~
~~to the respondents. Let, the notice be sent~~
~~to the respondents again. List it for orders~~
~~on~~

14.3.1990

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

Shri T.N. Tewari, appears for the
applicant. He files power. No one appears
for the respondents. It appears that ^{the} office
has not sent the notice to the respondents.
Let, the notice be issued again to the
respondents.

List it for orders on 1.6.1990.

OR
Notice issued
7/6/3/90


A.M.


J.M.

sd.

OR

Notices were
issued on 16.3.90

Dr. D. Chandel files
power on behalf of C.P.s.
but no reply has been
filed.

S. F. O.

h
30/3

OA 34/90 L

23.8.91

No STing adj to 30.10.91

(AM)

30.10.91

No STing of D.B. adj to 31.12.91

2

31.12.92

No sitting adj to 9.3.92

1

9.3.92

No sitting adj to 12.5.92

1

12.5.92

No sitting adj to 15.7.92

1

OR
provided
15/7/92

or
PA R.A. have been
exchanged
13/7/92

In the Hon'ble Central Administrative Tribunal,
Additional Bench Allahabad,
Circuit Bench at Lucknow,

O.A. No. 34 of 1990 (L)

Udas Bhan SinghApplicant.

Versus

Union of India & another ...Respondents.

I N D E X

Sl. Description of documents relied upon.	page no.
1 . Application.	1
2 . Annexure A-2, Impugned adverse entry.	12
3 . Postal order.	13
4 . Power.	

Separate

- Annexure A-1, Appointment, promotion and reversal order.
- Annexure A-3, Representation against adverse entry.
- Annexure A-4, Application to the Home Secretary dated 30-5-1986.
- Annexure A-5, Application for promotion, to Home Secretary dated 2-5-1989.

For the use in Tribunal office :	Applicant
Date of filing	through
Registration No.	(T.M.T. war) Advocate counsel for the applicant.
Signature for Registrar.	

1 (A8)

In the Hon'ble Central Administrative Tribunal,
Additional Bench Allahabad,
Circuit Bench at Lucknow.

O.A. No. 34 of 1990 (L)

Udai Bham Singh aged about 41 years, son
of late Shri Ram Bharese Singh, presently
as Assistant Compiler, Census Directorate,
U.P. Circle, 25, Newal Kishore Road, Lucknow.

...Applicant.

Versus

1. Union of India Ministry of Home Affairs,
through Registrar General of India, Census-
Department, New Delhi.
2. The Director Census Operation, U.P. Circle,
25, Newal Kishore Road, Lucknow.

...Respondents.

DETAILS OF APPLICATION :

1. Particulars of order against which the
application is made :

That the application is made against
the Letter No. A/SCO-UA/CR-Adv/7 A - 5583 dated
3-9-1982 (Annexure A-2) thereby communicating
an adverse entry for the year 1981 and oral

3/12/82

2

(AA)

refusal of promotion in December 1989, on the basis of the said adverse entry.

2. Jurisdiction of the Tribunal :

That the applicant declares that the subject matter of order against which he wants redressal is within the jurisdiction of this Hon'ble Tribunal.

3. Limitation :

That the applicant further declares that the application is within the limitation period prescribed in Section 21 of the Central Administrative Tribunal Act, 1935.

4. Facts of the case :

(a) That the applicant was appointed on the post of Assistant Compiler on 1-7-1970 and further promoted on adhoc basis to the post of Computer w.e.f. 28-1-1981; thereafter on completion of the task assigned, he was reverted w.e.f 12-5-1987 to his original post of assistant compiler along with other various computers. The copies of these three orders are annexed

2
Annexure

herewith as ANNEXURE A-1 to this application.

(b) That in the year 1982 while serving as computer he was communicated vide letter dated 3-9-1982 an adverse entry transcribed in his service document for the year 1981 without any prior warning to such an adverse entry. A true copy of the said communication is annexed herewith as ANNEXURE A-2 to this application.

(c) That the applicant just after receiving information of such adverse entry after elapse of more than 9 months from the date of its award by respondent no.2, represented the matter before higher authorities explaining his innocence with a request to expunge the same from service document. A true copy of the said representation is annexed herewith as ANNEXURE A-3 to this application.

(d) That in the year 1982 itself the services of 118 personnel junior to the applicant were regularised and confirmed and the applicant was not at all considered on the grounds of such an illegal adverse entry.

3/11/18

(e) That it is very much pertinent to mention here that the applicant was neither warned nor subjected to any disciplinary action prior to such an adverse entry as such it has no legal sanctity.

(f) That the adverse entry so awarded was "An average worker needs to restrain himself in speech and behaviour." whereas the applicant had never participated in speech activities. Therefore, the question of speech does not arise at all.

(g) That this is also pertinent to mention here that in the year 1931 Sr. Ravindra Gupta I A S was Director who had desired applicant to bring certain woollen garment known as 'shawl' from Kanpur Lal Imli Mills but he had not paid the money in advance and as the money was not paid in advance the applicant could not bring the shawl and same led his annoyance.

(h) That it may be submitted that on perusal of the memorandum communicating adverse entry it can be easily seen that there is no such remark which could justify the said

3m/11/10

adverse entry and once there's no justification or prior warning, such adverse entry could not have been considered as hindrance to the regularisation/confirmation of services. The deprivation of service regularisation in respect of the applicant by respondent no.2 is nothing but only plain arbitrary decision causing infringement of fundamental/constitutional rights of the applicant.

(i) That the applicant had represented the matter to the Registrar General of India which could not dilute any result. Consequently the applicant had represented to the Hon'ble Home Secretary to the Government of India but all was in vain. A true copy of the representation to the Hon'ble Home Secretary is annexed herewith as ANNEXURE A-4 to this application.

(j) That it is further submitted that when from the protracted correspondence right from 1982 to 1-89 nothing could be achieved by the applicant and his juniors were again promoted to the post of computer, the applicant further submitted a fresh application explaining all the facts to the Hon'ble Home Secretary to the Government of India through

6 (H3)

proper channel on 2-5-1989 in which it was specifically requested to promote the applicant and more than six months period is elapsed but nothing has been heard from their end also. A true copy of the application dated 2-5-1989 is annexed herewith as ANNEXURE A-4 to this application.

(k) That on personal contacts with dealing concerned it is learnt that nothing will come out from respondents and there is not other way except to approach this Hon'ble Tribunal.

(l) That in the aforesaid circumstances the interference of this Hon'ble Tribunal is very much essentially invited.

5. Grounds for Rel'ief(s) with legal position:

That the applicant being aggrieved of the illegal acts by respondents is seeking relief amongst other on the following

G R O U N D S

3/11/89

7 (H14)

(i) Because the adverse entry has been awarded in contravention of the existing confidential reports policy.

(ii) Because the respondents had deliberately not considered his name for regularisation and further promotion to the post of computer w.e.f. the date of promotion given to the juniors.

(iii) Because applicant was never issued any warning or cautionary letters prior to award of adverse entry.

(iv) Because the adverse entry was awarded was communicated after nine months from the date of its award.

(v) Because the adverse entry is outcome of the malice of respondent no.2.

(vi) Because the applicant had never

2.10.16

8 (HIS)

participated in political activities.

(viii) Because the adverse entry awarded in the year 1981 and communicated after long gap can not be taken into consideration having no effect and that too after 3 years.

(viii) Because the juniors to the applicant have been promoted after 1987.

(ix) Because the provisions of Article 14 of the Constitution of India have been deliberately violated by the respondents.

(x) Because the applicant has not been given opportunity of hearing.

(xi) Because the principles of natural justice have been fully ignored in promoting the juniors of the applicant as computer and depriving of the applicant's promotion on the

amint

9 (116)

unlawful ground, unwarranted reasoning,
imaginary assessment of service rendered
by the applicant and his service document,
and is the result of biased and full of
malice of respondent no.2.

(xii) Because the act of the respondents
is illegal, unjust, improper, against the
principles of natural justice has no legs to
stand and is liable to be set aside.

6. Details of remedies exhausted :

That the applicant has already
exhausted all the remedies by representing
before all the concerned authorities but all
in vain and there is no other way out left
except to approach this Hon'ble Tribunal for
judicial intervention.

7. Matter not previously filed or pending
before any other court.

That the applicant declares that he
had not previously filed any application, writ -

3/11/2014

petition or suit regarding the matter in which this application has been made before any other Bench of this Tribunal nor any such application, writ petition or suit is pending before any of them.

8. Relief(s) sought :

In view of the facts mentioned in para 5 above the applicant prays for the following relief(s) :

(a) That the Hon'ble Tribunal may graciously be pleased to direct the respondent to regularise the services of the applicant w.e.f. 6-10-1982 (from the date his juniors have been regularised) expunging the adverse entry for the year 1981 transcribed in the service records of the applicant and promote the applicant on the post of computer from the date his juniors have been promoted with all benefits of the post.

(b) That any other relief which this Hon'ble Tribunal may deem just and proper in the circumstances of the case.

(c) Cost of the application may also be awarded

in favour of the applicant as against the respondents.

9. Interim relief, if any, prayed for :

That pending final decision on the applicant prays that the respondents may kindly be directed to keep reserve one post of computer.

10. N/A .

11. A postal order sl. no. B/02-409837 dated 25-1-1990 issued from High Court Bench Lucknow Post Office for Rs.50/- is enclosed herewith as C.F.

12. List of Enclosures :

Annexures A-1 to Annexure A-5.

Lucknow, dated;
January 29, 1990.

Signature
Applicant.

Verification

I, Uday Bhan Singh son of late Shri Ram Bharosa Singh, working as Assistant Compiler, do verify that the contents of paras 1 to 4 hereby ~~subscribed~~ and state as and 6 to 12 are true to my personal knowledge and para 5 is believed to be true on the legal advice and that I have not suppressed any material fact.

Lucknow, dated;
January 29, 1990.

Signature
Applicant.

Handwritten notes and signatures at the bottom of the page.

O.A No. _____ of 1990(B)
Udai Bhan Singh Applicant
Versus
Union of India & Another... Respondents.

ANNEXURE- A-2

No.A- /SCO-UP/CR-Adv./7

Government of India
Ministry of Home Affairs
Office of the Director of Census Operations, Uttar Pradesh.

6, Park Road,

Dated: Lucknow: _____, 197

M E M O R A N D U M

The observations reproduced below, made in his annual confidential remarks for the period 1971-72, are hereby communicated to him. The duplicate copy may be signed with date in token of having received this memorandum. He may submit his OBSERVATIONS within one month.

1. Health:
2. Intelligence and keenness to learn:
3. Professional ability:
4. Promptness in disposal of work:
5. Discipline:
6. Punctuality:
7. Relation with fellow employees:
8. Recommendation:

9. Other observations:

an average worker. Needs to restrain himself in speech and behaviour.

Sd/- _____ Joint

(M. I. Gupta)
DY. DIRECTOR OF CENSUS OPERATIONS,
UTTAR PRADESH.

* Through _____
By _____ (V.O.)

No.A- (1)/SCO-UP/CR-Adv./7 Dated: _____, 197

* The Dy. Director I/C _____ with the request that one copy of this communication be served on the official concerned and his signature with date obtained on the duplicate copy which may please be returned to this office immediately.

(M. S. Srivastava)
DY. DIRECTOR OF CENSUS OPERATIONS
UTTAR PRADESH.

ब अदालत श्रीमान

महोदय

[बादी अपीलान्ट]

प्रतिवादी [रेस्पाडेंट]

का वकालतनामा



टिकट

बादी (अपीलान्ट)

बनाम

प्रतिवादी (रेस्पाडेंट)

नं० मुकद्दमा

सन

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

to N. Thirun Adwode

व श्री V.S. J. Dahi, Advocate

वकील

महोदय

एडवोकेट

नाम अदालत	नाम फरीकन
मुकद्दमा नं०	

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावे या हमारी ओर से डिगरी जारी करावे और रुपया लसूब करें या सुलहनामा व इत्बाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रुपया जमा करे या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होना मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

साक्षी (गवाह) ... साक्षी (गवाह) ...

दिनांक ... सहीना — 1 — — — सन् १९४९ ई०

स्वीकृत

Accepted
(The Thirun) (V.S. J. Dahi)
Advocate Advocate

In the Hon'ble Central Administrative Tribunal
Addl Bench, Allahabad
Circuit Bench, Lucknow

421

O.A No. _____ of 1990(1)

Udai Bhan Singh Applicant

Versus

Union of India & Another... Respondents.

ANNEXURE- A-

.../CCO-12/
... of India
... Affairs
... Census Operations,
... Lucknow

Dated: Lucknow: June 2, 1970

Udai Bhan Singh is appointed as Asstt
Commissioner of ... 110-180

... (to ... and other allowances at
... laid
... the grant of such allow-
... (time to time) purely on temporary basis

... 17/770 (F.N) in the
... Census Operations, ...

Ganeshpur

... conditions of his service will be
... in force from time to time.

sr

B. L. SINGH
DIRECTOR OF CENSUS OPERATIONS,
NEW DELHI

O. ... of date

... action
to the :-

... Ganeshpur ... 110-180 ... 14 July 1970
15 July 1970

... Director concerned.

(B. L. SINGH)
DIRECTOR OF CENSUS OPERATIONS,
NEW DELHI

...

In the Hon'ble Central Administrative Tribunal
Addl Bench, Allahabad
Circuit Bench, Lucknow

A 2

O.A No. _____ of 1990(5)

Udai Bhan Singh Applicant

Versus

Union of India & Another... Respondents.

ANNEXURE- A-1

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..... 28, 1984.

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(122)

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48.	सोपान	सोपान	कीमत
49.	सोपान	सोपान	कीमत
50.	सोपान	सोपान	कीमत

51. धरन लिखें अनुवृत्ति। निम्नलिखित में से निम्नलिखित में से

केन्द्रीय सरकार द्वारा समय-समय पर निम्नलिखित भागों देय होंगे।

AA

11/11/11

H28

3

क्रमांक: 83-80/डीआरसीओ-सूचक/4-15/1

भारत सरकार
कार्यालय निदेशक जनशिक्षा विभाग, उत्तर प्रदेश
प्रशासनिक भवन

2, मध्य विहार रोड,
लखनऊ - 226001
दिनांक: 25/11/1987

-:: ध्याते ::-

निम्नलिखित संख्याओं को सहायक संयोजक के पद के सम्बन्ध में 95-1000 में वात्कात्मिक प्रमाणों के माध्यम से प्रमाणित किया जा रहा है :-

क्रमांक	वर्ग
1.	डीआरसीओ का पद
2.	सहायक संयोजक
3.	सहायक संयोजक (उच्च शिक्षा)
4.	डीआरसीओ (उच्च शिक्षा)
5.	सहायक संयोजक
6.	सहायक संयोजक (उच्च शिक्षा)
7.	डीआरसीओ (उच्च शिक्षा)
8.	सहायक संयोजक
9.	सहायक संयोजक
10.	सहायक संयोजक
11.	सहायक संयोजक
12.	सहायक संयोजक
13.	सहायक संयोजक
14.	सहायक संयोजक
15.	सहायक संयोजक
16.	सहायक संयोजक

2. इस सं. 7 पर उक्त वर्गीकरण की कृपया कृपया डीआरसीओ के अनुसार प्रमाणित करने पर ध्यान दें।

निदेशक जनशिक्षा

क्रमांक: 83-80/डीआरसीओ-सूचक/4-15/1

- प्रेषित :-
1. सम्बन्धित अधिकारी।
 2. दोन एवं के.डी.डी. (सहायक संयोजक)।
 3. सहायक निदेशक (उच्च शिक्षा)।
 4. सहायक निदेशक (उच्च शिक्षा)।
 5. सहायक निदेशक (उच्च शिक्षा)।
 6. सहायक निदेशक (उच्च शिक्षा)।
 7. सहायक निदेशक (उच्च शिक्षा)।

निदेशक जनशिक्षा

O.A No. _____ of 1990(4)

Udai Bhan Singh Applicant

Versus

Union of India & Another... Respondents.

ANNEXURE- A-

दिनांक: 21-2-82

निवेदन,
प्रतिभाषित, परिभाषित,
प्रतिभाषित

विषय: मुझे निर्गत की गई वर्ष 1981 की प्रतिवृत्त प्रविष्टियाँ।

प्रतिभाषित,

मैं आपका दृष्टांतपूर्ण ध्यान निवेदनार्थक के साथ निवेदन करता हूँ कि मुझे वर्ष 1981 में मुझे प्राप्त प्रविष्टियाँ निर्गत की गई हैं, की जोर आप धिरे करता हूँ, कि मैं निवेदन लिखित है। *"An employee needs to make a staff in speech and action"*

उक्त सम्बन्ध में मैं निम्नलिखित प्रि वेदन आपसे सम्बन्धित करता हूँ, कि मैं सम्बन्ध में मैं मुझे पूर्ण जाना है कि आप मेरे प्रतिवेदन को निवेदन में दृष्टांतपूर्ण दृष्टि से विचार करते मुझे निर्गत की गई प्रतिवृत्त प्रविष्टियों को सम्बन्धित कर देंगे।

1- कि मैं निम्नलिखित के सम्बन्ध में पूर्ण उपर्युक्त करता हूँ।

- 1- Professional ability — Good
- 2- Promptness in disposal of work — मुझे संगत रूप से तत्पर
- 3- Discipline — अनुमति है।
- 4- Functioning — समय निश्च है।
- 5- Improvement — Nil

2- कि उक्तोक्त के साथ ही आप को ज्ञात कि मैं वर्ष 1981 में अपनी सेवाओं की पूर्ति में सक्षम उद्योग करता हूँ। मुझे मौखिक अथवा लिखित रूप में भी प्रतिवृत्त प्रविष्टियों में उल्लेखित दोषों के सम्बन्ध में कुछ भी नहीं बताया गया क्योंकि भारत सरकार के आदेशों के अनुसार आवश्यक है कि जिस किसी कर्मचारी की सेवा पूर्ति में कोई दोष किसी वर्ष में पाया जाये उसे उस वर्ष के प्रतिवृत्त प्रविष्टियों के निर्गत करने के पूर्णतया तत्पर न करनी है कि वह अपने दोषों का सुधार करे। परन्तु मुझे ऐसा कुछ भी वर्ष 1981 में मौखिक अथवा लिखित रूप से नहीं बताया गया। मुझे कोई चेतावनी भी नहीं दी गई।

3- उक्तोक्त के ध्यान की कृपया यह मूल्यांकन करने का कष्ट करें कि मुझे निर्गत की गई वर्ष 1981 की प्रविष्टियाँ सक्षम अनुसूक्त बिना आधार के एवं सम्मानन न्याय के प्रतिवृत्त है। आप न केवल विभागाध्यक्ष है वरन् एक सम्माननीय

प्रत्येक व्यक्ति के पास एक स्वतन्त्र स्तम्भ भी है जिसे साथ में न्याय सी तुला है।
इसे धीरे धीरे सत्यता अपनी न्याय दृष्टि से मुझे निरति की गयी आधारहीन
प्रतिष्ठा प्रदान की जो अन्ततः वही मेरे साथ न्याय करेगा १

भादीर,

१२/११/५६
उक्त भाग में निम्न
संगणक,
संगणक परिचालन,
मी०एस०लनुमा,
उ०पु० लखनऊ ।

११/११/५६

In the Hon'ble Central Administrative Tribunal
Addl Bench, Allahabad
Circuit Bench, Lucknow

O.A No. _____ of 1990(4)
Udai Bhan Singh Applicant
Versus
Union of India & Another... Respondents.

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ANNEXURE- A-

23

प्रति,

श्री. उषा, [वसुधा]
भारत सरकार, मुद्रा मंत्रालय,
नई दिल्ली।
=====

प्रति, श्री. [वसुधा]

विषय: मुद्रा मंत्रालय में प्रेषित पत्रिका में श्री. उषा प्रतिष्ठा प्रेषित
की प्रतिकृति

प्रति,

विवरण: यह अवगत कराया है कि प्राचीन भारत सरकार
मुद्रा मंत्रालय के अधीन वसुधा विदेशांतर में वर्ष 1970 से कार्यरत है
एवं वर्तमान में एक स्वतंत्र कर्मचारी है तथा दिनांक 1.2.81 में संयोजित
यह पर तदर्थ आधार पर प्रोत्तति हुई है। मैं जब से विभाग में आया
मेरी वरिष्ठ पत्रिका प्रविष्टियां सहित उच्च स्तर की रही किन्तु वर्ष
1981 में तत्कालीन विदेशांतर श्री रवींद्र गुप्त की प्रेषणावकाश के कारण
मेरी वरिष्ठ पत्रिका में प्रतिकृत प्रविष्टि अंकित कर दी है और मेरा
प्रविष्टि अनुपचारण बना दिया गया है इस सम्बन्ध में प्रथमतः विदेशांतर
वसुधा के समक्ष प्रतिवेदन विचार हेतु प्रेषित किया और उसे वह वह
कर तिरस्त कर दिया गया कि विदेशांतर वसुधा के चले जाते के कारण
विचार दिया जाता सम्भव नहीं है। तदोपरान्त मेरी पूर्ण विवरण सहित
विभाग अध्यक्ष महोदय। भारत के महा रजिस्ट्रार के एकत्र प्रेषित प्रस्तुत
किया और ताकी समाचार के बाव यह भी तिरस्त कर दी गई और मैं
व्याप की आशा में दर-दर भ्रमता रहा।

प्राचीन निम्नलिखित तथ्यों के अवधार पर आपने विचारार्थ प्रेषित
प्रेषित कर रहा है जिसमें यह स्पष्ट हो जायेगा कि विभागीय अधिकारियों
द्वारा व्याप का गला घोट कर मेरे साथ किस तरह का व्यवहार किया गया:-

1- यह कि वसुधा विदेशांतर, 30.80, तदुक्त दिनांक 31.12.81
की 118 संख्याओं को विषयित आधार पर प्रोत्तति की गई जिसमें मेरा
नाम नहीं था और जबकि वरिष्ठता सूची में मेरा नाम क्रम संख्या 24 पर
होते के अनुसार श्री विना किसी पूर्व सूचना एवं कारण के विषयित करने
से विषयित कर दिया गया।

2- यह कि विषयितकरण की प्रक्रिया पूर्ण करने के पहले मुझे
विदेशांतर, वसुधा के आदेश संख्या 7583 दिनांक 3.9.82 द्वारा मेरी
प्रतिकृत प्रविष्टि सूचित की गई थी। प्रतिकृति संलग्न। जिसमें बी.वे. स्तर

के अधिकारियों द्वारा मुझे अच्छी पुविष्टि दी गई किन्तु सभी का है समय तत्कालीन विदेशक द्वारा कालम 9 में लिम्ब पुविष्टि अंकित कर दी गई:- "An average worker Needs 1 restriction himself in speech and behaviour"

विचारणीय है कि 1981 की प्रतिकूल पुविष्टि मुझे 9 माह के अवसर के बाव की गई जो भारत सरकार के नियमों के विपरीत है। अति लोअरबोर्ड 21010/77xस्था0 दिनांक 30.1.1978 में स्पष्ट निर्देश है कि प्रतिकूल प्रविष्टि दिये जाने के एक माह के अन्दर सुचित कर दी जाय।

3- यह कि वर्ष 1970 से अब तक मेरा कार्य एवं आवरण उचित रहता रहा अतः वर्ष 1981 में उक्त तरह की पुविष्टि देकर मुझे हतोत्साहित किया गया जो कि तत्कालीन विदेशक के द्वेष भावना का परिचायक है। विचारणीय है कि वर्ष 1982 से वधातिथि तक पुनः मुझे कोई प्रतिकूल पुविष्टि नहीं दी गई है।

4- यह कि जनगणना विदेशालय में बहुत से कर्मचारियों को प्रतिकूल पुविष्टि दी गई थी बहुतों के विरुद्ध विभागीय जांच कार्रवाई भी चली थीर उन्हें दोषी पाये जाने पर दण्डित भी दिया गया किन्तु हम सभी को नियमित प्रोत्तति प्रदत्त कर दी गई देवल मेरा काम ही विभागीय प्रोत्तति समिति के विचारार्थ नहीं रखा गया जो तत्कालीन विदेशक द्वारा मुझे परेशान करने की साजिश का प्रमाण है। जिस कर्मचारियों को ऐसा दिया गया उनके साथ सर्वश्री बेजबाब, हीरा लाल, गारोलेपरसो श्रीधरलाल, श्री राम दुबे, गारोलेपरसो मिश्रा एवं गारोली श्रीधरलाल के काम प्रमुख हैं जिसकी जांच की जा सकती है।

5- यह कि भारत सरकार के नियमों के अन्तर्गत यह आवश्यक है कि मेरे द्वारा दिनांक 22.9.82 को प्रेषित किये गये प्रतिवेदन पर विचार किया जाता और उसे अन्तिम रूप देते बाव ही मुझे नियमती-करण से वंचित किया जाता किन्तु ऐसा मेरे मामले में नहीं किया गया इससे स्पष्ट है कि मेरे साथ प्रशासन द्वारा किस प्रकार नियमों की अवहेलना करके मेरे मे अधिकार के साथ भिन्नवाह किया गया।

6- चूंकि मेरे विभागीय अधिकारी मुझे परेशान करते के लिये उचित हैं और मुझे कुकृतान नहुवाता चाहते हैं अतः मेरे सामने यही विचार है कि प्रतिकूल पुविष्टि अंकित कर दी गई और लिम्ब भावना

// 3 //

करता हूँ:-

1- 'एक दि वष' 1981 की वरिष्ठ पत्रिका के कातल 9 में
की गई प्रिण्ट की निरस्त करने की कृपा करें।

2- एक नि प्रार्थी को संयुक्त पत्र पर नियमित प्रोत्तति
दिनांक 6.10.82 से प्रकाश की जायगी और मेरा नाम संयुक्त श्रेणी
की वरिष्ठता सूची में क्रम संख्या 24 पर अंकित करवाया जाय।

अतः भारत प्रेमियों की प्रतियाँ संलग्न प्रस्तुत करते हुए आशा
करता हूँ कि श्रीमान मेरे साथ न्याय करेंगे एवं भारत के महा राजद्वार
वर्ष दिल्ली को उचित आदेश प्रारित करने की कृपा करेंगे।

मे कृत आभार आभारी रहूँगा।

मनदीपि.

[उदय नाथ सिंह]

[उदय नाथ सिंह]

संयुक्त
जलमणाली विदेशांतर, 25 बवत डिगोर
रोड, लखनऊ।

प्रतिनिधि नि- निमित्त को सुवर्ण एवं आयुध कार्यवाही

दिनांक:-

1. अखिल प्रति नावकीय बुद्ध दचिय, भारत सरकार, बुद्ध संग्रहालय, वर्ध
दिल्ली।
2. भारत के महा राजद्वार, 2 ए नाथसिंह रोड, वर्ध दिल्ली।
3. नावकीय की ओर 1000 पाणिश्री, बुद्ध राज्य मंत्री, भारत सरकार,
वर्ध दिल्ली।

[उदय नाथ सिंह]

संयुक्त
जलमणाली विदेशांतर,
25, बवत डिगोर, रोड,
लखनऊ।

इन दि आनरेबल डायरेक्टर सेंट्रल एडमिनिस्ट्रेटिव ट्रिब्युनल,
एडी० बेंच, इलाहाबाद
सर्किट बेंच, लखनऊ ।

ओ० ए० नं०

आफ 1990

उदय भान सिंह

..... अपलीकैण्ट

बनाम

यूनियन ऑफ इण्डियन एक्ज अर्से रेस्पान्डेन्ट्स

एनेजर् नं० - "ए-5"

सेवा में,

श्रीमान गृह सचिव महोदय,
भारत सरकार गृह मंत्रालय
नई दिल्ली ।

उचित माध्यम द्वारा

विषय : पदोन्नति एवं वरिष्ठ पंजिला में की गई
प्रतिकूल प्रविष्टि वर्ष 1981

महोदय,

- 1:- सचिवन्य निवेदन है कि प्रार्थी 1970 से सहायक संकलन कर्ता पद पर जनगणना विभाग में सेवारत है तथा प्रारम्भ से आज तक प्रार्थी को किसी प्रकार की प्रोत्साहनी तक नहीं दी गयी है ।
- 2:- यह कि प्रार्थी वर्ष 1981 से संगणक के पद पर पदोन्नति किया गया तथा 1987 में पदावधि कर दी गई परन्तु प्रार्थी अपने भाग्य का दोष मानकर चुप रहा ।
- 3:- यह लिखना आवश्यक है कि प्रार्थी का नाम वर्ष 1982 में नियमित करने के लिए भी नहीं रखा गया परन्तु प्रार्थी तो नियमित नहीं किया गया परन्तु प्रार्थी से जूनियर लोगों को बिना नियमित अवश्य किया गया किन्ती तुल

[Handwritten signature]

-2-

संख्या 118 थी। इस नियमितीकरण की सूचना भी प्रार्थी को नही मिली और पता लगाने पर मालूम हुआ कि प्रार्थी की चरित्र पंजिका में प्रतिलिखित प्रविष्टि के कारण उसका नाम नही जोड़ा गया।

- 4:- यह कि जैसा स्पष्ट है कि प्रार्थी तदर्थ रूप में पदोन्नति संकेतांक पद पर 1981 से 1987 तक से बाबत रहा जिसमें किसी भी प्रकार की चेतावनी तक भी नही दी गई।
- 5:- यह कि प्रार्थी के साथ तदर्थ प्रोन्नति तत्पश्चात पदावधि किये गये कई जूनियर लोगों को पुनः संकेतांक पद पर प्रोन्नति कर दी गई और प्रार्थी को तसे वंचित कर दिया गया। जिसका मुख्य कारण वर्ष 1981 की प्रतिलिखित प्रविष्टि बताया गया।
- 6:- यह कि प्रतिलिखित प्रविष्टि प्रभाव शून्य है क्योंकि यह 9 माह पश्चात सूचित की गयी तथा यह प्रविष्टि बिना किसी पूर्ण चेतावनी के की गई जो कि सर्वथा नियम विरुद्ध है।
- 7:- यह कि प्रार्थी बहुत ही दयनीय स्थिति में है क्योंकि अनेको पत्राचार होने पर भी प्रार्थी की प्रविष्टि रद्द नही की गयी। साथ ही सदैव यही कहा गया कि तत्कालीन सम्बन्धित अधिकारी के पास से अभी तक कुछ नही आया। कुछ दिन प्रतीक्षा की जाय और की जाय।
- 8:- जैसा कि प्रार्थी के जूनियर पुनः प्रोन्नति पाये है, अतः प्रार्थी को भी प्रोन्नति का लाभ मिलना चाहिये।
- 9:- यह कि यह स्वयं सिद्ध है कि प्रार्थी की चरित्र पंजिका में 1981 की प्रतिलिखित प्रविष्टि 1989-90 में प्रभावशाली नही मानी जा सकती, ऐसी परिस्थिति में प्रार्थी को प्रोन्नति

-3-

दि० 13.5.1987 से ली जाय। अन्यथा प्रार्थी के पास कोई दूसरा विकल्प नहीं है और प्रार्थी बाध्य होकर माननीय केन्द्रीय प्रशासनिक अधिकरण में न्याय हेतु प्रार्थना पत्र देगा।

प्रार्थना

अस्तु उपरोक्त तथ्यों के आधार पर महोदय से निवेदन है कि प्रार्थी की संगणक पद पर प्रोन्नति के आदेशा अविलम्ब पारित करने की कृपा करें। प्रार्थी आजम्ब आभारी रहेगा।

प्रार्थी

छ - अपत्नीय

दिनांक- 2.5.1989

{ उदय भान सिंह }

सहायक संकलक

कार्यालय निदेशाल बनगणाना
25, नवच लिफाओर रोड,
लखनऊ।

सत्य-प्रतिपत्ति

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1432

In the Hon'ble Central Administrative Tribunal
Circuit Bench, Lucknow

O.A.No. 34 of 1990 (L)

Udai Bhan Singh ----- Applicant

Versus

Union of India & others ----- Respondent

.....

Counter Reply on Behalf of Respondent

I, Virendra Kumar aged about 57 years, son of
Sri Krishna Nand Saxena, Assistant Director, Census
Operations, U.P., Circle, 25 Nawal Kishore Road, Lucknow
do hereby solemnly affirm and state as under :-

1. That the officer above named is competent to file
the counter reply on Behalf of the Respondents.
2. That the officer above named has read the petition
filed by Sri Udai Bhan Singh and has understood the
contents thereof.
3. That the officer above named is well conversant with
the fact of the case deposed hereinafter.
4. That it will be birth while to give a brief history
of the case as under :-

Brief Histry

The petitioner was appointed as Asstt. Compiler in

.....2/-

Virendra Kumar

#33

-:2:-

the office of the Director of Census Operations on 17.7.70. He was promoted on adhoc basis on the post of Computer on 28.1.81. The petitioner while working as adhoc Computer was given the following adverse remarks in his Annual Confidential Report for the year 1981 which was communicate to him vide letter No. A-/SCO-UP/CR-Adr/7/A-5583 dt. 3.9.82.

"An average worker. Needs to restrain ^{himself} in speech & behaviour : "indulged in unrestrained behaviour in speech and conduct in the office. Despite verbal warnings he failed to show improvement". The then Director of Census Operations, therefore had to warned in the Annual Confidential Remarks of the year 1981. The adverse remarks were communicated to the petitioner on 3.9.82. The petitioner made representation against the adverse entry on 21.9.82 to the Registrar General, India, Who after due consideration rejected the representation. The orders of Registrar General, India were communicated to the petitioner vide letter No. 23/11/83-Ad.I(Pt11) dt. 27.2.86.

The petitioner after a lapse of above 4 years made a representation to the Home Secretary, Census, Ministry of Home Affairs, Govt. of India, New Delhi on 30.5.86 for expunging the adverse entries given to him in 1982. The said representation was followed by another

Verid. k...

.....3/-

(134)

-:3:-

Representation dt. 25.5.89 addressed to the Home Secretary, Govt. of India, New Delhi.

The present petition has been against the adverse entry given to the petitioner for the year 1981 which was communicated to him vide letter No. A/SCO-UP/CRA Adv./7A-5533 dt. 3.9.82. It has been prayed that the Hon'ble Tribunal may issue necessary directions for expunging the adverse entry for 1981 and promote him on the post of Computer from the date his junior have been promoted. The petitioner has not indicated the name of such persons, and neither these persons have been impleaded in the present petition.

Para wise Comments

5. That the contents of para 1 of the petition need no comments. It is however stated that there had been no promotion to the grade of Computer from the grade of Asstt. Compiler in December 1989. The petitioner is at present working as Assistant Compiler.
6. That the contents of para 2 need no comments.
7. That in reply of para 3 it is submitted that the petition is barred by limitation under Sec. 21 of the Central Administrative Tribunal Act, 1985. The petitioner has prayed for expunging the adverse entry of his Annual Confidential Report for the year

Vaidh Kumar

.....4/-

1835

--:4:-

1981 which was communicated to him as long back as 3.9.82.

8. That the contents of para 4(a) are admitted.
9. That with regards to the averments made in para 4(b) only this much is admitted that adverse entry in his Annual Confidential Report for 1981 was communicated to him vide letter dt. 3.9.82 Rest of the contents are denied.
10. That with regard to contents of para 4(c) only this much is admitted that the petitioner has submitted a representation to the Directorate, Census Operations, Lucknow against the adverse remarks in his A.C.R. for 1981.
11. That in reply to para 4(d) it is submitted that the petitioner's case was duly considered by the D.P.C. for promotion to the post of Computer.
12. That in reply to para 4(e) it is stated that there is nonthing on record to indicate that a written warning was issued to him or any disciplinary action was taken against him.
13. That in reply to para 4(f) it is stated that the adverse entry was based on overall assissment of performance of the applicant including his behaviour with his superier,

.....5/-

Verid K

A36

-: 5 :-

14. That the comments of para 4(g) are not in the knowledge of the deponent hence no comments are offered. But why did the applicant not complain against the Director when the incident occurred. ^{no} On mention about it has been made in representation either. To make such allegation at the back of the officer and that too after ~~that~~ about nine years is highly undesirable, mischevious and uncalled for.
15. That in reply to contents of para 4(h) it is stated that the petitioner was an average worker. He needed to restrain himself in speech and behaviour. The entry was recorded when the petitioner failed to show improvement despite oral warnings.
16. That in reply of para 4 (i) and 4(j) it is stated that after rejection of his representation by the Registrar General, India, Census, New Delhi vide Letter dt. 27.2.8 the only proper forum where the petitioner should have agitated the matter was the Hon'ble High Court. But the petitioner failed to approcd^h the Hon'ble High Court for relief. An appeal to the Home Secretary after a lapse of four years was a futile exercise.
17. That in reply to the contents of para 4(k) and 4(l) it is stated that at this belated stage, when the petitioner is time barred, it is liable to be dismissed by the Hon'ble Tribunal also.

Vinod Kumar

.....6/-

A37

18. That the "grounds" indicated in para 5 of the petition have been adequately discussed in the above paragraphs
19. That the contents of para 6 and 7 need no comments.
20. That in view of the submission made in the above paragraphs, the relief sought for in para 8 and interim relief prayed for in para 9 of the petition are not admitted. *admissible.*
21. That the contents of para 10 to 12 need no comments.

Wherefor, it is respectfully prayed that in view of submissions made in above paragraphs, the petition is not tenable in facts and law; it lacks merit and is liable to be dismissed with cost.

Lucknow;

Dated : 31-5-90

Urinda Kumar
Respondent.

VERIFICATION

I, the above named Respondent do hereby verify that the contents of paragraphs 1 to ...³.....of this Counter Reply are true to the best of my personal knowledge those of paragraphs...^{4, 5, 21}.....are true based on records and the contents of paragraphs.....are believed by me to be true on the basis of legal advice. That nothing material fact has been concealed and no part of it is false.

Signed and verified this the...^{31st}....day of...^{May}.... 1990 within the Court Compound at Lucknow.

Lucknow ;

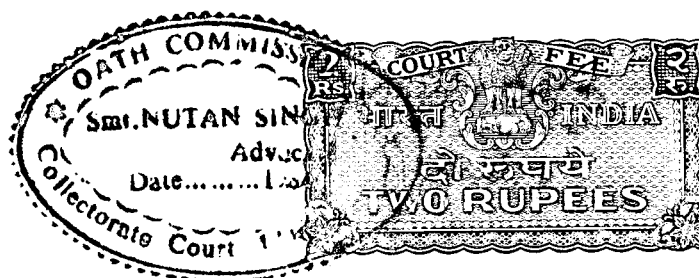
Dated : 31-5-90

Urinda Kumar
Respondent.

A38

In the Hon'ble Central Administrative Tribunal,
Additional Bench, Allahabad,
(Circuit Bench, Lucknow)

O.A.No.34 of 1990 (L)



Udai Bhan Singh. Applicant.

Versus.

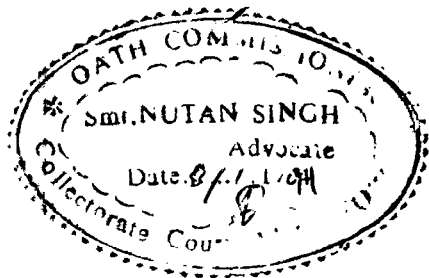
Union of India and others. ... Respondents.

Rejoinder to Counter Reply.

I, Udai Bhan Singh aged about 41 years, son of Late Shri Ram Bharosa Singh presently working as Assistant Compiler, Census Directorate, U.P.Circle 25 Newal Kishore Road, Lucknow, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the applicant/petitioner in the above noted case and as such he is fully conversant with the facts deposed to below.

2. That the counter reply filed by the



*Filed by
Smt. N
11/5/91*

Udai Singh

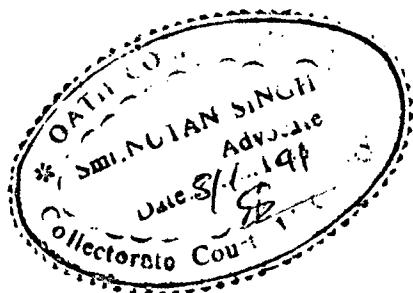
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A39

- 2 -

respondents has been read over and explained to him and he is giving the parawise reply of the hereinafter.

3. That contents of paragraph 1 to 3 of the counter reply needs no reply.

4. That the contents of paragraph no.4 of the counter reply is highly beleted and misleading hence not accepted as such. It is wrong to say that the applicant was orally warned by the authorities not to indulge himself in speech and behaviour. In fact the petitioner was performing his duties peacefully and he has been victimized due to the malafide with respendent no.2 since he could not give him a 'Sawl' as per his desire. The adverse remark in the annual confidential report of the petitioner/applicant for the year 1981 was communicated to the petitioner after a lapse of ^{9 1/2} mon-ths which is ^{against} the rules and regulation of the employees of the government of India. After recieving the adverse remark on 3.9.1982 the applicant/petitioner ^{by} performed an representation to the Director Census Operation Uttar Pradesh on 21.9.1982 against which the applicant recieved a letter dated 1.7.1983 by Joint Director that his representation could not be considered since the Director Census Operation was gone from the office of the Directorate Census



W. Singh

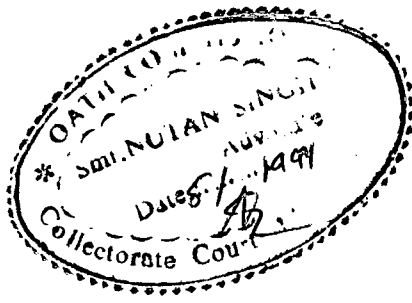
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P.10

- 3 -

Operation Uttar Pradesh. The Photocopy of the letter dated 1.7.1983 issued by the Shri N.L. Gupta (Joint Director Census Operation is annexed herewith as marked Annexure No.R-A-1 to the affidavit. It is wrong to suggest that the petitioner had represented the matter directly to the Registrar ~~General~~ ^{General} of India (hereinafter R.G.I) but trully speaking the petitioner has represented to the R.G.I. on 11.8.1983 after recieving the reply by Joint Director Census Operation as contained in Annexure R.A.1 The Photocopy of the representation dated 11.8.1983 to the R.G.I. is annexed herewith as marked Annexure No.R-A.2 to the affidavit.

5. That the said representation to the Registrar General of India. was decided on 4th March 1984 where it was observed that the representation made by the applicant/petitioner is time barred hence rejected. The Photocopy of the letter dated 4.3.1984 by the Assistant Director (Office of the Registrar General of India, New Delhi rejecting the representation of the petitioner dated 11.8.1983 is annexed herewith as marked Annexure No.R-A-3 to the affidavit.

6. That against the petitioner/applicant sent a letter dated 2.5.1984 to the R.G.I. New Delhi through proper chanal explaining the corresspondence done by him with the officials

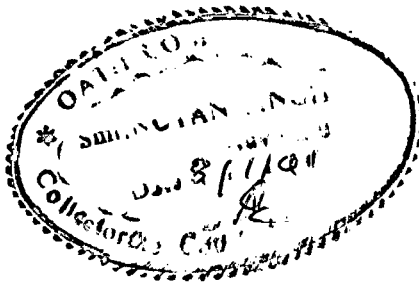


1/1/91

and sufficiently explained the reasons of the representation dated 11.8.1983 that how and in what circumstances it could not be filed in time. The photocopy of the letter dated 2.5.1984 to the R.G.I New Delhi indicating the memo of the earlier correspondenced one by the petitioner with his authorities is annexed herewith as marked Annexure No. R-A-4 to the Affidavit.

7. That after recieving the letter of the petitioner as contained in R.A.4 the office of the R.G.I. New Delhi has flatly refused without giving any cogent reason. The photocopy of the letter dated 11.3.1986 send by Assistant Director Census Operation U.P. in persuance ~~mx~~ to the letter No.22.11.1983 Ad. Ist ((PT & II) dated 27.2.1986 for the office of the R.G.I. rejecting the second re-presentation of the petitioner/applicant is annexed as marked Annexure No. R-A-5 to the affidavit.

8. That when the petitioner moved the classification letter dated 2.5.1984 explaining that his representation was not time barred the office of the R.G.I. rejected his representation Agent that on 30.5.1986 the petitioner filed an appeal to the Home Secretary Ministry of Home Affairs without any delay when he could not get any reply for a considerable period he again send



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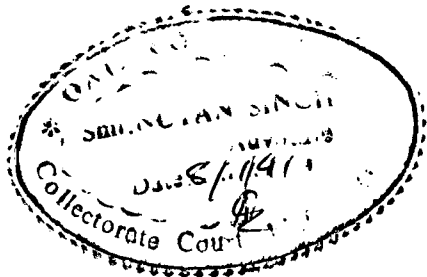
- 5 -

a reminder to him dated 2.5.1989. The photocopy of the appeal to the Home Secretary dated 30.5.1986 and the true copy of the reminder in continuation of the appeal has already been filed by the petitioner in his original application as Annexure No.A-4 and A-5 to the application. The annexure No.A-1 of the original application shows that during the ad-hoc promotion on 28.1.1981 the name of the petitioner was placed at serial No.3 but the promotion list dated 31.12.1982 shows that the name of the petitioner is not appearing but it ought to appear at serial no.24. The promotion list dated 31.12.1982 from Assistant Compiler to the post of Computer which was given effect to 6.10.1982 is annexed herewith as marked Annexure No.A-6 to the affidavit.

9. That in respect to the paragraph no.5 of the counter reply it is stated that the regular departmental promotions were made vide annexure A-6 to this affidavit is dated 31.12.1982. While drafting the original application due to typing error it could have been written December.1989 but it is December, 1982, therefore it may kindly be corrected and be read as December, 1982.

10. That the contents of paragraph no.6 of the counter reply need no comment.

11. That the paragraph no.7 of the counter-



W. Singh

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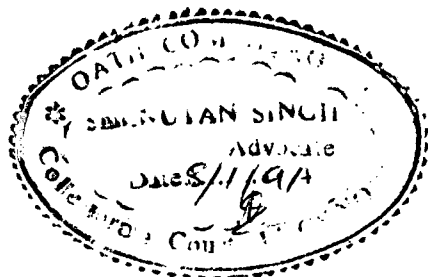
reply is not admitted and in this behalf the paragraph no.3 of the original application is reasserted. In this behalf it is submitted that the petitioner has approach ed to this Hon'ble Tribunal after exhausting all the remedies and without any delay so the application is under limitation and liable to be allowed.

12. That the paragraph no.8 of the counter-reply need no comment.

13. That in respect to the contents of paragraph no.9 of the counter reply the paragraph no.4(b) of the original application is reiterated.

14. That in respect to the paragraph no.10 of the counter reply the paragraph no.4(c) of the original application is reiterated.

15. That in respectto paragraph no.11 of the counter reply the paragraph no.4(d) of the original application is reiterated.



16. That the contents of paragraph no.12 of the counter reply are the merely admission of the paragraph no.4(d) of the original application hence need not reply.

17. That the contents of paragraph no.13 of

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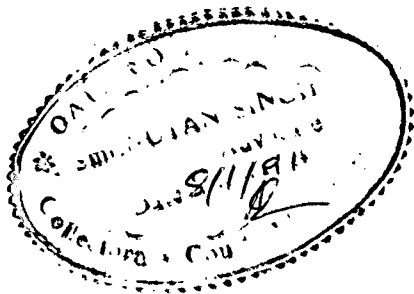
of the counter reply is not admitted and in this behalf paragraph no.4(f) is reasserted.

18. That the contents of paragraph no.14 of the counter reply is not admitted and paragraph no.4(g) of the original application is reasserted.

19. That the contents of the paragraph no.15 of the counter-reply is not admitted and paragraph no.4(h) of the original application is reiterated. In this behalf it is submitted that prior to award of the adverse entry the petitioner was neither been subjected to any disciplinary proceedings nor he was warned in writing or in by oral means. The adverse entry was awarded in a very arbitrary and discretionary manner which is liable to be quashed.

20. That the contents of paragraph no.16 of the counter reply is not accpeted as such. In fact the original application is neither barred nor it requires to be filed before the H n'ble High Court. It is wrong to say that the appeal to the Hon'ble Secretary was filed after a lapse of four years but it is said ~~xx~~ during this period the petitioner was marking the representations to the higher authorities.

21. That the contents of paragraph no.17



Lal Singh

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- 8 -

of the counter reply is not admitted and in this behalf the paragraph no.4(k) and 4(l) are reiterated. In this behalf it is submitted that the petition is not time barred and is liable to be entertained by this Hon'ble Tribunal.

22. That in place of paragraph no.18 of the counter reply the paragraph no.5 of the original application is reasserted.

23. That the contents of paragraph no.6 and 7 are need not to ~~correct~~ *reply*.

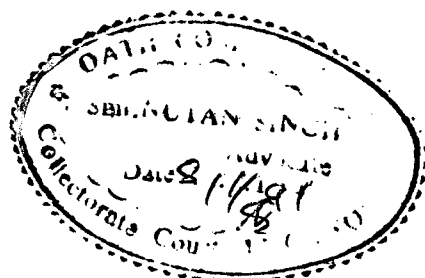
24. That the contents of paragraph no.20 of the counter reply is not admitted and paragraph no.8 and 9 of the original application is reasserted.

25. That in respect to paragraph no.21 of counter reply the paragraph no.10 and 12 of the original application is reasserted. In this behalf it is submitted that the adverse entry communicated to the petitioner after a lapse of 9 months deserves to be quashed and the petition deserves to be allowed throughout with cost to the opposite parties.

Lucknow; Dated

8 - 1, 1991.

Ans Singh
Applicant. (Deponent)



Ans Singh

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- 9 -

Verification.

I, the above named deponent do hereby
verify that the contents of paragraph no. 1, 2, 3
... 4 (Part 5) 9, 10... 11 (Part 5), 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23
of the rejoinder affidavit is true to my personal
knowledge and those of paragraph no. 4 (Part 5)
... 5, 6, 7, 8, ...
are based on record while paragraph no. 11 (Part 5),
19, 21, 25 are based on
the basis of legal advise.

Nothing material fact has been concealed.
and no part of it is false. So help me God.

Lucknow; Dated

8-1, 1991.

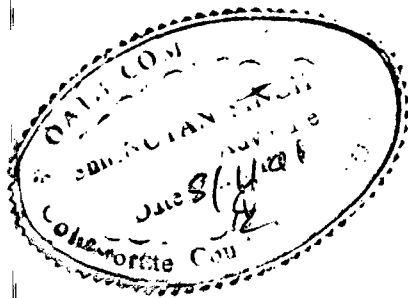
(Signature)
Deponent/Applicant.

Signed and verified this the day of
1991 within the court compound at Lucknow.

Lucknow; Dated

8-1, 1991.

(Signature)
(V.S. Tripathi)
Advocate,



C. N. A.
Solemnly affirmed before me in my office to-day
at Lucknow, 3rd A.M. by *Smt. Nutan Singh*
who is identified by *Shri V.S. Tripathi* Advocate
I have satisfied myself by examining the
deponent that he understands the contents
of this affidavit which he has read out and
explained by me free of any fee charged by me.

Smt NUTAN SINGH
Advocate
Collectorate Court, Lucknow.

(Signature)

In The Honble Central Administrative Tribunal
First Bench Allahabad (C.B. Dutt) (C.B. Dutt)
C.A. No. 34 of 1982
Uday Singh vs. Respondent
Union of India & Others -- Respondent

Annexure R.A. - 1

पत्रांक: एई/डी०सी०ओ०-यू०पी०/ए- 2661

भारत सरकार
गृह मंत्रालय
कार्यालय निदेशक जनगणना परिचालन, उत्तर प्रदेश
प्रशासनिक अनुभाग

25, नवल किशोर रोड,
लखनऊ : 226001
दिनांक: 1/1/1983

-:: कार्यालय ज्ञाप ::-

वर्ष 1981 की प्रतिकूल प्रविष्टि के निरस्त करने के वाबत उनके प्रत्यावेदन दिनांक 21.9.82 के सन्दर्भ में श्री यू० वी० सिंह, संगणक को सूचित किया जाता है कि निदेशक जनगणना के कार्यालय से चले जाने के उपरान्त उनके प्रत्यावेदन पर विचार किया जाना सम्भव नहीं है।

एन० एल० गुप्त
संयुक्त निदेशक

श्री यू० वी० सिंह,
संगणक।

1.7.83

In the Honble Central Administrative Tribunal
Delhi Bench Allahabad (C.B. Dutt) (15502)
Uda Bhan Singh vs. - - - - - Applicant
Union of India & Ors. - - - - - Respondent

Annexure RA - 2

11.8.83

(7)

(17)

(18)

To

The Registrar General, India,
2/A, Mansingh Road,
New Delhi-110011.

Through: Proper channel.

Subject: Expunction of adverse remarks in the
character roll of Sri U.B. Singh for 1981
and regularisation on the post of Computer.

Sir,

Respectfully I submit that I was appointed
as Assistant Compiler in the scale of Rs. 250-400
w.e.f. 1.7.1970 and was promoted as Computer on
adhoc basis w.e.f. 1.2.1981 in accordance with my
seniority and suitability. According to departmental
seniority list my name stands at No. 24 amongst the
Assistant Compilers.

2. That as many as 118 adhoc Computers were
regularised by the Director of Census Operations
vide his order No. AE/DCO-UP/A-9807 dated 31.12.82
but unfortunately my name was excluded from the
above list without communicating any reasons for the
same.

3. That some adverse remarks not concerned
with my work and suitability were communicated to
me vide letter No. A/SCD-UP/CR-Adv./75583 dated
3.9.1982 (copy enclosed).

4. A perusal of the copy of the report will
reveal that the reporting officer under whom I was
working has given good remarks but the Director
himself has commented on my speech and behaviour.
In this connection I have to submit that during
entire period of my service I was never given any
warning written or verbal from any officer in this
regard. I am, therefore, feeling that this is the
result of motivation from certain interested person
who may have fabricated false and baseless bias
against me and have compelled the Director to record
such baseless remarks in my character roll.

...2/-

वर्ग नही नही INSURANCE

मे गये डाक टिकटों का मूल्य रु.
Count on stamps affixed Rs.
रु. रु. ...
received a Registered
निवाले की न म
Addressed to

पानेवाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

5. That just after the receipt of the adverse remarks I represented against them vide my letter dated 22.9.1982 (copy enclosed) But to my utter surprise my name was excluded from the order of regularisation dated 31.12.1982 pending disposal of my representation.

6. That according to the existing orders/ instructions of Govt. in this regard no adverse view of such remarks may be taken unless the representation, if any, against such remarks is finally disposed off.

7. That I represented for restoration of my name in the list of regular candidates vide my letter dated 7.1.83. After continued pursuance and reminders I have been communicated vide Joint Director's letter No. AE /DCO-L/A-2661 dated 1.7.83 (copy enclosed) that nothing can be done on my representation as the Director of Census Operations, O.P. has been transferred.

8. That the reply dated 1.7.83 from the Joint Director is sufficient proof to prove that they have recorded adverse remarks without any basis and that my name has been excluded from the list of regular Computers deliberately due to some bias.

9. Since the local administration is biased and has been trying to harm me baselessly I have no option but to approach you Sir for redress of my genuine grievances and pray that :-

- (1) The adverse remarks recorded in my Character Roll is expunged.
- (2) I should be regularised on the post of Computer and my name be restored at proper place (No.24) of the list according to my seniority.

I may assure you sir that had there been any hope for justice from the local administration I would have been most reluctant to bother you with this small matter. Having every faith in your kind honour I request you to kindly consider my case on merits and favour me with your kind orders on the above two points.

Yours faithfully,
U.E. SINGH
COMPUTER DCO UP LHO.

11-8-83

3
ASD

Confidential

सं. "जनगणना"
Telegrams "REGGENLIND"

सं. No. 12/21-0/84-Ad.I

भारत सरकार
GOVERNMENT OF INDIA

गृह मंत्रालय
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA
भारत के महारजिस्ट्रार का कार्यालय
OFFICE OF THE REGISTRAR GENERAL, INDIA

नई दिल्ली, दिनांक
New Delhi, the 4th March, 1984

MEMORANDUM

4 MAR 1984

WRONG
on 21.9.82

With reference to his representation dated 11.8.1983, Shri Udai Bhan Singh, Computer, in the office of Director of Census Operations, Uttar Pradesh, Lucknow, is informed that the adverse remarks were communicated to him by the Directorate of Census Operations, Uttar Pradesh, Lucknow, vide their letter No. AE/DCO-UP/CR-Adv/75583 dated the 3rd September, 1982. He has, however, made a representation only on 11.8.1983 i.e. after a lapse of more than 11 months. The representation submitted by him on 11.8.1983 has become time barred. His representation has, therefore, been rejected.

B.D. Dargan
(B.D. Dargan)
Assistant Director

Shri Udai Bhan Singh, Computer,
Directorate of Census Operations,
Uttar Pradesh,
Lucknow

Received on 2.4.84

Udai Singh
- 1 (CP)
12

16
AST
The Registrar General, India
2/A, Mansingh Road,
New Delhi.

Annexure R.A.

To

The Registrar General, India,
2/A, Mansingh Road,
New Delhi.

Through proper channel.

Subject: Adverse remarks - representation of.

Sir,

With reference to your Memo No. 12/21-C/8A-Ad.I dated 4.3.84, on the above noted subject, I respectfully submit that soon after the communication of adverse remark on 3.9.82, I submitted my representation to the Director of Census Operations, U.P. on 21.9.82 on which he informed me vide his O.M.No. A-2661/DCO-UP/ dated 1.7.83 (copy enclosed) that the representation could not be considered in the absence of competent authority. Soon after the receipt of the O.M. referred to above, I submitted my representation dated 11.8.83 to the Registrar General, India.

In the circumstances stated above the representation may not be said time barred. I, therefore, request you kindly to consider the same on merit.

Yours faithfully

Udai Bhan Singh
(Udai Bhan Singh)
Computer

Directorate of Census Operations,
Uttar Pradesh.

Enclosure

1. Memorandum

No 12/21-C. 8A Ad I P/43/84

Regarding Rejection due to time barred

2. order. of J. Director June 1983

3. Representation dated 21-9-83

4. copy of Annual remark of 1981.

In The Honble Central Administrative Tribunal
Addl Bench Allahabad (C.B. Dindar)
C.A. No. 34 of 1985 (L)
Udai Bhan Singh - Applicant
Union of Ind. & Others - Respondents

Annexure RA-5

20-12-85

13/3

(20)

(13)

Copy of letter No. 22.11.83-Ad.I (Pt. II) dated 27.2.86 from the office of the Registrar General India, to the Director of Census Operations, U.P.

I am directed to refer to the correspondence resting with your letter No. AE/DCO-UP/A 4842 dated 10th October, 1985, on the above subject. The representation of Shri U.B. Singh, Computer against adverse remarks recorded in his ACR for the year 1981 has been considered by the Registrar General, India and in view of the facts of the case it has been decided not to interfere with the said remarks. His representation is, therefore, rejected. He may be informed accordingly.

.....
No. AE/DCO-U.P./A/1158

Government of India
Ministry of Home Affairs
Office of the Director of Census Operations, U.P.

25, Nawal Kishore Road,
Lucknow: 226001.

Dated: March, 11, 1986.

Copy forward to Shri U.B. Singh, Computer for information.

(Lakhan Singh)
Asstt. Director

24/3/86

In the Honble Central Administrative Tribunal
 Addl Bench Allahabad (C B Division)
 C.A. No. 34 of 1990(L)
 Uday Bhan Singh - Applicant
 Union of Ind & Others - Respondents

16

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 153

Annexure R.A - 6

पत्रांक: 100/100/100-100

भारत सरकार
 गृह मंत्रालय
 कार्यालय निदेशक जनश्रम परिचालन, उत्तर प्रदेश
 प्रशासनिक अनुभाग

25, नया निगोर रोड,
 लखनऊ - 226001
 दिनांक: दिसम्बर: 31, 1992

-: आदेश :-

निम्नलिखित सहायक प्रबलकर्ताओं को, विभागीय प्रोन्नति समिति की संरक्षित के आधार पर सम्पूर्ण प्रबल वेतनमात्र ३० 330-560 पर, दिनांक 6 अक्टूबर, 1992 से, नियमित रूप से प्रोन्नत किया जाता है।

क्रम सं० कर्मचारी का नाम

क्रम सं० कर्मचारी का नाम

- | | |
|---|--|
| 1. राम चंद्र पुत्र श्री रामेश्वर प्रसाद | 29. अक्षयवर गुक्ला |
| 2. गंगा राम मिश्र | 30. राम शंकर मिश्र |
| 3. प्रभात चंद्र तिवारी | 31. राम कुमार गुप्त |
| 4. प्रभात चंद्र तिवारी | 32. सत्य नारायण पुत्र श्री देवी प्रसाद |
| 5. गिरधर राम सिंह | 33. गौरी शंकर जयन्वाल |
| 6. मोहन कुमार | 34. श्रीमती मंजू नाग |
| 7. गंगा राम मिश्र | 35. हरी लाल |
| 8. श्रीमती सीता भदौरिया | 36. मोहन चंद्र वन्द गुप्त |
| 9. श्रीमती लक्ष्मी कुमारी गुक्ला | 37. नरेश चंद्र जैन |
| 10. दिनेश चंद्र प्रसाद | 38. राजेन्द्र कुमार गुक्ला |
| 11. हरि प्रसाद प्रसाद | 39. सतीश चंद्र श्रीवास्तव |
| 12. प्रेम चंद्र गुप्ता | 40. रामानन्द लाल |
| 13. रमेश चंद्र गुप्ता | 41. लालजी प्रसाद जायसवाल |
| 14. गुलाब चंद्र गुप्ता | 42. सत्य देव प्रसाद श्रीवास्तव |
| 15. मधुसूदन चंद्र गुप्ता | 43. राम प्रसाद गुप्ता |
| 16. राम चंद्र गुप्ता | 44. राम चंद्र गुप्ता |
| 17. राम चंद्र गुप्ता | 45. राम चंद्र गुप्ता |
| 18. राम चंद्र गुप्ता | 46. राम चंद्र गुप्ता |
| 19. राम चंद्र गुप्ता | 47. राम चंद्र गुप्ता |
| 20. राम चंद्र गुप्ता | 48. राम चंद्र गुप्ता |
| 21. राम चंद्र गुप्ता | 49. राम चंद्र गुप्ता |
| 22. राम चंद्र गुप्ता | 50. राम चंद्र गुप्ता |
| 23. राम चंद्र गुप्ता | 51. राम चंद्र गुप्ता |
| 24. राम चंद्र गुप्ता | 52. राम चंद्र गुप्ता |
| 25. राम चंद्र गुप्ता | 53. राम चंद्र गुप्ता |
| 26. राम चंद्र गुप्ता | 54. राम चंद्र गुप्ता |

.....2/-

सर्वश्री

55. खुर्रिद अहमद
 56. रमेश चन्द्र
 57. विशिष्ठ पाण्डे
 58. रमापति तर्मा
 59. छोटे लाल {अ०ज०}
 60. राज नारायण गुप्त
 61. सीता राम पुत्र श्री कडीले {अ०ज०}
 62. मिश्री लाल {अ०ज०}
 63. बरारि लाल {अ०ज०}
 64. देवेन्द्र शर्मा
 65. गणेश प्रसाद निनाम
 66. अनाक हुसैन निवदी
 67. दिदी गुमान साहेना
 68. रमेश गुमान हत
 69. राम चन्द श्रीवारतव
 70. ललित कुमार {अ०ज०}
 71. ललित प्रसाद
 72. निनाम
 73. ललित नाथ तिवारी
 74. लाल {अ०ज०}
 75. सीता राम पुत्र श्री सुन सुन {अ०ज०}
 76. राम देवन {अ०ज०}
 77. देवन {अ०ज०}
 78. राम नारायण {अ०ज०}
 79. सुदर्शन कुमार शर्मा
 80. जगदीश नारायण लाल
 81. जगदीश प्रसाद गुप्त
 82. विप्लव शर्मा
 83. मोहम्मद हुसैन
 84. ललित प्रसाद अग्रवाल
 85. रासोब कुमार
 86. जेम प्रसाद लाल श्रीवारतव
 87. श्रीमती ऊषा जेटली
 88. अनाक अहमद
 89. सतीश चन्द्र वाष्णेय
 90. कृष्ण कुमार तिवारी

..... 3/-

10/10/54
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- 3 -

सर्वश्री

91.	चरन सिंह	॥अ०जा०॥
92.	राज विशोर पाठक	
93.	नरेश राम	॥अ०जा०॥
94.	मेडी लाल	॥अ०जा०॥
95.	मोती लाल	॥अ०जा०॥
96.	विजय कुमार	॥अ०जा०॥
97.	सुर लाल	॥अ०जा०॥
98.	छरपत्तू राम	॥अ०जा०॥
99.	राम दुलार प्रसाद	॥अ०जा०॥
100.	लालन राम	॥अ०जा०॥
101.	राष्ट्र प्रसाद	॥अ०जा०॥
102.	रंगी लाल	॥अ०जा०॥
103.	सीता राम पुत्र श्री लाल राम	॥अ०जा०॥
104.	राम लाल	॥अ०जा०॥
105.	राम प्रसाद	॥अ०जा०॥
106.	मुन शम्भू	॥अ०जा०॥
107.	लाल चन्द्र प्रसाद	॥अ०जा०॥
108.	सीता राम पुत्र श्री लाल राम	॥अ०जा०॥
109.	बृजलाल लाल	॥अ०जा०॥
110.	ब्रजेन्द्र सिंह	॥अ०जा०॥
111.	नन्दा राम कुरील	॥अ०जा०॥
112.	शिख राज आर्या	॥अ०जा०॥
113.	दुर्गा प्रसाद	॥अ०जा०॥
114.	सुन्दर लाल	॥अ०जा०॥
115.	पूरन चन्द्र	॥अ०जा०॥
116.	जे० पी० पोस्टाल	
117.	सुरेश लाल	॥अ०जा०॥
118.	छंगा लाल	॥अ०जा०॥

॥ खीन्ना गुप्त ॥
निदेश

स्थापन: एई/ / डी०सी०ओ०-५०५०/ए- 9807 तद दिनांक

लि. निम्न के सूचनार्थ एवं कार्यवाही के लिए दिनांक:-

1. मन्त्रालय के सूचनार्थ एवं कार्यवाही के लिए दिनांक:-
2. मन्त्रालय के सूचनार्थ एवं कार्यवाही के लिए दिनांक:-
3. मन्त्रालय के सूचनार्थ एवं कार्यवाही के लिए दिनांक:-
4. मन्त्रालय के सूचनार्थ एवं कार्यवाही के लिए दिनांक:-
5. मन्त्रालय के सूचनार्थ एवं कार्यवाही के लिए दिनांक:-
6. मन्त्रालय के सूचनार्थ एवं कार्यवाही के लिए दिनांक:-

10/11/77
10/11/77

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7. समस्त प्रवर वर्ग लिपिक/अवर वर्ग लिपि स्थानों
8. व्यक्तिगत पत्रावली सम्बन्धित त्रैमासिक
9. स्थाईकरण नियमितोत्तर पत्रावली
10. महा-मंत्री, जन-आवाज त्रैमासिक संगठन, निदेशालय उ०१० ल. नि. उ.
11. निदेशक महोदय के वैयक्तिक सहायक
12. स्टॉफ रिटर्न पत्रावली

एन० एल० गुप्त
संयुक्त निदेशक

12/2/21

12/2/21

12/2/21

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12/2/21