

(See rule 114)

OA/TA/RA/CP/MA/PT 04-358 of 20-90

Versus

INDEX SHEET

Certified that the file is complete in all respects

Signature of Deal. Hand

(H)

12/11/90

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

dyw
12/11

Registration No. 358 of 1989 10/11

APPLICANT(S) Shri B. P. Sinha

RESPONDENT(S) Union of India & others

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

(15)

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.
13. Nos. _____ pages Nos. _____?
14. Are the file size envelopes bearing full addresses of the respondents been filed?
15. Are the given address the registered address?
16. Do the names of the parties stated in the copies tally with those indicated in the application?
17. Are the translations certified to be true or supported by an Affidavit affirming that they are true?
 - a). Concise?
 - b). Under distinct heads?
 - c). Numbered consecutively?
 - d). Typed in double space on one side of the paper?
18. Are the particulars for interim order prayed for indicated with reasons?
19. Whether all the remedies have been exhausted?

Two sets

yes

yes

N.A.

yes

yes

N.A.

Heavily

yes

yes

NO

yes

CLASS

12.11.90
D.P.

Registered

Put up before the Hon'ble Bench

on 14.11.90 for orders.

12.11.90


582
12/11/90


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14.11.90

Hon. Mr Justice K. Nath v.c
Hon. Mr. M.Y. Borkar Am.

On the request of Council
for applicant case is adjourned
to ~~22.11.90~~ 15.11.90.


Am.


v.c

Received account
of the judgment on the
behalf of the 88 Sika
(R.D) 500000 to
Ran (C.D.)
16.11.90

(A)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
LUCKNOW CIRCUIT BENCH

Registration D.A. No.358 of 1990 (L)

B.P. Sinha Applicant

Versus

Union of India & Others Respondents.

Hon.Mr.Justice Kamleshwar Nath,V.C.

Hon. Mr. M.Y. Priolkar, Member (A)

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

We have heard the learned counsel for the applicant. While it is stated in the petition that the applicant was being victimized in various ways by the concerned authorities in matters relating to his employment, no specific illegal act of the respondents affecting any of the service conditions or rights of the applicant is challenged. The relief for a direction to evolve a policy for taking disciplinary action on reports of Field Officers as and when made, a direction to the respondents not to act on baseless complaints under political interference and other directions to evolve policies regarding administration in the Song and Drama Division, Ministry of Information and Broadcasting including allotment of programmes do not relate to any specific grievance which adversely affects the service conditions or rights of the applicant. The learned counsel for the applicant says that the applicant was being transferred maliciously in order to harass him. If that be so, he has to plead a specific

8.

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
(CIRCUIT BENCH) LUCKNOW.

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNALS ACT. 1985.

O.A. No. 358 of 1990 (L)

B.P. Sinha

... Applicant

Versus

Union of India and others.

... Respondents.

I N D E X

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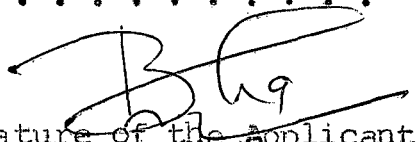
- | | |
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-


Signature of the Applicant.

FOR USE IN TRIBUNAL's OFFICE.

Date of Filing

or

Date of receipt by post

Registration No.

Signature
For Registrar.

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing 12/11/90
Date of Receipt by Post.....

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW.

Deputy Registrar(J)

58/12/11

Original Application No. 358 of 1990(L)

B.P. Sinha, aged about 53 years, son of Late Sri J.P. Sinha r/o Kendranchal, Hostel No. 33, Sector 'K' Aliganj, Lucknow employed as Deputy Director, Song & Drama Division, Ministry of Information and Broadcasting, 116A, Faizabad Road, Lucknow.

...Applicant

Versus

1. Union of India, through the Secretary, Ministry of Information and Broadcasting, New Delhi.
2. Joint Secretary (Films), Ministry of Information and Broadcasting, New Delhi.
3. The Director, Song and Drama Division, Ministry of Information and Broadcasting, 15/16, Subhash Marg, Daryaganj, New Delhi.
4. Dr. P.K. Nandi, Director, Song and Drama Division, Ministry of Information and Broadcasting 15/16, Subhash Marg, Daryaganj, New Delhi.

...Respondents.

DETAILS OF APPLICATION

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

The application is made against the humiliation and victimisation of the applicant ever since his appointment in the Department and unjust,

Filed today
58/12/11/90

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unfair, unreasonable, arbitrary and whimsical actions by the Respondents to protect the corrupt, indisciplined and politically influential employees, in utter disregard of the honesty, integrity and a very high performance of the applicant. The applicant is seeking a writ, order or direction in the nature of MANDAMUS commanding the respondents to lay down the policy regarding level of administration in the Song & Drama Division, Ministry of Information & Broadcasting. The applicant is also seeking a writ, order or direction in the nature of MANDAMUS for evolving a policy regarding allotment of programmes to private parties.

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 as the applicant is serving as Deputy Director, Song & Drama Division, Lucknow.

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:-

4.01 That the applicant is a graduate of the National School of Drama, New Delhi. He was appointed as Deputy Director, Song & Drama Division, Ministry of Information & Broadcasting, through the Union Public Service Commission w.e.f. 8.4.1982. Prior to his appointment as Deputy Director the applicant had worked in various capacities and departments as given below and had excellent record of service:-

- (a) 1967 to 1975 -Makeup Department,
Delhi Doordarshan.
- (b) 1976 -Assistant Secretary,
Sahitya Kal Parishad,
New Delhi.
- (c) 1977 to 1978 -Lucknow Doordarshan.
- (d) 1978 -Business Manager,
National School of Drama
New Delhi.
- (e) 1979 to 1982 -Producer, Delhi
Doordarshan.

4.02 While working with Doordarshan, New Delhi, the applicant was elected President of All India Doordarshan Programme Staff Union. During the term of the applicant as President of the Association, a writ petition was filed before the Hon'ble Delhi High Court seeking a writ of MANDAMUS to the Union of India to implement its own decision. The Union of India was arrayed as opp. party through the then Minister for Information & Broadcasting (Sri Vasant Sathe). Due to the writ petition, the



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buerocracy was highly annoyed with the applicant and many times the applicant was directly and indirectly approached and asked to desist from such union activities and on refusal of the petitioner to withdraw from the case, humiliation and victimisation started which did not stop even after his shifting from Doordarshan to Song & Drama Division.

4.03 That the wife of the applicant is also employed under the Ministry of Information and Broadcasting with the Delhi Doordarshan. Presently she is Assistant Station Director, Central Production Centre, Delhi.

4.04 That on his appointment as Deputy Director Song and Drama Division, the applicant could have been posted to Delhi where his wife was working, but with a view to chastise and harass the applicant for his alleged role in filing the writ petition, referred to (B) above, the applicant was posted to Song and Drama Division, Ranchi w.e.f. 8.4.1982.

4.05. That while posted at Ranchi, the applicant had to take some strong administrative action to improve the level of administration. As a result, the applicant was gheraoed in office by a strong mob of about 350 people. The gherao was engineered

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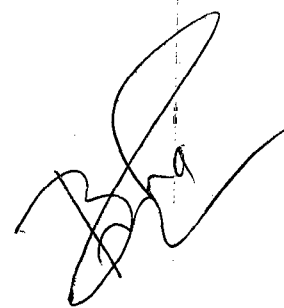
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by the subordinate staff. The matter was reported to the Respondent No.3, but no action was taken by the Headquarters to punish the real culprit. Sri A.K.Chatterjee, T.A. of Ranchi. It may be pertinent to mention here that the said Mr.Chatterjee was shunted out from Calcutta for misconduct.

4.06. That while the petitioner was on leave at Delhi, he was transferred to Chandigarh with effect from 17.12.1984 vide letter No.A-22012/1/84-Admn-I dated 7.12.1984. It may be mentioned here that in normal circumstances an employee is to be retained at a station for a minimum of 3 years, but the applicant was transferred from Ranchi to Chandigarh only because of his administrative measures initiated to curb the indiscipline amongst the staff.

4.07 That the applicant came to know of many irregularities committed by the Administrative Officer, Song and Drama Division, Chandigarh and brought the same to the notice of the respondent No.3, but once again there was no attempt on the part of the respondent No.3 to check the indiscipline and remove the irregularities. The silence on the part of Headquarters encouraged the indisciplined staff to create such atmosphere and indulge in such activities that it became well high impossible



for the applicant to function effectively. The applicant had to suffer a great stress and strain, which resulted into his hospitalisation in Dr. Ram Manohar Lohia Hospital, New Delhi for the period from 13.8.1985 to 26.8.1985.

4.08 That as already stated the applicant has been making repeated requests for transfer to Delhi. Fortunately, a vacancy did occur at Headquarters at New Delhi due to relieving of Sri Prem Mathiani, Deputy Director, for attending the course in Theatre Studies at Leeds University and vide Govt. of India, Ministry of Information and Broadcasting order No. A-22012/1/84-Admn-I/S&D/DOF(S) dated 20/26.12.1985, the applicant was transferred at his own request to New Delhi. It was provided in the order that the transfer of the applicant to New Delhi was upto the period Sri Matiyani joins his duties back, or until further orders, whichever is earlier.

4.09 That consequent upon posting of the applicant to Delhi and his joining duty at Delhi, the applicant was posted as Deputy Director(Armed Forces Entertainment Wing) and was also ordered to look after the work of Deputy Director, Chandigarh Regional Centre in addition to his own charge at Delhi by the Respondent No.3 vide order No.4/36/76-Admn.I(Pt) dated 30.12.1985.

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4.10

That the applicant proceeded to Chandigarh on 9.1.1988 with information to the Respondent No.3. During his surprise check, the applicant found only Sri Virandra Tara, Administrative Officer and Sri C.L.Sharma, UDC., present in office at 3.15 PM on 9.1.1988 and asked the Administrative Officer to intimate the whereabouts of other members of the staff. It may be mentioned here that while posted at Chandigarh, the applicant had reported to the Respondent No.3 about the misconducts and irregularities committed by the very same Administrative Officer (Sri Virendra Tara) and no action was taken by the Headquarters.

4.11

That again the surprise check and the enquiry by the applicant about the whereabouts of the staff members found absent was not to the liking of the influential persons and the Administrative Officer and this time instead of taking any action against the defaulters and indisciplined employees, the applicant was divested of additional charge of Chandigarh just after only 18 days of the assigning of charge and vide letter dated 17.1.1986, the Respondent No.3 assigned the additional charge of Chandigarh Office to Smt.A.Bawa, Deputy Director, Song and Drama Division, Delhi. This is nothing sort of humiliation and lowering the image of the applicant in the eyes of subordinates, besides encouraging



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indiscipline.

4.12 That the applicant had also submitted a proposal on 10.1.1986 to the Director to delegate financial powers to the Deputy Director(Armed Forces Entertainment wing) for effective function. On the same day, he had also submitted an office note for delegation of full administrative powers to deal with the disciplinary matters effectively. It may be pertinent to mention here that the applicant was physically manhandled by Sri R.S.Pathak and Sri Kabra, Actors(staff Artists), Armed Forces Entertainment Wing & Delhi Region. No action was taken by the Headquarters despite a written report to this effect by the applicant.

4.13 That a cultural programme was organised by the troupe of Song and Drama Division in National Institute of Health and Family Welfare New Delhi on 10.3.1986 for the participants of the Indo-U.S. Workshop and other distinguished guests. The Director of the Institute in his D.O. letter No. NIHEW/3-9/85-PAC dated 11.3.1986 to the Respondent No.3 appreciated the programme and conveyed thanks to the applicant, among others. A photostat copy of the D.O. letter dated 11.3.1986 is being annexed as Annexure No.A-1.


Annexure No.A-1

4.14 That for excellent cultural programme

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presented on the occasion of the function organised to bid farewell to the retiring Members of the Rajya Sabha on 17.3.1986, appreciation letters were sent by the Deputy Chairman, Rajya Sabha to the then Minister of State for Information & Broadcasting (Sri V.N. Gadgil) on 18.3.1986 and by Sri B.G. Gujar, Chief Examiner, Bills, Motions and Resolutions, Rajya Sabha Secretariat to the then Joint Secretary (Sri V.S. Jafa). Photostat copies of the D.O. letters dated 18.3.1986 are being annexed as Annexure Nos. A-2 and A-3. In both these D.O. letters the applicant was particularly mentioned for appreciation. A D.O. letter was received by the applicant from the Addl. Private Secretary to the Minister of State for Education & Culture, Ministry of Human Resource Development, Govt. of India in which the Minister had expressed his desire to arrange a cultural programme with the co-ordination of the applicant. A photostat copy of the D.O. dated 17.9.86 is being annexed as Annexure No. A-4.

Annexure Nos.
A-2 and A-3

Annexure No. A-4

4.15

That to the dismay of the applicant, very high standard of performance and large number of appreciation letters created jealousy in the mind of the superior officers and they started having grudge against the applicant and left no stone unturned to demoralise and humiliate the applicant in all possible ways. To wreck the morale of the applicant

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his transfer to Delhi was not converted into normal one and vide letter No.A-22012/1/84-Admn-I/S&D/DOF(S) dated 21.7.1986, the applicant was retained at Headquarters(Delhi)Office of the Division for a further period of 3 months w.e.f.24.6.1986 or until further orders, whichever was earlier, against the vacant post of Joint Director. However, ^{for} the reasons best known to the Respondents 1 and 3, the applicant was not transferred to Delhi to complete a normal tenure.

4.16 That vide Govt. of India, Ministry of Personnel, Public Grievances & Pensions (Deptt. of Personnel and Training) O.M.No.28034/7/86-Estt(A) dated 3.4.1986 guide lines were issued to all Ministries regarding posting of husband and wife at the same station. The copy of this Office Memorandum was forwarded to all Media Units by the Ministry of Information & Broadcasting vide I.D.No.27/1/86-Ad.II (Pt.II) dated 18.4.1986. A perusal of the above O.M.reveals that way back 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. In para 1 of the office memorandum, it is mentioned that the Government's position has been that requests of Government servants for posting at the same station,

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usually receive sympathetic consideration and that each case is decided on merits, keeping in view the administrative requirements. Para 2 of the Deptt. of Personnel & Training gives the policy of the Govt. 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.

4.17 That however, in the case of the applicant, the policy of the Govt., referred to in para 4.09 above, was not to be followed for the reasons known to the ~~respondent~~ ~~applicant~~. The applicant who was transferred to Delhi, at his own request, without payment of TA/DA, was allowed to continue temporarily in one vacancy or the other but was not assigned any permanent job as stated earlier. Again vide letter No.A-22012/A/84-Admn-I/S &D/DOF(I) dated 17.10.86, order was issued for retention of the applicant w.e.f. 24.9.1986 till further orders.

4.18 That suddenly just after 4 days of the order for further retention at Delhi w.e.f.24.9.86 until further orders, as referred to in para 4.17 above, the applicant was transferred to Pune vide order No.4/36/76 Admn I(Pt) dated 21.10.1986. A

photostat copy of the transfer order dated 21.10.1986

Annexure No.A-5

is being annexed as Annexure No.A-5 to this application

The applicant who was transferred to Delhi on 26.12.85 at his own request was transferred just after 10 months in utter disregard of the Govt's policy about posting of husband and wife at the same station.


A perusal of the transfer order reveals that two Deputy Directors(Smt.A.Bawa and Sri Prem Matiyani) were interchanged and accommodated at Delhi itself while the applicant was posted to a distant place (Pune) only because of malafide and bias of the authorities. The applicant is advised to state that such a transfer being wholly arbitrary, whimsical, unreasonable is violative of Articles 14 and 16 of the Constitution. The applicant is further advised to state that such a transfer amounts to punishment under the circumstances. However, the applicant as an honest and obedient Govt.servant complied with the transfer order without protest with the hope that things may improve at new duty station.

4.19

That the applicant was awarded a cash Honorarium of Rs.800.00 for his meritorious and outstanding contribution in conducting programme in connection with Mizoram Peace Accord by the Respondent No.3 vide letter No.3/185/86-AEFW dated 2.4.1987, a photostat copy of which is being annexed as Annexure

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4.20 That during the review screening of private parties in August 1987 by the audition Committee, the programme of Sri Kavishree Meghraj M Gadhvi was not found suitable for the publicity programmes carried out by the Song and Drama Division. Sri Kavishree Meghraj M Gadhvi made a representation against the applicant, which was forwarded to Sri H.K.L.Bhagat, the then Minister for Information & Broadcasting, by Sri B.K.Gadhvi, the Minister of State for Finance(Expenditure) vide his D.O.letter dated 8.7.1988. Simultaneously, two M.Ps from Gujrat also wrote to the Minister about the matter. The matter was got examined by Sri H.K.L.Bhagat, the then Minister and the action taken by the applicant was upheld. The then Minister(Sri H.K.L.Bhagat) had asked Sri B.K.Gadhvi, then Minister of State for Finance(Expenditure) to advise the troupe to improve its standard and apply for fresh registration vide D.O.letter No.14014/2/88/P & C/S & D/1275 dated 9.8.88. Later the whole correspondence was sent to the applicant BY Sri B.K.Gadhvi, Minister of State for Finance (Expenditure) vide his D.O.No.385 MSF(E)/89 dated 3/7.3.1989. A photostat copy of the D.O.dated 3/7.3.1989, together with its enclosures, is being annexed as Annexure No.A-7. It may be stated here that but for the honest and fair dealing, the stand taken by the applicant could not have been upheld by the Hon'ble Minister.


Annexure No.A-7

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4.21 That during February 1989, the applicant had reported to the Respondent No.3 about the wilful absence of one Sri G.S.Kamble, Actor (Staff Artist) on 13.1.1989 and 14.1.1989, though he was informed through a special circular about a special programme to be held for the Secretary, Ministry of Information & Broadcasting. The Respondent No.3, however, did not accept the suggestions made by the applicant and instead issued a show cause notice. The reasons for such a lenient attitude towards indisciplined staff was not known to the applicant.

4.22 That on 27.2.1989, the applicant reported to the Headquarters that one Sri B.H.Tamboli, Stenographer of Song & Drama Division, Pune had removed the official communication from Judicial Magistrate Ist Class, Mhow (M.P.) for attachment of Rs.350/- per month from the salary of Sri Tamboli and that the said Sri Tamboli had submitted a false Transfer T.A. claim and suggested immediate enquiry in the matter. Deputy Director Sri R.K.Braru was sent to enquire but the applicant never received any copy of the report though requested many times verbally and in writing. Subsequently, Sri Tamboli was transferred from Pune to Bangalore. Sri Tamboli had threatened to sit on Dharna before the District Magistrate Pune if his transfer to Bangalore was not cancelled and

he was transferred back to Pune. Sri Tamboli had joined at Bangalore on 9.6.1989 and he came to Pune on leave and on 30.6.89 at 5.23PM he misbehaved with the applicant in the office and again on 7.7.1989 at 5.55 P.M. he misbehaved with the applicant in the office with greater intensity. However, no action was taken against him. This adversely affected the discipline and office decorum.

4.23 That the discipline which the applicant wished to maintain in the office was not liked by the staff, who were encouraged by people like Sri G.S.Kamble and Sri B.H.Tamboli. To wreck the morale and initiative of the applicant, a joint representation was preferred by the staff on 1.8.1989. However, before the representation could be forwarded by the applicant to the Respondent No.3, a copy of the same was forwarded by Sri V.N.Gadgil, M.P. General Secretary, AICC(I) to Sri H.K.L.Bhagat, the Minister of Information and Broadcasting vide his D.O.No.9478 dated 3.8.1989. This shows the real intention and purpose behind the representation that the subordinate staff wanted political pressure to be exerted before any follow up action was taken on the joint representation. A photostat copy of the joint representation dated 26.7.1989 and D.O.dated 3.8.89 are being annexed as

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representation was forwarded by the applicant to the Respondent No.3 alongwith his comments,vide letter A-28015/2/89-18 dated 7.8.1989. The applicant also wrote a D.O.letter on 8.8.1989 to the Joint Director, Song and Drama Division in which he had written that the joint representation is a clear cut sabotage to stop him from lifting Pune Centre to a 'Model'height by its innovative way of communications. He had also stated that submission of joint representation by Govt.servants is subversive of the discipline under Rule 16 of CCS (Conduct)Rules. However, no action was taken against any of the staff for making joint representation against their controlling officer.

4.24 That the applicant submitted an application on 16.8.1989 for appointment as Managing Director of National Film Development Corporation, Bombay, through proper channels. The application was deliberately delayed and forwarded after the expiry of stipulated period of 15 days from the date of advertisement. This shows bias and prejudice against the applicant.

4.25 That the applicant had written a letter to the Respondent No.3 on 3.10.1989 narrating his tale of woe and sought the guide lines from him in the administrative matters. A perusal of the letter will

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Annexure No.A-10

reveal that how an honest and hard working officer has all along been humiliated and harassed. A photostat copy of the letter dated 3.10.1989 is being annexed as Annexure No.A-10. The applicant also wrote letter No.A 19011/3/86-Admn dated 9.11.1989 to the Respondent No.2 giving the details of all his humiliations and harassment and requested him to spare some of his valuable time to hear the applicant in person, as there were many things which cannot be reduced on paper. A photostat copy of the letter dated 9.11.1989 is

Annexure No.A-11

being annexed as Annexure No.A-11. Earlier the applicant had recommended to the Respondent No.3 for immediate transfer of two staff Artists(S/Sri M.S. Chitale and Sri V.C.Kale) from Pune to New Delhi, even for a temporary period, vide his letter No.C-11011/1/-89-24 dated 6.11.89. However, there was no response from the Respondents 2 and 3. The applicant, therefore, wrote another letter to the Respondent No.3 on 22.11.1989 and to the Respondent No.1 on 25.12.1989 to do something to curb the tendency of indiscipline.

4.26

That vide letter No.19011/3/89-Admn/32 dated 5.1.1990, the applicant sought the permission to move to the court of law and file a defamation suit against the prime suspect who has hatched the conspiracy to malign the applicant in the eyes of official seniors

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and the general public. Once again there was no response from the Respondent No.3 for the reasons best known to him. The applicant wrote a D.O.letter No.A-19011/2/89-Admn dated 9.1.1990,narrating the factual position, to the then Director, and again no action was taken against any of the erring official. A photostat copy of the D.O.letter dated 9.1.1990 is being annexed as Annexure No.A-12.

Annexure No.A-12

2.27 That as already stated, Sri B.H.Tamboli was transferred from Pune to Bangalore and he threatened to sit on Dharna if he was not transferred back to Pune. Though there were definite and fool-proof allegations of misconduct against Sri B.H. Tamboli, but he could exert political pressure and get himself transferred back to Pune. Not only this, for reporting against the said Sri Tambili, the applicant was transferred from Pune to Lucknow vide Govt's order No.A-120125/1/89/Admn-I/S & DD/DOF(S)dated 9.4.1990. To the utter surprise, before the receipt of transfer order, the applicant was telegraphically ordered to handover charge to the next official and report to Lucknow. It was also ordered that Sri Tambili will be allowed to join at Pune. It may be pertinent to mention here that the applicant was transferred to Lucknow, with a view to shield Sri Tamboli and avoid any disciplinary action against him, and Sri H.P.Solanki, Deputy

A27

- 19 -

Director, was transferred from Lucknow to Delhi.

Here it may be stated that this transfer was also passed only to harass the applicant, otherwise the applicant could have been transferred to Delhi.

Aggrieved by the transfer to Lucknow in such circumstances, the applicant filed O.A.No.242 of 1990 (B.P. Sinha Vs. Union of India and another) before the New Bombay Bench of this Hon'ble Tribunal, which was subsequently withdrawn as the matter was reconciled and the applicant accepted the transfer. The applicant joined at Lucknow on 21.5.1990.

4.28 That on joining at Lucknow, it was found by the applicant that the private registered parties were not giving their performances upto the requisite standard and he proceeded to inspect/surprise check the U.P. and Bihar troupe. To avoid any misunderstanding, the applicant discouraged the parties to visit the office quite often only for allotment of programmes and clearing of outstanding bills. He also invited party leaders to discuss about the programme improvement and to show the programme packets. This created lot of hue and cry and a conspiracy was hatched against the applicant. News items appeared in various papers on 16.7.1990 and other dates. Then a complaint was made to the Minister for Information and Broadcasting by U.P. Panjikrit Kalakar Sangh,

Annexure No.A-13

Lucknow on 18.7.1990, which was sent to the applicant for his comments vide letter No.22011/2/88-Niti dated 27.7.1990, a photostat copy of which is being annexed as Annexure No.A-13. A representation was also made by the Sangh on 30.7.1990 in which serious allegation of corruption were made against the applicant and the Administrative Officer. It is also learnt that local M.P.Sri Mandhata Singh had also written to the Prime Minister in this regard. The applicant forwarded his comments vide letter No.22011/2/88-Niti dated 3.8.90, in which the allegations were denied as baseless and motivated. A photostat copy of the letter dated

Annexure No.A-14

3.8.90 is being annexed as Annexure No.A-14. On the same day i.e.3.8.1990, the applicant reported the whole matter to the Respondent No.3 vide letter No.R-11012/7/90 S & D/LKO dated 3.8.90 and requested the Director to allow the applicant to deal with the fluid situation with the firm hand. A photostat copy of the letter dated 3.8.90 is being

Annexure No.A-15

annexed as Annexure No.A-15. It is further learnt that letter was written by Sri Ravidas Mehrotra, MLA, Lucknow to Sri P.Upendra, Minister for Information and Broadcasting on the subject. The private parties have vowed to get the applicant transferred by any means fair or foul.

[Handwritten signature]

4.29 That to the utter surprise of the applicant without considering the facts as stated by the applicant vide letters 3.8.90 (Annexures A-14 and A-15), the Respondent No.3 asked the applicant to allot the programmes to the private parties vide his D.O. letter No.14014/1/90 P & C dated 22.8.90. In addition to it, the Administrative Officer (Mr. G.K.Nagchandi) was transferred to Madras, may be to harass the applicant by keeping him crippled administratively. The D.O. was sent and the Administrative Officer was transferred without verifying the correctness of the allegations, simply because of political influence. A photostat copy of the D.O. dated 22.8.90 is being annexed as

Annexure No.A-16

Annexure No.A-16. The applicant vide his D.O.No. R-11012/7/90-31 dated 30.8.90, requested the Respondent No.3 the guide lines for allotment of programmes to the private parties. In this D.O. the applicant also stated that during March 90 one Sri R.D.Shukla had lodged a complaint with the Prime Minister regarding submission of fictitious bills of sub standard programmes etc by private parties. A photostat copy of the D.O. dated 30.8.90

Annexure No.A-17

is being annexed as Annexure No. A-17. However, no reply/guideline was communicated to the applicant except a directive of the Ministry to the effect

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"It must be ensured that local artists are encouraged first, before artists from other provinces are approached", vide D.O.No.14014/1/90-P & C dated 4.9.1990.

4.30 That a office memorandum was issued by the Respondent No.3 and 4 vide No.4/38/89-Admn-I dated 6.9.1990 regarding the alleged use of abusive/offending/derogatory words by the applicant in his letter No.S & D/DD/Misc.M I/90/156 dated 31.7.1990. It was mentioned in the memorandum that using such words is an act of indiscipline, a misconduct and insubordination and can be dealt with suitably. A photostat copy of the memorandum dated 6.9.1990 is being annexed as Annexure No.18 to this ~~application~~ application. It may be mentioned here that the Respondent No.4 has been authorised to hold the current charge of the routine duties of the post of the Director, Song and Drama Division, in addition to his own duties vide order No.1/32/89-F (S) dated 30.7.1990, and ^{as} per Govt. of India instructions officers performing current duties of a post cannot exercise statutory powers under the rules. The applicant therefore, protested, against the issue of memorandum by the Respondent No.4 vide his letter No.S & D/DD/Conf/01/90-35 dated 21.9.1990, a photostat copy of which is being

Annexure No.18

(PBI)

Annexure No.19

annexed as Annexure No.19. In this letter also the applicant mentioned the instances where no action was taken in the case of indiscipline by subordinate staff. Vide letter No.01/01/90 S & D/LKO dated 04.10.90, the applicant reported the matter about demand and receipt of illegal gratification by one Sri Mahabir Prasad, U.D.C., presently working in Headquarters, who had extorted money from widow of Late Sri Prithviraj Shah, ex-performer of Song & Drama Division, Nainital Centre. A photostat copy of the letter dated 4.10.90 is being annexed as

Annexure No.20

Annexure No.A-20. No action has been taken in this regard till today.

4.31 That from the above, it is evident that while concrete cases of misconduct, extortion of money, tampering of official documents and submission of false T.A. claims etc. have not been dealt with at all by the Respondents, the applicant has been victimised many times. While the reports made by the applicant against the defaulters have not been investigated and dealt with at all, those made by even private parties with a covering letter from local M.P./M.L.A. have been acted at once without verifying the truth. The action of the Respondents is wholly arbitrary and whimsical besides being unjust and unfair. The applicant has been transferre

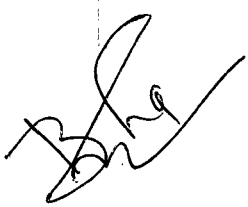


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frequently to shield the corrupt and indisciplined subordinate employees, which is done to wreck the morale of the applicant. It appears that there is no transfer policy in the Deptt. and the transfers are used as a device to harass the honest and sincere employees. It may be pertinent to mention that while the applicant has been transferred 4 times in 4 years (1982-86), there are Deputy Directors, who have not been transferred even once in the last 10 years.

4.32. That admittedly transfer is an incidence of service, but it is not a solution for a bad officer. If an officer is guilty of some misconduct instead of transfer the matter should be probed thoroughly and suitable remedial measures (disciplinary or otherwise) should be taken. Further, the officers should not be transferred merely on the basis of allegations made in a letter written by local M.P./M.L.A. At least veracity of such complaints should be ascertained before any follow up action is taken on them.

4.33 That since the repeated letters of the applicant had remained unattended and no action, whatsoever, was taken by the Respondents except humiliation and harassment of the applicant, the



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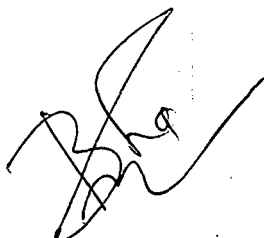
- 25 -

present application is being filed for issue of appropriate directions to the Respondents.

4.34 That the applicant is a candidate for the post of Director of Song and Drama Division, Ministry of Information and Broadcasting, the interview for which is likely to be held in the near future. The Respondent No.4 is also an applicant for the post of Director, and presently he is holding the current routine duties, he is issuing memorandum to the applicant to mar his chances for selection with malafide and ulterior motive for better prospect of his selection.

5. Grounds for relief with legal provisions:-

- (A) Because the work and conduct of the applicant has all along been excellent and his performance and supervision has always been appreciated.
- (B) Because the Respondents are highly prejudiced, biased and annoyed with the applicant.
- (C) Because the applicant has been frequently transferred in Uttar



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disregard of the policy of the Govt. to post husband and wife at the same station.

(D)

Because the applicant had reported the misconduct, corruption and indiscipline of subordinate staff, with the support of documentary evidence, but instead of taking any action against the defaulters, which encouraged indiscipline, the respondents started victimisation and harassment of the applicant.

(E)

Because it is worth consideration, whether political interference is warranted and justified in administrative matters without verifying the truth of the allegations.

(F)

Because the repeated letters of the applicant to issue guide lines have not been replied.

(G)

Because the direction of the Respondent No.3 for allotment of programmes to the private parties irrespective of their

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standard of performance will entail misuse/~~so~~ misappropriation of public funds besides it will result into victimisation of the honest officials.

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.

7. Matters not previously filed or pending with other 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 or any other authority or any other Bench of the 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 4 above, the applicant prays for the following reliefs

- (a) issue of writ, order or direction in the nature of MANDAMUS commanding the respondents to

[Handwritten signature]

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evolve a policy for taking disciplinary action as and when reports are made by field officers regarding misconduct, corruption and indiscipline amongst the staff and not to shield corrupt employees of all levels.

(b) issue a writ, order or direction in the nature of MANDAMUS commanding the respondents not to act upon baseless complaints merely under political interference.

(c) issue a writ, order or direction in the nature of MANDAMUS commanding the respondents to lay down the policy regarding level of administration in the Song and Drama Division, Ministry of Information and Broadcasting.

(d) issue a writ, order or direction in the nature of MANDAMUS commanding the Respondents to evolve a policy regarding

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screening of publicity programmes
before allotment of programmes
to the private parties to avoid
misuse and misappropriation of
public funds and harassment/
victimisation of honest officials

(e) award damages to the applicant
for the humiliation and loss
of reputation suffered at the
hands of respondents.

(f) allow such other relief as may
be deemed fit in the circum-
stances of the case.

(g) allow this petition with cost.

9. Interim order, if any prayed for:

NIL.

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

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applicant shall be appearing in the case.

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

I.P.O. No. 8-02-415945 Dated 12-11-1990 for Rs.50/- issued by *High Court* Post Office, Lucknow.

12. List of enclosures:-

Sl.No. Description of documents relied upon.


1. Annexure No.A-1
Photostat copy of the D.O. letter dated 11.3.1986 from the Director National Institute of Health and Family Welfare New Delhi.
2. Annexure No.A-2
Photostat copy of D.O. letter dated 18.3.1986 reg. appreciation of work.
3. Annexure No.3
Photostat copy of D.O. letter dated 18.3.1986 regarding appreciation of work.
4. Annexure No.A-4
Photostat copy of D.O. letter dated 17.9.86 regarding appreciation of work.
5. Annexure No.A-5
Photostat copy of the transfer order dated 21.10. from Delhi to Pune.
6. Annexure No.A-6
Photostat copy of letter dated 2.4.1987 regarding outstanding contribution with Mizoram Peace Accord.
7. Annexure No.A-7
Photostat copy of D.O. letter dated 3/7.3.1989 from Sri B.K. Gadvi, the then Minister of State for Finance (Expenditure).
8. Annexure No.A-8
Photostat copy of the joint representation dated 26.7.89 by the staff.
9. Annexure No.A-9
Photostat copy of D.O. letter dated 3.8.1989 from Sri V.N. Gadgil, MP General Secretary, AICC(I)

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SlNo. Description of documents relied upon

10. Annexure No.A-10
Photostat copy of letter dated 3.10.1989 from Applicant.
11. Annexure No.A-11
Photostat copy of letter dated 9.11.1989 from Applicant to Respondent No.2.
12. Annexure No.A-12
Photostat copy of D.O.letter dated 9.1.1990 from Applicant to the then Director.
13. Annexure No.A-13
Photostat copy of letter dated 27.7.90 asking comments of the applicant on the representation.
14. Annexure No.A-14
Photostat copy of the letter dated 3.8.1990 of the applicant forwarding the comments.
15. Annexure No.A-15
Photostat copy of the letter dated 3.8.90 to the Director.
16. Annexure No.A-16
Photostat copy of D.O.letter dated 22.8.1990 from Respondent No.3 to allot programmes to private parties.
17. Annexure No.A-17
Photostat copy of D.O.letter dated 30.8.1990 from the applicant to Respondent No.3 to intimate guide lines of working.
18. Annexure No.A-18
Photostat copy of Memorandum dated 6.9.1990 of Respondents Nos.3 and 4.
19. Annexure No.A-19
Photostat copy of letter dated 21.9.1990 protested against the issue of memorandum.
20. Annexure No.A-20
Photostat copy of letter dated 4.10.1990 from the applicant about illegal gratification

Lucknow:

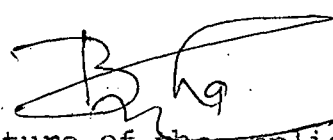

Signature of the Applicant

Dated: November 12th, 1990.

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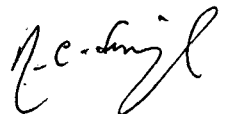
VERIFICATION.

I, B.P.Sinha, son of Late Sri J.P.Sinha
age 53 years, working as Deputy Director in the
Office of Song and Drama Division, Lucknow, resident
of Kendranchal Hostel No.33, Sector 'K', Aliganj,
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 paras 2,3, and 5 believed to be true
on the legal advice and that I have not suppressed
any material fact.


(Signature of the applicant)

Dated: November 12th, 1990.

Place: Lucknow.


Adv.
12.11.90

Before the Central Administrative Tribunal, Circuit Bench, Lko.

ब अदालत श्रीमान्

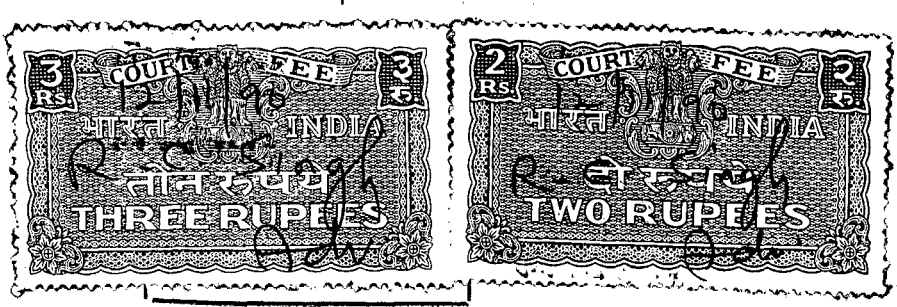
महोदय

[वादी अपीलान्त] श्री B. P. Sinha

प्रतिवादी [रेस्पाडेंट]

वकालतनामा

O.A. No. of 1990 (L)



B. P. Sinha

Vs.

Union of India and others.

बनाम

प्रतिवादी (रेस्पाडेंट)

नं० मुकद्दमां

सन्

पेशी की ता०

१६ ई०

उपर लिखे मुकद्दमा में अपनी ओर से श्री R. C. Singh, Advocate

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

वकील

महोदय

एडवोकेट

नाम अदालत	मुकद्दमा नं०	बनाम
नाम फरीकन		

को अपना वकील नियुक्त करके प्रतिज्ञा (वकालत) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेंरवी व जवाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें वा कोई रुपया जसा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पेंरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पेंरवी में एक तरफ मेरे खिलाफ फंसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

[Signature]

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

18th

November

महीना

सन् १९९० ई०

स्वीकृत

[Signature]
Adv. 21/11/90

Before the Central Administrative Tribunal, Circuit Bench, Lko.
O.A. No. of 1990(L)

B.P. Sinha

Vs.

Applicant

Union of India and others

Respondents

ANNEXURE NO. A-1

राष्ट्रीय स्वास्थ्य एवं परिवार कल्याण संस्थान

न्यू मेहरौली रोड, मुम्बई, नई दिल्ली-110067.



जीवम सुवर्ण

No. NIHFV/3-9/85-PAC

NATIONAL INSTITUTE OF HEALTH AND FAMILY WELFARE

New Mehrauli Road, Mumukh, NEW DELHI-110067

प्रोफेसर सोमनाथ राय

एम०बी०बी०एस, पी०एच०डी०, डी०एससी, एफ०ए०एम०एस

निदेशक

PROF. SOMNATH ROY

M.B.B.S., Ph.D., D.Sc., F.A.M.S.

DIRECTOR

दूरभाषः

Tel.: 666562

तार: स्वस्थ परिवार

Gram: SWASTH PARIVAR

March 11, 1986

Dear Shri Mahadevan,

I am grateful to you for arranging an excellent cultural programme in this Institute premises on the 10th March, 1986 for the participants of the Indo-US Workshop and other distinguished guests. The programme was indeed very well conducted and all the participants and distinguished guests were highly appreciative of the programme. Please also convey my thanks to Mr. B.P. Sinha, Mr. Irfan Askari, Mr. B.L. Chopra, and artists, musicians & technicians who had made the programme a big success. I am also thankful to you for personally gracing the occasion. We are sure that you will be kind enough to extend such co-operation in future also.

With regards,

Yours sincerely,

(Signature)

(Somnath Roy)

Shri R.N. Mahadevan,
Director,
Song & Drama Division,
Ministry of Information & Broadcasting,
15/16, Subhash Marg,
Daryaganj,
New Delhi -110002.

*This was indeed
an excellent program
well conceived & executed
to be complimented*

Rm

14/3/86

AD (Asst)

(Signature)

*T.C.
C. Singh
Adm.*

Before the Central Administrative Tribunal, Circuit Bench, Lko.
O.A. No. of 1990(L)

B.P. Sinha

Vs.

Union of India and others

Applicant

Respondents

ANNEXURE NO. 1-2



D.O.No.RS.3(1)/86-L.O.

DEPUTY CHAIRMAN
RAJYA SABHA
PARLIAMENT HOUSE
NEW DELHI

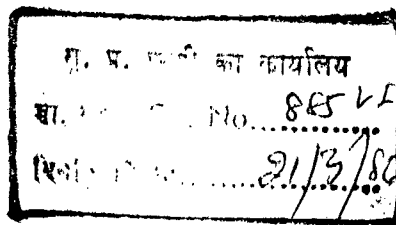
March 18, 1986

6-11/86 / FS
27/3/86

my dear Mr. Gadgil,

I am writing to thank you profusely for the very colourful, prestigious and aesthetically satisfying cultural programme presented by the talented artists of the Song and Drama Division of the Ministry of Information and Broadcasting on the occasion of the function organised to bid farewell to the retiring Members of the Rajya Sabha on the 17th March, 1986. The folk dances from various parts of India were quite authentic, and presented with a lot of verve, vigour and vivacity. The Members and other guests were highly impressed by the Song and Drama Division's performance. Please convey our thanks and appreciation to all these artists/accompanists, particularly to Shri B.P. Sinha, Deputy Director and Shri I.K. Chaku, Manager in the Song and Drama Division, who organised the programme meticulously and made it a grand success.

With kind regards,



Yours sincerely,

(M.M. Jacob)

Shri Vithal N. Gadgil,
Minister of State for
Information and Broadcasting,
Government of India,
NEW DELHI-110 001.

6414/JSR
24/3/86

12/7/86
25/3/86

D. No. 784
Dated 4-1-86.

10/3/86

1/3/86

V.N. Gadgil
2013

See C/K/B

JSR
2/3/86

2013

Ds(D)

T.C.

21/3/86

D.D. (AFEW)

27/3/86
Div. P&Q

21/3/86

Before the Central Administrative Tribunal, Circuit Bench, Lko.
O.A. No. of 1990(L)

B.P. Sinha

Vs.

Applicant

Union of India and others

Respondents

ANNEXURE NO. A-3



6309/13/12
19/3/86

B.G. GUJAR
CHIEF EXAMINER,
BILLS, MOTIONS & RESOLUTIONS
RAJYA SABHA SECRETARIAT
NEW DELHI

D.O.No.RS.3(1)/86:L.O.

Dated the 18th March, 1986

1137/88-0000 597/46/58
20/3/86 24/3/86

Dear Shri Jafa,

We are indeed grateful for the excellent cultural programme presented by the artists of the Song & Drama Division on the occasion of the function held to bid farewell to retiring Members of the Rajya Sabha on 17th March, 1986 at the Auditorium of Parliament House Annexe. The whole programme was not only of a very high order and culturally authentic but was gone through with clocklike precision, smoothness and professional finesse. In this context I would like to commend the very useful contribution made by Shri B.P. Sinha, Deputy Director and Shri I.K.Chaku, Manager in the Song & Drama Division in making the programme a grand success. They took great pains and interest in making the programme attractive and of a high quality. May I request you kindly to convey our appreciation to them and other artists.

With kind regards,

Yours sincerely,

B.G. GUJAR

(B.G. GUJAR)

May kindly see.

24/3/86

Din. 5000 (Sun R.N. Mahadervan)

Shri V.S. Jafa,
Joint Secretary,
Ministry of Information & Broadcasting,
Room No. 657, Shastri Bhawan,
NEW DELHI.

D. No. 782/DE/S & D

Dated: 31-3-86

21/3/86

DD CAFEW

P.C. 10/3/86

534-DDA 27/3
31-3-86
Pl. inform all concerned
31/3
DD CAFEW

B. P. Sinha

vs.

Union of India and others

Applicant (37)

Respondents

ANNEXURE NO. A-4



सत्यमेव जयते

अतिरिक्त निजी सचिव
शिक्षा एवं संस्कृति राज्य मंत्री
मानव संसाधन विकास मंत्रालय
भारत सरकार
नई दिल्ली-११०००१

ADDITIONAL PRIVATE SECRETARY TO THE
MINISTER OF STATE FOR EDUCATION & CULTURE
MINISTRY OF HUMAN RESOURCE DEVELOPMENT
GOVERNMENT OF INDIA
NEW DELHI-110001

17 सितम्बर, 1986

प्रिय श्री सिन्हा,

पटना में आपके विभाग द्वारा प्रस्तुत किये गये सांस्कृतिक कार्यक्रम से मंत्री महोदया काफी प्रभावित हुईं। बिहार केसरी स्वर्गीय डा. श्रीकृष्ण सिंह की अगली जन्म तिथि 21 अक्टूबर, 86 के उपलक्ष में 18 अक्टूबर से 21 अक्टूबर, 86 तक पटना, बरबोघा मुंगेर एवं बेगूसराय में आपके सौजन्य से सांस्कृतिक कार्यक्रम का आयोजन कराने की मंत्री महोदया की इच्छा है। प्रस्तावित आयोजन का पूर्वाभ्यास 17 अक्टूबर, 86 को दिल्ली स्थित अपने निवास स्थान- 55-57, एम.पी. फ़ैल्ट्स, नार्थ एवेन्यू, नई दिल्ली में वे देखना चाहती हैं। अच्छा होता कि इस संबंध में सुविधानुसार आप बातें कर लें। मैं 25 सितम्बर, 86 की संध्या से दिल्ली में उपलब्ध रहूंगा, इसके पूर्व मैं दिल्ली से बाहर रहूंगा।

सद्भावनाओं सहित-

श्री बी.पी. सिन्हा,
उपनिदेशक,
गीत एवं नाट्य प्रभाग,
सूचना एवं प्रसारण मंत्रालय,
15/16, सुभाष मार्ग, दीरगांज,
नई दिल्ली

आपका,
सुरेन्द्र प्रसाद सिन्हा
फोन : 386317

T.C.
C.C. Singh
Adv.

Before the Central Administrative Tribunal, Circuit Bench, Lko.
O.A. No. of 1990(L)

B.P Sinha

Vs.

Union of India and others

Applicant

(38)

Respondents

ANNEXURE NO. A-5

HLB

No. 4/36/76 AdmI (pt.)
Government of India
Ministry of Information & Broadcasting

New Delhi, 21st October, 1986.

ORDER

Following Deputy Directors in the Song & Drama Division are transferred in the same capacity with immediate effect :-

<u>Transferred</u>			
Sl. No.	Name of Dy. Director	From	To
1.	2.	3.	4.
1.	Smt. A. Bawa	Delhi Region	Headquarters
2.	Sh. Prem Matiyani	Headquarters	Delhi Region
3.	Shri P.K.Nandi	Pune	Chandigarh
4.	Shri B.P.Sinha	Headquarters	Pune

(S.C. CHAWLA)
DESK OFFICER
TEL : 385911

Copy to:

1. Director, Song & Drama Division, New Delhi.
2. Pay & Accounts Officer (IRLA Group), Ministry of I&B., A.G.C.R. Building, New Delhi.
3. Deputy Directors concerned in Song & Drama Division
4. All centres of Song & Drama Division
5. All Pay & Accounts Officers in account with Song & Drama Division.
6. Personal files of Officers concerned.
7. All Officers of Song & Drama Division Headquarters
8. Guard File.

T.C.
C. Singh
Adv.

(S.C. CHAWLA)
DESK OFFICER
TEL: 385911

Before the Central Administrative Tribunal, Circuit Bench, Lko.
O.A. No. of 1990(L)

B.P. Sinha

Vs.

Union of India and others

Applicant

Respondents

ANNEXURE NO. A-6

39

11/17

No.3/185/86-AREW
Song and Drama Division
Ministry of Information & Broadcasting

D.P. Poona

15/16, Subhash Marg
Daryaganj, New Delhi.

Dated: 2nd April, 1987

O R D E R

Sanction of the Director, Song and Drama Division, is hereby accorded to the grant of honorarium to the following Officers of the Song and Drama Division as mentioned against each for their meritorious and outstanding contribution in conducting programme in connection with Mizoram peace Accord/Apna Utsav/ Republic Day Celebration and parade during the year 1986-87.

3262/20
9/4/87

Sr.No.	Name & Designation	Amount of Honorarium
1.	Shri B.P.Sinha, Deputy Director(Pune)	Rs.800.00
2.	Shri H.P.Solanky, Deputy Director(Delhi)	Rs.800.00
3.	Shri C.Gulati, Assistant Director(Delhi)	Rs.600.00
		<u>Rs.2200.00</u>

(Rupees two thousand and two hundred only)

2. It is certified that the honorarium has been sanctioned by the competent authority after viewing the quantum of work involved and after due consideration of the provision of F.R.11.

3. The expenditure involved is debitabto to the head "2220-Information & Publicity, B-2(6)-Song and Drama Services, B-2(6)(1)-Song & Drama Division, A-2(6)(1)(1)-Salaries for the year 1987-88 (Non-Plan).

Copy to:

(V.S.Bhanot)
Deputy Director(Admn.)

1. P&AO(IRLA), AGCR Building, Now Delhi.

✓ 2. Officers concerned, S&D Division.

3. C.R. folder of Officers concerned, S&D Division

4. Personal files of officers concerned, S&D Division.

(V.S.Bhanot)
Deputy Director(Admn.)

[Handwritten signature]

[Handwritten signature]

40

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

B. P. Sinha

Vs.

Applicant

Union of India and others

Respondents

ANNEXURE NO. A-7



D.O. NO. 385 MSF(E)/

वित्त राज्य मंत्री (व्यय)

भारत

नई दिल्ली

MINISTER OF STATE FOR FINANCE

(EXPENDITURE)

INDIA

NEW DELHI

3rd March 1989.

Dear Director,

I am sending herewith a copy of the letter dated 9th August 1988 from Shri H.K.L. Bhagat, Minister of Information & Broadcasting regarding continuance of contract and allotment of programmes to Kavishri Meghraj M. Gadhvi of Surendranagar District-Gujarat by your Division. I request you to kindly call Shri Gadhvi again for review screening and do justice to him.


With regards,

Yours sincerely


(B. K. GADHVI)

Director,
Song & Drama Division,
364-65/4, Shivaji Nagar,
PUNE-Maharashtra.

Encls: 2

 T.C.
Z-e-dy
Adh.



सत्यमेव जयते

B.K. GADHVI

4866
वित्त राज्य मंत्री (व्यय)
भारत
नई दिल्ली
MINISTER OF STATE FOR FINANCE
(EXPENDITURE)
INDIA
NEW DELHI

41
A49

August 31, 1988

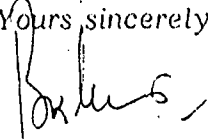
Dear Shri Gadhvi,

Kindly recall your reference regarding discontinuation of your programmes by the Song and Drama Division of the Ministry of Information and Broadcasting. As you are aware I had taken up the matter with the Minister for Information & Broadcasting.

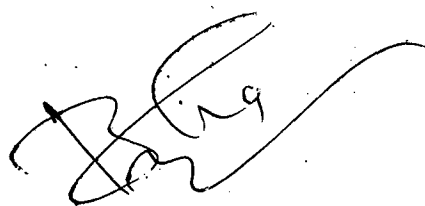
I am forwarding for your information a copy of the reply received in this regard.

With kind regards,

Yours sincerely,


(B.K. Gadhvi)

Shri Meghrajibhai Mulubha Gadhvi,
Via Rampura, Post Motamadhad,
At Nana Madhad, Taluka Vadhvan,
District Surendranagar,
GUJARAT



T.C.
R.C. Gij
Gdh



संसदीय कार्य एवं
सूचना और पत्राचार विभाग
भारत

42

ASO

D.O.No.14014/2/88-P&C/S&D. / 1275 नई दिल्ली-110001

MINISTER OF PARLIAMENTARY AFFAIRS &
INFORMATION AND BROADCASTING
INDIA

NEW DELHI-110001

9/11 August, 1988

Dear Shri Gadhvi,

Please refer to your letter dated 8th July, 1988 recommending continuance of contract and allotment of programmes to Shri Kavishree Meghraj M. Gadhvi.

2. I have had the matter examined. During the review screening of private parties in August 1987, by the audition committee the party was not found suitable for the purpose of publicity programmes carried out by the Song&Drama Division.

3. You may please advise the troupe to improve its standard and apply for fresh registration to Deputy Director, Song & Drama Division, 364-65/4, Shivaji Nagar, Pune.

With regards,

Yours sincerely,

(H.K.L. BHAGAT)

Shri B.K. Gadhvi,
Minister of State for
Finance (Expenditure),
Govt. of India,
NEW DELHI.

T.C.
EC. G. L.
adh

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

B.P. Sinha

Vs.

Union of India and others

--- Applicant ---

--- Respondents ---

ANNEXURE NO. A-8

(43)

451

1.8.89
7. no 336 dated 1.8.89.

26.7.1989.

TO,

The Director,
Song & Drama Division,
Ministry of Information
and Broadcasting,
Govt. of India,
DELHI.

(Submitted through proper channel)

Respected Sir,

We, the artistes of the Pune Unit, invite your kind attention to our tale of woes under the present Deputy Director, Shri B.P. Sinha.

At the beginning of his tenure, we were all happy that he tried to introduce strict discipline in the entire working of this office, though individually certain things pinched us from time to time. But soon we realised that his definition of discipline is his arbitrary authority. High-handedness is his rule. He is a tyrant who takes delight in harassing his subordinates.

He expects us to obey his orders in the name of rules and discipline. But his rules are his whims. He changes them from time to time and often contradicts them. He suddenly changes his mood, his views and his words and takes us to task for no fault of ours. At times he takes a stance of friendliness and generosity and in no time he turns hostile and ferocious. He goes volte-face on his own commitments to us. His behaviour is unpredictable.

In the beginning he encouraged us to undertake new productions. In all enthusiasm we set to work. We did not mind taking extra troubles and working strenuously beyond office hours. Thus we could put up several new productions on the stage. But, to our chagrin, we had to do everything ourselves. We never had the privilege of his guidance and direction in this activity.

[Signature]

T.C. Singh
1.8.89
Dm.

What we got from him were only orders to work like beasts of burden. He forced us to give 46 performances in 30 days, without considering our convenience or physical fatigue. He said, he wanted quantity and not quality. The same is true of our tour programmes.

We are willing to abide by any rules, howsoever strict they may be. But what we resent is his whimsical, callous and authoritarian attitude. He bluntly tells us that what he says is the rule. He openly declares, 'I am the rule', I am the Government of India'. 'I am not bound by the Directors orders or instructions'. He takes the slightest opportunity to humiliate us. He expects complete servitude from us. A slight unwillingness on our part makes him furious.

2. Lately he has become vindictive since we refused to take sides with him in his personal quarrel with a junior colleague, with which we are not at all concerned. He expected us to take his side and pressurised us to stand witness against the colleague. He has admonished us that he will 'xsee' every one of us. He gives us threats of suspending us. His animus against us has gone to the extent that he has prohibited us from entering the administration room. Once he ordered the cashier to disburse our salaries in a restaurant outside our office premises.

A few examples of his highhandedness are stated below :

1. We are deprived of such minor privileges as casual leave, half-day leave and compensatory leave. Granting such leave depends on his sweet will, and not on the exigencies of the incumbent.

He insists that a day's or half a day's casual leave must be got sanctioned before availing of the leave. But it is not possible every time, because often the occasions for which such leave is required are unexpected. It has also been observed that he deliberately withholds the application for such leave till the last moment although it is submitted days before.

...3..

T-C
E-C-Lyl
Adv

9

ASS

A casual leave is refused if it is asked on the grounds of 'domestic' or 'private' work. We are asked to state the details of such work, which is not always possible.

If we want a half-day leave, we are asked to leave the office for the whole day.

2. We are expected to attend the office on the exact time. The grace period of ten minutes is not allowed to us.

3. Memos are issued to us on flimsy, or even false, grounds.

4. Those who do his personal work are given all concessions, such as absenting from office for hours. Others are not allowed to leave office even for a few minutes.

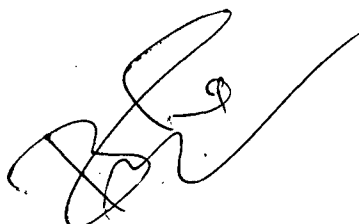
5. He wants us to go to the office on returning from tour, preventing us from going home directly. Then he detains us in the office for hours, even though it is high time in the evening.

6. He often forces us to work for over nine hours at a stretch, even at odd hours, under the pretext that we are Government servants all the 24 hours of the day. No respite or overtime allowance or any other compensation is given for working beyond the regular office hours.

Most of us have been working in this office for about two decades, but this is the first time that we have been subjected to such humiliation and harassment. The sword of 'I will suspend you' has been constantly kept dangling above ^{over} our heads. We find it extremely difficult to work in such vitiated and oppressive atmosphere. We are artistes, and not manual labourers or mechanical workers. We must feel mentally free and peaceful to exercise our creative faculties and give out our best to the stage performance. This is only how we can serve the Government and the public to the best of our abilities. But we feel ourselves fettered on all sides.

So far we have meekly submitted to all this persecution. But now it has reached beyond our endurance. We are therefore constrained to take the line of protest wherever his capricious

...4...



T. C.
K. C. G. J.
Adm.

highhandedness impinges on our smooth functioning. We are fully aware that in this struggle, which has been imposed on us, we shall waste our energy which we should duly use for our theatre activity. But even otherwise we are in a state of impasse to apply our minds to our appointed task.

In these circumstances, we earnestly request you to take steps to rescue us from this suffocating situation so that we can breathe free air and devote ourselves to our artistic activity with free minds.

Thanking you,

Yours faithfully,

- 1) M.S. Chitale M.S. Chitale
Actor
- 3) V.K. Chaudhari V.K. Chaudhari
Actor
- 5) B.V. Ambhure B.V. Ambhure
Stage Artist
- 7) K.L. BADGE K.L. Badge
Actor
- 9) D.K. Kulkarni D.K. Kulkarni
Instrumentalist
- 11) C.Y. MAHADEK C.Y. Mahadek
Actor
- 13) S.J. Londhe S.J. Londhe
(Actress)
- 15) KUSUM BHILAVDIKAR Kusum Bhilavdikar
(Actress)
- 17) D.R. Waghmare D.R. Waghmare
(Actor)
- 19) A.E. CHAVN. A.E. Chavhan
(Instrumentalist)

- 2) KALE C.V. C.V. Kale
(Actor)
- 4) D.E. TAMBAT D.E. Tambat
Setag Artist
- 6) A.B. CHODANKAR A.B. Chodankar
(Actor)
- 8) V.N. Joshi V.N. Joshi
Actor
- 10) S.M. KOKIL S.M. Kokil
(Actor)
- 12) B.S. Shinde B.S. Shinde
St Decorator
- 14) Asha Adarkar Asha Adarkar
Actress
- 16) Ar. Lehkar Ar. Lehkar
S.T.A.
- 18) J.B. CHAVARE J.B. Chavare
- 20) G.S. KAMBLE G.S. Kamble

Bar

T.C. T.C. Chavhan
Joh.

(47)

Before the Central Administrative Tribunal, Circuit Bench, Lko.
O.A. No. of 1990(L)

B.P. Sinha

Vs.

Union of India and others

Applicant

Respondents

ANNEXURE NO. A-9



3017047
Phone : 3012692
3019080
Res. : 38 72 72
38 87 19

ALL INDIA CONGRESS COMMITTEE (I)

24, AKBAR ROAD, NEW DELHI - 110 011

V. N. GADGIL, M.P.
General Secretary

9478
August 3, 1989.

Dear Shri H.K.L. Bhagat,

I am forwarding herewith a joint representation by the artists of the Pune Unit of the Song & Drama Division against the highhandedness of the present Deputy Director, Shri B.P. Sinha of the Song & Drama Division.

It appears to me that there is some substance in what they say, and immediate remedial measures are required to be taken by the Department to help these artists.

I, therefore, request you to have the matter examined and issue suitable instructions to avoid further harassment to these artists.

With regards,

Yours sincerely,

(V.N. Gadgil)

Shri H.K.L. Bhagat,
Minister of Information & Broadcasting,
New Delhi.

Copy to:-

Shri M.S. Chitale, Actor & other artists,
Song & Drama Division, Pune Unit.

364/65/4, Shivajinagar, Pune-411005

RES. : 95, SHAHJAHAN ROAD, NEW DELHI - 110 011

B. P. Sinha

Vs.

--- Applicant

Union of India and others

--- Respondents

ANNEXURE NO. A-10

No.J.12013/1/89-

REGISTERED
SECRET

364-65/4, Shivajinagar, Pune-5

Dated the 3rd October, 89

To,

The Director,
Song & Drama Division,
New Delhi-2

My dear Sri Sahab Singh ji,

Kindly refer to Dy. Director P's letter No. G.26032/4/89- dt. 6/8.9.89 received here on 18/9/89 asking me to justify my Bangalore tour after getting the letter No. 17011/5/89-P&C issued from Hd.Qrt on 7th July received here on 20/7/89 (copy enclosed) of which I had explained in my letter (D.O.I.11012/1/89-Prog) dt.20/7/89) the difficulties as to why it should not be cancelled. Was it not a justification? (copy enclosed) Perhaps the Hd.Qrt. is not aware which party member is having which political alignment and cancelling a screening after fixing it telegraphically, creates lots of problems, not only for the centre but for the Hd.Qrt. also. I had unlike other officers of the Regional Centre, immediately obeyed your instructions (vide your letter No.17011/5/89-P&C dt. 23/6/89) and the entire Govt. machinery was geared up to get the result as desired by your goodself vide your letter in reference and after receipt of your instruction I have got another letter i.e. on 20th July (copy enclosed for ready reference) sent by Delhi on 7th of which the reference letter No. 17011/5/89-P&C dt. 24/7/89 received here after a gap of 17 days. This clearly proves that the Hd.Qrt. is fully convinced that by now no action had been taken by any centre. Why it was not telegraphically or by telephonically cancelled? and I am sorry to let you know till today I have not received any information whether your office has received my letter dt. 20/7/89. Due to dislocation of train on account of heavy rains I had to catch it at Daund Rly. Station about 65 kms. away from Pune at about 9.30 p.m. sitting on the chair of Rly. waiting 2 room right from 9.00 a.m.

If obeyed and carrying out the instructions of superiors immediately is a sin and harassment to the undersigned, then I beg to differ with your entire machinery and put up a humble question (Pl. do not take it otherwise) How many officers of Govt. of India have, within the last six months, toured on their own money without getting any TA/DA advance and what is the size of the amount? I have under anticipation of your approval put my family money to do the Govt. job in public interest. The amount by now comes to Rs.7111/- (Rs.Seven thousand one hundred eleven only) (Rs.5321 + 1790). Will any agency or any officer of any rank ever be obliged to give me interest on the amount, already invested for Govt.job, in public interest i.e. I have already sent my TA bill of Rs.5321/- vide L.No.J.12013/1/89- dt.9/8/89 and Rs.1790/- by L.No.J.12013/1/89- dt. 20/8/89,

Sir I had, by taking over the charge of Pune Centre, dreamt of making it a Model Centre in terms of Administration and programme and I can proudly say (it is not a boast) that our system of programming had been highly appreciated by our present Hon'ble Minister of I&B, Shri H.K.L. Bhagat (on 18/1/89) our ex-secretary, I&B Shri Gopi Krishan Arora (on 22/10/88 & 14/1/89) our present advisor, I&B Shri Sumah Dubey (on 22/10/88 and 14/1/89) and present Director General Doordarshan Shri Shiv S. Sharma (on 12/1/89) who came to our office and saw it in our rehearsal hall and were highly appreciative of its content and presentations. Can any officer sitting in the Hd.Qrt. imagine my tension in all these days to show them what this centre is doing in the communication field?

This could have been negative also. But I am happy that our policy makers have appreciated the ~~xxx~~ styles and our mode of communication.

Sir now I request you to withdraw the TA budget allocated to this centre for 89-90 with immediate effect. I have taken this letter as a great humiliation and complete discouragement to do the Govt. job efficiently and promptly. You are aware that in the absence of Admn. Officer, Stenographer and intermittent absence of Accountant, this office has been able to deliver the desired goods. Now, I don't intend to do any Govt. work enthusiastically, sometimes going out a little bit, out of the way, in public interest. If my work from 8 a.m. to 11 p.m. has been misunderstood by my friends sitting at the Hd.Qrt., then I am sorry to pin point that the Hd. Qrt. does not want enthusiastic officer with good work and always emphasise its egoistic authority on one pretext or the other, so that every regional centre could be under their thumb, ignoring the directives of our Hon'ble Prime Minister to provide more autonomy to its grass route level officers.

I have already written a letter to Jt. Director, Song and Drama Division, Hd.Qrt. letting him know that there is no co-ordination in between one section to another in the Hd.Qrt. and I had cited a recent example again raised on my TA bill "send tour report" (copy enclosed) that means my TA bill will not be countersigned in the absence of tour report, it is fine. Then why I got my TA bill properly countersigned for the month of March-April, 89 within 3-4 days of the letter I received for tour diary from the Hd.Qrt?

Perhaps just by the way, I want to let my colleagues at the Hd.Qrt. know that at the last moment cancellation of railway reservations means 50% deduction on whose cost? Has any time or even Govt. paid the individual employee of its deducted money caused by the irresponsible statement of his/her officers.

Sir, you are at liberty to pass my TA bill of Bangalore (month of July, 89) or not after all it is your prerogative. I will not say anything even if it, will not be okeyed. I will have no regrets and no begging but this I know for certain, at the opportune moment with the proper persons, I will definitely raise this question of discouraging a loyal worker in different ways putting me to pecuniary ~~xxxx~~ hardship, harrassment and mental torture by the dilly-dally attitude of the Hd.Qrt.

[Handwritten signature]

T.C.
[Handwritten signature]
Joh.

It will not be out of place to mention here Sir that right from 1956 till date, no job attracted me to compromise my basic principles of life and that is why I am still a temporary Govt. servant as declared by Hd.Qrt. and that too when I wrote to the then Jt. Secretary, I&B, Shastri Bhawan, New Delhi telling him that I was still a probationer, after working for about six years.

I had difference (in certain matters) of opinion with three previous Directors of Song & Drama Division, Sh. Kripa Sagar Shri R.N. Mahadevan and Sri. Lalsangliana - they all were of CIS cadre and I never rated them of high calibres in terms of Administration and programming. Song and Drama Division is ~~mark~~ world's most difficult deptt. which many of our friends and superiors do not realise/understand. This deptt. is combination of opposites. No relevance between programme and Administration. There should be complete coordination between Prog. and Admn. Song and Drama Division has lost its reputation after Col. Gupte and Shri B. Naarayan (Directors) due to thrusting upon of non programme officer (exceptions are always there) at the helm of affairs who were either in-capable of advising their programme officers in the right perspective or completely ignorant about the strong medium of communication through performing arts. It is ~~an~~ not only Admn. or ignorable deptt. which one day our officers is shastri bhawan will have to realise and pay for it.

Sir, I am myself trying to quit this present job at the first available opportunity. Kindly see the irony of my fate, at the age of 53, I am searching another job. Now onwards I will go only by your orders authenticated by prior sanction with TA/DA advance, if at all I am needed by the deptt. to go outside my Hd.Qrt. i.e. Pune.

This is a peculiar department where every body is every thing. I must let you know that some years back perhaps by the end of 1982 the then Secretary, I&B had issued a clear directive to all the heads of department to attend the IMPC meeting directly and on the basis of secretary's directive the then Director Shri B. Naarayan had issued circular to us in the region. I had attending IMPC meetings accordingly in different regions. Some time IMPC meeting letter is received here very late (copy enclosed). If I do not attend the meeting, the Chairman of IMPC is displeased and if I attend the meeting you people are displeased. What shall I do? Now, I am asked to take prior approval of the Director. The then Director B. Naarayan's circular, my all TA bills right from April, 82 can be consulted in ~~max~~ this regard but who will consult? Has anybody any time to look back record and apprise you of the factuals?

I hope you will not mind my emotional out-burst for such humiliating letters and "No Reply tactise" on the pretext of Administrative reasons. I would request you kindly to provide the sanctioned strength of this centre quickly to look after the job. Good, sincere work has no recognition in Govt. by you people and I will be only attending the routine work not taking any initiative which is the most important thing of Hd.Qrt.

Now, I am fully convinced that the Hd.Qrt. does not need an officer at its Regional Centre and Dy. Director is a waste in the centre - can post a clerk to manage the show. Because by putting the clerk in the centre, Hd.Qrt. could

~~expect better co-ordination~~; The clerk will never do anything

[Signature]

T.C.
A.C. Singh
Adm.

on his own in the public interest and always look for the Hd.Qrt's order even in the routine matter and moreover Hd.Qrt. is already running the show in some centres like Ranchi. and it should extend its wings to other centres also and all the delegation of power to the Regional centre D.D. ~~xxx~~ should be withdrawn with immediate effect, if at all this pleases the Hd.Qrt.

Getting fed up with the PAO's Audit report for the objections only for objection sake and getting constant threat to withdraw the cheque drawing facility. I have written a letter to them to withdraw the cheque facility with immediate effect for which I have forwarded a copy to your goodself, you must also have got it by now.

Now, I simmeries for for Do's and Don'ts

Do's

1. I will move from the Hd.Qrt. i.e. from Pune only when I am ordered by your goodself & sanction with TA/DA advance.
2. I will only go by the rules and regulations of the Govt. what so ever from time to time.
3. I will do only assigned routine duties.

Don'ts

1. I will not put up any proposal to my tour to any where.
2. I will not do any Govt. work with the same zeal and enthusiasm as before.
3. I will not dream to make Pune centre as Model centre.
4. I will not torture/persuade my skeleton administrative & prog. officers to work extra hours in public interest without the sanctioned staff.

Sir Now onwards if you get any delayed reply or information please excuse us, as this 6x centre is working without proper staff is Admn. Officer from Jan., 89 Rs. 28170/- Stenographer from June, 89 Rs. 7372/- total Rs. 35542/- is saved. Instead of getting a patting hand from the Hd.Qrt. for saving Govt. money (allocated to this centre) by Rs. 35542/-, I got a good lesson of blocking my Rs. 7111/- . Now onwards I will not also enforce a strict discipline to incur displeasure of my Junior ~~xxx~~ colleagues. Whether Regional Dy. Directors have the right to demand from the Hd.Qrt. of their just rights by the way of advise/suggestions or not is a separate matter. Hd.Qrt. is fully competent to accept the advise/suggestions of its Regional Dy. Director or not, but there are certain official problems which certainly needs the Hd.Qrt's advice to this Regional Centre and Hd.Qrt. has certainly failed by its in-action in advising this centre even if certain matters were of emergent and crucial nature. (Hd.Qrt. could have summoned me to DELHI for discussions) Certain advise/suggestions of the Regional Dy. Director are definitely obligatory on the Hd.Qrt. for the smooth functioning of its centre.

I have been writting since last several months to the Hd.Qrt. that I will also have to ~~xxx~~ follow the tactics of 'No reply' to the letters of Hd.Qrt. as the Hd.Qrt. is doing it. After all a child learns from his elders.

The image of the Song and Drama Division is getting distorted day by day for the above reasons and a had name can never be retrieved, so it is suggested in public interest SONG AND DRAMA INTER STATE Overhauling programme exchange i.e. 100% Deputy Directors and 70% class II officers, 50% class III officers must be transferred from Hd.Qrt. to Centre

[Handwritten signature]

T. C.
E. C. Gil
Adh.

within stipulated time after a lapse of three years for better administration and programmes work, and then entire Song and Drama Division will become a model department of the Ministry of I&B. Many persons are with the Hd.Qrt. since last several years, but I definitely assure you Sir that inspite of all odds and monopoly of certain vested interest to remain in DELHI only, I will get it done from the highest authority that matters. (May be it is a challenge to every manipulators).

I have not forgotten that I was pushed back from DELHI to this place against my wishes within 10 months of my stay at Delhi at my request transfer from Chandigarh. I was working against the vacant post of Jt. Director and this post was filled up after one year of my joining here (What was the hurry and emergency to dislodge me so quickly? will some one some time answer?) This clearly shows how I was a victim of planned conspiracy by my Hd.Qrt's so called friends in collusion with Ministry people. ignoring my all previous requests right from 1982 and to post me in DELHI as per Deptt. of Personnel Public Grievances and Pension Govt. of India's O.M. No.23034/7/86-Estt.(A) dated 3.4.86 to post husband and wife at the same station has been not take care of my case. My wife is working in T.V. DELHI in the same Ministry of I&B. Since I have been humiliatingly ousted from DELHI within a year. I will never prefer DELHI till the responsible officers of any level who have done gross injustice to me are punished properly. I am a very ~~un~~ unpopular officer, I know it, and I am proud of it that I restrict irregularities in public interest.

Once again thanks to all my detractor shirker friends to dampen my zeal to do Govt. job enthusiastically and very initiatively.

The responsibility certainly rests with the Hd.Qrt. for such discouragement and indifferent attitude towards me.

With regards.

Coordially yours.

(B.P. Sinha)
Dy. Director

To,

Shri Sahab Singh Jā,
Director,
Song & Drama Division,
New Delhi-2.

[Handwritten signature]

T.C.
[Handwritten signature]
Adv.

Before the Central Administrative Tribunal, Circuit Bench, Lko.
O.A. No. of 1990(L)

B.P. Sinha

Vs.

Union of India and others

Applicant

Respondents

ANNEXURE NO. A-11

(53)

Page 1

No.A.19011/3/86-Admn.

Confidential
Most Immediate
Regd. A.D.

प्रति श्री

श्री लक्ष्मी नारायण

ज्य. सचिव, फिल्म,

364-65/4, Shivajinagar, Pune-5

Dated the 9th November, 89

To,

Shri Laxmi Narayan,
Jt. Secretary(Films),
Min.of I&B,
Shastri Bhawan,
New Delhi-11 0001

Sir,

I had requested Shri B.K. Zutshi the then Jt. Secy(Films), to advice me as to how I should function under the stress and strains, constantly being provided to me by the revengeful attitude of the Hd.Qrt. of Song and Drama Division, N.Delhi.

I am sorry to say, Sir that Shri Zutshi, did not show even the least courtesey of acknowledging my letter No. A.19011/1/88-228 dt. 18.9.88.

How long I will be a subject of attack, humiliation and victimisation, specially from the Hd.Qrt. Song and Drama Division, New Delhi.

A brief background of my victimisation is placed below for your kind perusal please :-

1) Prior to the present assignment, I was working as producer in Delhi Doordarshan. I was the elected President of All India Doordarshan Programme staff union and had filed a suit (writ of Mandamus) in the court of Law (Delhi High court) against the Union of India through the Minister and the Secy. of I&B, New Delhi. Since then, I am being victimised by the bureaucracy.

2) Within four years (1982-86) of my appointment, I was transferred in four places - Ranchi ('82), Chandigarh ('84- less than a year), Delhi ('85-less than a year) and Pune ('86), against all the norms fixed by the Min. of Home Affairs to post husband and wife in same town. My wife Smt. Ved Sinha is also working under the same Min. of I&B, Govt. of India, as a Producer, Delhi Doordarshan. I had been representing since 1982 to post me at Delhi. Thanks to the Ministry that they could pass orders for my temporary stay in Delhi on my request transfer from Chandigarh, which was delivered to me much later i.e. after two months after the Ministry's order.

I was working as Dy. Director, AFEW, Delhi, Song and Drama Division, against the vacant post of Jt. Director, SADD, Hd.Qrt. New Delhi. The post of Jt. Director, Song and Drama Division, Hd.Qrt. Delhi was filled after about a year of my transfer to Pune.

T.C.
f.c.g.l.

3) I have come to know again about the sinister design of the Hd.Qrt. Delhi, to dislodge me from Pune, just to protect the defaulters of S&DD, Pune Centre.

As a part of the design to oust me from Pune Centre, Hd.Qrt. has framed some cooked up allegations against me to bring ~~fixx~~ disrepute to my conduct and torture me mentally. The Hd.Qrt. is well aware that I was admitted to the Willington Hospital, Delhi in 1984-85, for mental strains treatment, due to their Administrative in-efficiency. Now they want to drive me a complete lunatic by their indifferent and callous attitude towards me. May be, they are incapable of taking any drastic action against the defaulters and adopting a dilly-dally posture.

Sir, like a loyal humble Govt. servant, I have been religiously obeying and respecting the orders of my superiors, but at this critical moment, I will simply request you to defer my transfer, if any, from Pune, till every thing is settled properly. (If at all I am to be dislodged from Pune Centre, I may pl. be transferred anywhere and certainly not in Delhi - not any of my old places where I have already worked) Now, I do not need Delhi, where I apprehend confrontation with the persons who matter - obviously the complaints will bother you quite frequently.

The best way to solve all these problems of Pune Centre, is to place me under suspension alongwith other parties and have impartial enquiry by high level enquiry committee from the Ministry and the CBI, not involving any member from the Hd.Qrt. Delhi, as I do not trust them.

Please call for all my correspondence to Hd.Qrt. regarding the chaotic positions of Pune Centre deliberately created/instigated by the vested interests.

Pune centre of Song & Drama Division can certainly boast of its achievements. It has been highly appreciated by our policy makers and that is why, within a short span of 3 months time, our Hon'ble Minister Shri H.K.L. Bhagat, the then Secy. of I&B, Shri Gopi Arora (2 times) Advisor I&B, Shri Suman Dubey (2 times) and Shri Shiv Sharma witnessed our programmes and appreciated the style and contents of the productions i.e. "COMMUNICATION THROUGH ENTERTAINMENT" without any script.

About 35 days have passed and no action under C.C.S. rules has been taken by the Hd.Qrt., for receiving joint representation from the Staff artistes of our centre, against the Controlling Officer.

Instead of transferring the defaulters, as recommended by me, the Hd.Qrt. has taken arbitrary decision with a well planned conspiracy to inflict injury on me, by transferring a qualified person Shri Sushil Choudhury, Manager of this centre, from this centre to weaken me administratively and programme-wise. Though this is an attempt to weaken an individual like me, which I can tolerate, but, in no circumstances, I am ready to accept the de-generation of an institution like Song and Drama division (worlds most difficult creative institution), for which I sweated my blood by working 14-16 hrs. a day, to make Pune Centre as a model centre, in the eyes of our policy makers. Is it not the morals of the Hd.Qrt. to consult me formally/informally before taking any decision regarding the staff

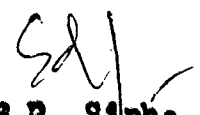
T.C.
H.C. G. Adv
[Signature]


working under me ? They are having arbitrary decisions, which I have been, like a humble Govt. servant, obeying it. But tolerance has also some limit and I am sorry, my patience has exhausted and I will be reluctantly constraint to immediately obey right and wrong decisions of the Hd.Qrt, Delhi, because by obeying the instruction of Hd.Qrt. immediately, my TA Bills are still held up at the Hd.Qrt- as a reward may be to carry out the order of the Hd.Qrt. urgently.

I would request you, Sir kindly to look into some of the lathergie, dilly-dally attitude of the Hd.Qrt. and improve upon its functioning, by getting rid of the lousy-lots deadwoods and guide me, advice me how to function under the present circumstances of humiliation, duress and mental torture.

Sir I request you kindly to spare some of your valuable- time to hear me in person, as ~~there~~ there are many things which can not be reduced on paper, as the controlling officer of ~~the~~ a region, is being forcibly sized to a lower-division clerk, by the sweet wish of the supreme i.e. Hd.Qrt. Delhi.

Yours faithfully,


(B.P. Sinha)
Dy. Director.


T.C.
C.C.G.
Adm-

B.P. Sinha

Vs.

Union of India and others

Applicant

Respondents

ANNEXURE NO. A-12

56

B.P. SINHA
Dy. Director

D.O. No. A-19011/2/89-Admn.
Govt. of India
Song and Drama Division
Min. of I&B, Regional Officer (WR)
364-65/4, Shivajinagar, Pune-5

Dated the 9th January, 90

My dear Sri Kripa Sagar Sahab,

Kindly refer your confidential D.O. letter
No. 4/25/89-Admn. II dated 18/12/89 received here
on 29/12/89.

From the contents of the letter it appears
rather it is very very clear that Hd. Qrt. has really
specialised in protecting the defaulters-(reasons best
known to them) and humiliating its field officers
controlling officer just to exert their superiority
not in public interest.

Perhaps the Hd. Qrt. is not aware of its
repercussion administratively. This is certainly
encouragement to indiscipline contrary to "Public
interest".

✓ You have rightly written Sir "that transfer
is not the solution" but keeping such forces for day to d
day indiscipline behaviour, contaminating others, bringing
the entire discipline of the office to a chaotic halt -
just to serve their (defaulters) end and prohibiting a
conscience officer from discharging his officially
assigned Govt. duties, is certainly against all the
norms of " public interest work".

It may not be out of place to mention here
Sir some of my past experience which needed
immediate tackling by the Hd. Qrt.- but due to its
partisan attitude, the Hd. Qrt. instead of taking
strong disciplinary action against the defaulters,
humiliated me very badly and I had no alternative
than to keep quiet.

The past incidents were as follows:-

- 1) I was gheroaed in my office by about
300 outside trespassers engineered by
our own subordinates at Ranchi office
in 1983-84.

The Hd. Qrt. did not do anything to punish
the real culprit - Sri Chatterjee A.K- the T.A. of
Ranchi, Song & Drama office- who had been shunted out
from Calcutta office for his misconduct.

- 2) I had reported against the wrong doing of
the then Administrative officer of Chandigarh
Song & Drama Division - Sri Virendra Tara.

.....2/-

T.C.
T.C. S. J. Adm.

- 3) I was phisically manhandled by Sh.R.S.Pathak and Sri Kobra Actors (Staff Artist) Afmed Force Entertainment Wing and Delhi Region for which I had reported in writing. Nothing happened.
- 4) I had given all proofs against the misconduct and misbehaviour of Sri. B.H.Tamboli, ex-stenographer of this centre.
- 5) I had explained in details for the actions to be taken by the Hd.Qrt while recommending the joint representation of the Staff Artists of this centre against their controlling officer.

All the above mentioned points clearly prove the callous and partisan attitude of the Hd.Qrt. towards me. During all these years a sustained and constant move by the Hd.Qrt. to humiliate and insult me before my subordinates on one pretext or the other protecting the defaulters- compelling me not to do my assigned Govt. duties effectively and smoothly.

Instead of justifying and supporting my reasonable steps under Govt-rules, the Hd.Qrt. has certainly failed to encourage me for right steps taken administratively and programme wise- discouraged by pointing all the time that " I am a bad officer ". Yes Sir I agree with the Hd.Qrt. Any officer who does not allow irregularity is termed as bad officer.

This is a clear proof of the Hd.Qrts nefarious design to finish me ^{with} cooked up corruption charged against me vide ~~xxxx~~ their confidential letter No. dt.

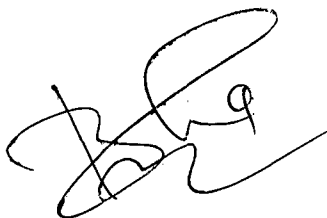
Since last 6-7- years the Hd.Qrt. is heading towards a confrontation with me and I have been avoiding it but if it is thrust upon me I will not run away rather face it to finish and concerned persons how so mighty will definitely be taught a lesson to behave properly in Govt. service and do not shirk their responsibility by just goodie goodie attitude Sir

I am still not convinced by your logic not to transfer shri Chitale and Sh. Kale as recommended by their controlling officer.

Again Sri Chitale has avoided official tour to Goa from 2/1 and submitted his Medical certificate. Was it not his duty to refund TA/DA advance?

Shri V.N. Joshi (Actor) Staff Artist and an associate of Sri Chitale is having 21 days rest as recommended by the Doctor but he was found missing from his house on 2/1/90.

.....3/-



T.C.
T.C. Gyl
Adh.

From where I should have persons to do the programmes and complete the programme target. After all I have to run the centre facing all its brunt. Should the activities of this centre be stopped and allow there artistes to draw all Govt. facilities with huge amount as their salary for no work

I think no Govt. officer has the right to waste Govt. money and encourage indiscipline in the office.

I would again request your honour kindly to reconsider your decisions vide your confidential D.O.No. 4/25/89-Rd.II dt. 18/12/89 in public interest. I am little apprehensive whether all the facts concerning the case have been placed before your goodself. Hence once again I am enclosing the necessary papers for your kind perusal and guidance with logic in public interest. Please help me to solve the chronic problems of Song and Drama Division- good programmewise and healthy administration wise.

Why the Hd.Qrt. is after my transfer from this place? just to protect the chronic defaulters and bring the level of administration to a very low key.

But Sir this time I assure you, whether I am or will be in Song and Drama Division or not, I will certainly expose all the arbitrary whimsical partisan attitude of the Hd.Qrt. and see that the defaulters are brought to books before I leave my Pune Hd.Qrt.

God is always with the right thinking persons and never excuse any defaulters how so mighty he or she is.

The Hd.Qrt. has in my 33 years Govt. career definitely give me a severe mental jolt by framing a cooked up vigilance case for which it will have to pay very heavily.

I am sorry for my little emotional out burst but as you are called - "kripa ke sagar" You please have some mercy on my present mental plight purely on humanitarian ground and help me to solve Pune centre's problem effectively.

I have really got the award "vigilance case" by working from 7-30 am to 11-00 p.m. - 14 hours a day in the office. This was possible as I am living here alone and complete lonely man.

I just jokingly told our then Secy. I&B Sri Govi Arora and Advisor Sri Suman Dubey that Govt. should separate husband and wife to get its optimum. They laughed but I with in my heart cried. Is there any justice and some day I will get that.

I am waiting for Godof since long.

With warm regards.

Cordially yours.

To,

Sri Kripa Sagat,
Director,
Song & Drama Division,
New Delhi-2

(B.P. Sinha)

[Handwritten signature]
T.C.
A.C. Singh
Adm

Before the Central Administrative Tribunal, Circuit Bench, Lko.
O.A. No. of 1990(L)

B. P. Sinha

Union of India and others

Vs.

--- Applicant

--- Respondents

ANNEXURE NO. A-13

तत्काल

क्र. 22011/2/88-नीति
गीत और नाटक प्रभाग

सूचना एवं प्रसारण मंत्रालय, भारत सरकार

XXXXXXX

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 मन्त्री महोदय, सूचना एवं प्रसारण मन्त्रालय,
भारत सरकार को भेजे गये महामन्त्री उत्तर प्रदेश पंजीकृत कलाकार संध
के पत्र दिनांक 18/7/90 की प्राप्ति सलन की जा रही है। अनुरोध
है कि अपनी टिप्पणि तत्काल भेजे।

भवदीय,

सलगन : तीन

51.12.90
(राधा कृष्ण आरु)
उप-निदेशक

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उत्तर प्रदेश पंजीकृत कलाकार संघ

ई. 1492, राजा जी पुरम,

लखनऊ, 226 017

पत्रांक.....

दिनांक 18.7.90

पदाधिकारी

अध्यक्ष
अभय राम शर्मा
कार्यकारी अध्यक्ष
श्रीमती स्नेह लता
उपाध्यक्ष
शराफत अली
गहामंत्री
अलख नारायण
प्रोषाध्यक्ष
मिदन सहगल
उपमंत्री
अशोकचोपड़ा

सेवा में,

माननीय मन्त्री महोदय,
सूचना एवं प्रसारण मन्त्रालय,
भारत 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 समाप्त 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 माह में नियमित कार्यक्रम दिए जाते थे, वह लगभग अग्रेज माह से ध्वस्त हो गए और दलों को नियमित कार्यक्रम न मिलने से दल के कलाकारों में असन्तोष व्याप्त हो साथ ही वे अपने आप को बेरोजगार 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 एवज में दल के नेता चाहे क्यों न फर्जी मांगपत्र लाकर फर्जी ही कार्यक्रम करें और उसका भुगतान प्राप्त करें।

There seems no file in the office. We (the) may indicate which file is in the office. 25/7/90

This was discussed with 10. we have already a file in Ad. This paper is a copy of the same. 25/7/90

[Handwritten signature]

T.C. 25/7/90

(61)

उत्तर प्रदेश पंजीकृत कलाकार संघ

ई. 1492, राजा जी पुरम,

लखनऊ, 226 017

(62)

AET

दिनांक.....

दिनांक 18.7.90..

पत्राधिकारी

: 2 :

अध्यक्ष
शमश राय शर्मा
वर्यकारी अध्यक्ष
रीमती स्नेह लता
पाध्यक्ष
पराफत अली
हामंत्री
लख नारायण
पोषाध्यक्ष
दिन सहगल
पमत्री
शोकचोपड़ा

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

आपसे आपसे अनुरोध है कि उपरोक्त बातों को ध्यान में रखते हुए हम पंजीकृत दल के कलाकारों को धरोख्तगारी तथा भ्रष्टाचार से बचाव तथा इसकी जांच करके उचित कदम उठावें।

भवदीय,

॥ अलख नारायण ॥
महामंत्री

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

॥ अलख नारायण ॥

T.C.
A.C. Singh
Ad

Signature

Before the Central Administrative Tribunal, Circuit Bench, Lko.
O.A. No. of 1990(L)

B. P. Sinha

vs.

Applicant

Union of India and others.

Respondents

ANNEXURE NO. A-14

(62)

गोपनीय/संज्ञक

नं० आर-11012/7/90/गीता/प्र०

सेवा में,

श्री राधा कृष्ण शर्मा,
उप निदेशक,
गीता एवं नाटक विभाग,
नं० दिल्ली-110002

अगस्त, 3, 1990

महोदय,

कृपया आप अपने पत्र संख्या- 22011/2/88 नीति दिनांक
27.07.1990 का अवलोकन करे जो आज ही दिनांक 3.8.90 को प्राप्त
हुआ है जिसके द्वारा आपने उत्तर प्रदेश पंजीकृत छांशर संघ द्वारा
माननीय सुचना एवं प्रसारण मंत्री को लिखे गये उनके पत्र दिनांक
16.7.90 की प्रतिलिपि के प्रति हार्दिक धन्यवादी भावों से।

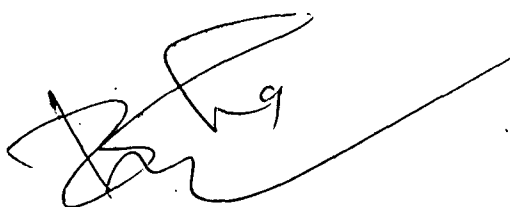
उत्तर प्रदेश पंजीकृत छांशर संघ कोई मान्यता प्राप्त संघ
नहीं है।

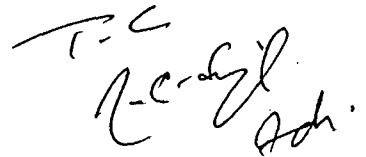
दिनांक 14.7.90 की सुचना विभाग उत्तर प्रदेश में हुई बैठक
के धारे में सुचना निदेशक को पत्र लिखा गया था। उनके पत्र की फोटो
प्रति संलग्न है जो संघ को स्थिति को स्पष्ट करती है।

यह कहना गलत है कि माघ अर्ध 90 में पंजीकृत दलों को
कार्यक्रम आयोजित नहीं किये गये, माघ अर्ध तथा मई 90 के कार्यक्रम
पूर्व उप निदेशक द्वारा आयोजित किये गये थे। आवंटन आदेशों की
फोटो प्रति संलग्न है। माघ अर्ध 90 में भी आवश्यकानुसार कार्यक्रमों
का आयोजन किया गया था। फोटो प्रति संलग्न।

सभी दलों का सुशासन निर्धारित प्रक्रिया के अनुसार पधातम्य
राशि से राशि किया जाता है। कुछ दल जैसे मैतल लकड़ लोकर मंत्र,

-2/-





सबसे महत्वपूर्ण पत्रों का अर्थ ग्रहण, सबसे महत्वपूर्ण नव प्रमाण का केन्द्र, सबसे महत्वपूर्ण सार्वजनिक, सबसे महत्वपूर्ण गोपनीय का संग्रह सबसे महत्वपूर्ण माह माह 90 से नून 90 तक अवधि तक रहता रहे। संग्रहण रखने का कारण यह भी था कि ऐसी शिक्षा प्राप्त हुयी थी कि ये सब कार्यक्रम नहीं करते तथा फर्जी प्रमाण पत्र/पत्र प्रस्तुत करते हैं। कार्यक्रमों में कम कमाकार ले जाने तथा पटिया तार के कार्यक्रम देना भी इस शिक्षा का एक अंग था। शिक्षा के माध्यम प्रमाण 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 संग्रहण होने में कालबाधित होना स्वाभाविक है। इस विषय पर कृपया इस कार्यालय के गोपनीय पत्र संख्या सजा/1/क.1/कानूनी दिनांक 4.4.1990 तथा तार दिनांक 24.5.90 का अवलोकन करें जो आपके नाम से भेजा गया था। स्पष्ट आदेश मिलने पर प्रशासनिक अधिकारी ने दलों के संग्रहण कर दिये। दो दलों के बैंक वर्तमान में वेतन एवं भेजा कार्यालय में रिजोल्यूशन हेतु सम्मिलित है।

जहाँ तक कार्यालय के प्रशासनिक अधिकारी द्वारा कमीशन आदि मांगने का प्रश्न है कोई ठोस प्रमाण नहीं मिल सका पाया है। कमीशन के बढ़ने में प्रशासनिक अधिकारी फर्जी प्रमाण पत्र लेकर देने के लिए कैसे कर सकते हैं। प्रमाण पत्र तो कार्यक्रम करवाने वाले अधिकारी को देना होता है जो अधिकारी प्रमाणों में सख्त क्लिमीटर दूर होता होता है और उतने प्रशासनिक अधिकारी फर्जी प्रमाण पत्र देने के लिए बाध्य नहीं कर सकते हैं। यह कार्य तो पंजीकृत दल ही करवा सकता है जैसे कि शिक्षा के मिली थी। पूर्व में सभी पंजीकृत दलों के लिए उप निदेशों के अन्तर्गत के दरवाजे खुल जाते रहते थे। दिनांक 21.5.90 को कार्यभार ग्रहण करने के बाद से इन पंजीकृत दलों के नेताओं का कार्यालय में आना केवल कार्यक्रमों के तुरार हेतु सीमित रहा है। मैं सभी से केवल पूर्व निर्धारित समय पर ही मिलता हूँ और यह भी केवल कार्यक्रमों के तुरार व नये कार्यक्रम निर्माण हेतु।

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[Handwritten signature]

इसी बात से यहाँ के दलों में रोष है। इस विषय में एक पत्र कुल्लू से लिखा गया है। सम्भवतः अपनी मर्जी से उप निर्देशक से मिलने की सुविधा प्राप्त करने के लिए ही इस तरह भाँति फैलाने का प्रयत्न कर रहे हैं कि कार्यालय में भ्रष्टाचार है। यह धिक्का भगता कि जब पंजीकृत दल के नेताओं का कार्यालय में आना सीमित है तथा ता भ्रष्टाचार का हंगामा है। जब इनका आना जाना विधि होगा तो क्या होगा ? एकदल मैतर्त गोमती कला संगम से तो इस विषय में लिखित ध्यान भी दिया है जिसकीफोटो प्रति संलग्न है। संग के पदाधिकारियों में श्रीमती स्नेहलता चोपड़ा तथा श्री अशाक चोपड़ा शामिल हैं। श्रीमती स्नेहलता चोपड़ा के दल पर पहले ही गम्भीर आरोप है। श्री अशाक चोपड़ा का दल कार्यालय में पंजीकृत नहीं है फिर भी मैतर्त तर्कित कला संगम के नाम पर कार्यक्रम करने का आरोप है। ऐसे काली तूनी में दर्ज लोग शिकायत नहीं करके 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।

यहाँ तक पंजीकृत दलों द्वारा कार्यक्रम न करने का प्रश्न है पर्याप्त धिक्का विमर्श के बाद मैने स्वयं यह निर्णय लिया है कि जब तक मैं पंजीकृत दलों के कार्यक्रमों के स्तर से संतुष्ट नहीं होता हूँ दलों को कार्यक्रम आयोजित नहीं करूँगा। अतः दला द्वारा कार्यक्रम करने का प्रश्न ही नहीं है।

यद्यपि तो यह है कि इन शिकायतों दलों द्वारा निम्न कोटि के कार्यक्रम बिना पूरी टीम के करने के ताव करने का कुछ एजेंटों ने मौखिक रूप से मुझे बताया है जिनमें क्षेत्रीय प्रचार अधिकारी एवं तुपना अधिकारी प्रेम तुपना कार्यालय शामिल है।

भवदीय

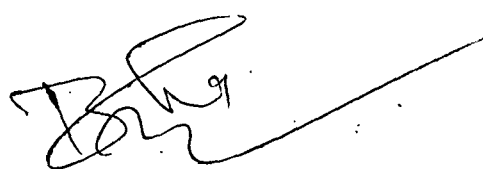
संलग्न

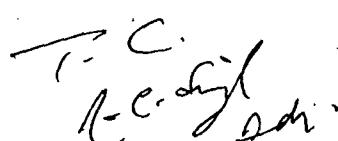
धामदेव प्रसाद तिलहा
प्रादेशिक उप निर्देशक

प्रतिनिधि सेवा में निर्देशक, गीत एवं नाटक प्रभाग,
नई दिल्ली की तुपनार्थ प्रेषित।

धामदेव प्रसाद तिलहा
प्रादेशिक उप निर्देशक

सचिव-प्रतिनिधि





Before the Central Administrative Tribunal, Circuit Bench, Lko.
O.A. No. of 1990(L)

(65)

B. P. Sinha

vs.

Applicant-

Union of India and others

Respondents-

ANNEXURE NO. A-15

CONFIDENTIAL

No. R-11012/7/30 S&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 troupes 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. In spite 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-

[Signature]

T.C.
T.C. Sijl
Adm.

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 "Curruption". 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

T. C.
T. C. Singh

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 neutral but be vigilant about the entire fluid situation. I will deal the situation with iron hand and for which the Hdqrs 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.

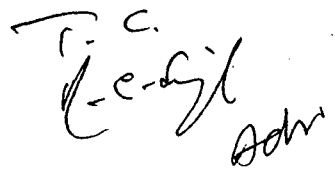
This is for your only kind information please.

Yours faithfully,

(B.P.SINHA)
Regional Deputy Director

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

(B.P.Sinha)
Regional Deputy Director.



Before the Central Administrative Tribunal, Circuit Bench, Lko.
O.A. No. of 1990(L)

B.P. Sinha

Union of India and others

Vs.

Applicant- (68)

Respondents-

ANNEXURE NO. A-16



भारत सरकार
GOVERNMENT OF INDIA

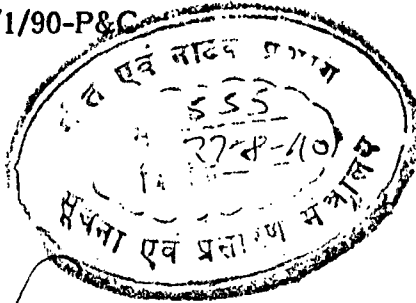
गीत एवं नाटक प्रभाग

SONG AND DRAMA DIVISION

सूचना और प्रसारण मंत्रालय
MINISTRY OF I & B

D.O.No.14014/1/90-P&C

DR.P.K.NANDI
DIRECTOR



Dear Shri

Sinha

टेलीग्राम : सांगड्रामा

Telegram : SONGDRAMA

दूरभाष :

Telephone: 3275460

3271376

१५/१६, सुभाष मार्ग,

15/16, Subhash Marg,

दरियागंज, नई दिल्ली-११०००२

Darya Ganj,

New Delhi-110002

August 22, 1990

I have personally examined your letter dt.3rd August,1990 and have also examined the complaints from Regd. Parties sent to Hon'ble P.M.'s Office and the MIB. The situation has really become explosive and I am sorry, I cannot become a silent expectator as advised by you. I am really facing lot of embarrassment from the Ministry. Evenso, I considered various issues of the problem and discussed with my colleagues at Hdqrs. and arrived at the following line of action for your immediate compliance:-

1. That you may motivate the agitate Pvt. Parties, allot programmes to them and also redress their grievances.
2. That the matter will further be discussed with you on 23rd and 24th August, 1990 when you come to Hdqrs.
3. That in the considered opinion of the Hdqrs. you are advised to held discussion with the parties leaders and understand their view points and redress their genuine grievances to the extent possible.
4. That allotment of the programmes to the parties has been considered as an essential must. Therefore, I repeat that the parties may be allotted programmes forthwith.

With regards,

Yours sincerely,

(Dr.P.K.Nandi)

✓
Shri B.P.Sinha,
Deputy Director,
Song & Drama Division,
LUCKNOW.

Before the Central Administrative Tribunal, Circuit Bench, Lko. (69)
O.A. No. of 1990(L)

B.P. Sinha

Vs.

--- Applicant

Union of India and others

--- Respondents

ANNEXURE NO. A-17

Confidential
Registered

No. R-11012/7/90 -31

B.P. Sinha

30/8/90

Respected

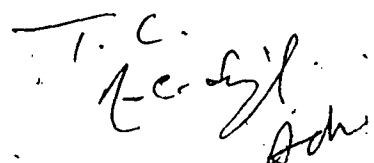
Kindly refer to your A.O. letter No. 14014/1/90-P&C, dated 22/8/90 and the discussion I had with your goodself at Delhi on 23rd and 24th of this month. Immediately on my arrival at Lucknow I have started my efforts as per your direction to motivate the Pvt. Regd. Parties and for this purpose am holding meetings with their leaders on 3rd, 4th, 5th and 6th Sept. 1990. Invitation letter for these parties have already been dispatched under intimation to you.

You have, perhaps, not examined my letter of even no. dated 03/8/90 addressed to Sh. R.K. Braroo, DD(P&C) with a copy endorsed to you. A Copy of this letter is enclosed for ready reference. Para 03 of this letter clearly states the Pvt. Regd. Parties were allotted programmes in April '90 and May, & 0 June 1990. Copies of the allotment letters are also enclosed for ready reference. However, during July '90 the programme activities were stopped due to heavy rains and floods in U.P. & Bihar and this period was reserved for improvisations of programme packets. I have been personally requesting the parties to show me their programmes so that suggestions etc. could be given but few parties, instead of coming forward for improvisation of programmes, started a campaign against this office in the name of corruption.

I may state that during March '90 one Sh. R.D. Shukla lodged a complaint with H'ble Prime Minister regarding the submission of fictitious bills of substandard programmes etc. by M/s Sarvesh Kala Sangam, Lucknow Lok Manch, Nav Prabhat Kala Kendra and M/s U.P. Puppet & Folk Art Group and M/s Gonti Kala Sangam of Lucknow. This case pending at H.Qrs. since March '90, also does not seem to have been brought to your kind notice. A copy of this complaint was sent to this office also. I was therefore keen to see the programmes of these parties urgently and pending review of the programmes, these parties have not been allotted any programme, since June '90. I will request your goodself kindly to guide me as to whether these parties may also be allotted programmes without any action on the complaint as mentioned above, or purview of programmes packets.

I also solicit your orders on this matter for

std.P2/-



A78

allotment of the programmes to these parties. A few days back a reference was received from DD(A) requisitioning all original documents in respect of M/s Muktakash Natya Sansthan, Meerut. It appears that some vigilance case is pending against this party at H.Qrs. . Kindly guide us in this matter also. I still maintain that purview of the programmes is as much an essential must as the allotment of programmes and you will kindly appreciate my sense of duty.

I am also enclosing for your ready reference a copy of letter number S&D/10/90/91-757 dated 16/8/90 of the Regional Officer, DFP, Lucknow which speaks of the style of functioning of Pvt. Regd. Parties and is self-explanatory.

with regards.

Yours sincerely

Photocopy of
Encl: As Above. *49 Papers*

(B. P. Sinha)

Dr. P.K. Nandi,
Director,
Song & Drama Division
New Delhi-110002.

/RG/

T.C.
A.C. Lyl
Adm.

[Signature]

Before the Central Administrative Tribunal, Circuit Bench, Lko.
O.A. No. of 1990(L)

B.P. Sinha

Vs.

Union of India and others

Applicant

Respondents

ANNEXURE NO. A-18

No. 18
Dt 10/9/90

By Registered post

No. 4/38/89-Admn.I
Song & Drama Division,
Ministry of Information & Broadcasting

15/16 Subhash Marg
Daryaganj
New Delhi-110002.

Dated the 6th September 90.

OFFICE MEMORANDUM

It has been observed that in his letter No. S&D/DD/Misc. 1/90/156 dated 31-7-1990 to Deputy Director (Admn.), Shri B.P. Sinha, Regional Deputy Director, Lucknow has recorded the following abusive/offending/derogatory words which are against the norms of official propriety and official decorum and such words in any case will not be borne upon in any circumstances in the official correspondence:-

"Mr. Tamboli is a cunning master liar and you people at Hdqrs. directly or in-directly are encouraging him for such representations and entertain him".

"If you want to humiliate me again then you make him comfortable."

From the above words, it seems that he had not understood the functioning of the Hdqrs and levelled allegations against Deputy Director (Admn.) and other officers of the Hdqrs. Using such words or any offending language not only spoils the harmonious and cordial relations between the writer and the receiver but also is an act of in-discipline, a misconduct and in-subordination and can be dealt with suitably. Therefore, Shri B.P. Sinha is advised that he should not use such words in official correspondence in future and maintain dignity of the office, officer and authority.

(Dr. P. K. NANDI)
DIRECTOR

Shri B.P. Sinha,
Regional Deputy Director,
Song and Drama Division,
LUCKNOW.

B.P. Sinha

T.C.
R.C. Singh
Adv

B.P. Sinha

Applicant (72)

Union of India and others

Vs.

Respondents

AT KURE NO. A-19

No. S&D/DD/Conf/01/90-35
Song & Drama Division
Min. of I & B,
Govt. of India

Recd.

Confidential

116-A, Faizabad Road,
Lucknow.

To

Dated : 21-9-90

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

Sir,

I acknowledge with thanks your office memorandum No. 4/38/89-Admn.-I dated 06/9/90, received by me on 18/9/90, regarding the alleged use of derogatory words in the official correspondence.

I strongly protest against the issue of such a memorandum. I would like to submit the following in this contest :-

- (a) The issue of such a memorandum definitely comes within the purview of statutory powers and it is worth consideration as whether such a statutory power can be exercised by an incumbent who has been authorised to perform only the current duties of the post. Attention may be invited to the O.M. No. F-7/14/101-Est.(A)(1) dated 24/01/1963, wherein it is specifically provided that officers performing current duties of a post cannot exercise statutory powers under the rule.
- (b) I am a senior class I officer of Song & Drama Division, Ministry of I & B, having been appointed in consultation with the U.P.S.C. The appointing authority in the case of class I officers is the Secretary to the Govt. of India. The issue of memo to me by your kindself is beyond and without jurisdiction.
- (c) The memo has been issued to me without affording an opportunity to explain the facts and circumstances and the same is violative of the principles of natural justice.

I have also worked in Hqrs. I fully understand the functioning of the Hqrs. and its officers. I failed to understand as to why Hqrs. and its officers feel pleasure in humiliating the senior officers like Regional Deputy Directors. Interestingly no action was taken by Hqrs. when I reported against Sh. B.M. Tamboli, steno, Pune centre, who insulted me in my office at Pune, before some steno members. No action was taken when

..p 2/-

T.C.
Adv

A perusal of my letter no -dated 31/7/90 addressed to Dy. Director (Admn.) will reveal that not only once but thrice the DD(A) has been addressed as "SIR" This clearly shows that I never intended any insult to any one of my colleagues at Hqrs. Is Dy. Director(A) above Regional Dy. Directors and superior to me ? ~~Was~~ ~~000000000000~~ In fact I conveyed my feelings about Shri. Tamboli and stand by each and every word that I wrote. I still feel that the Hqrs. as a whole at times work with a predetermined approach thereby humiliating the Regional Dy. Directors, particularly me. I fail to understand why Hqrs. is biased against me. The case of Sh. Tamboli is a classic example of it. I distinctly remember to have advocated a thorough probe in his case and remember to have offered myself any punishment if found guilty. But Hqrs./Ministry forced me out of Pune and supported Mr. Tamboli as if my transfer was the only solution. I got the reward for hard and good work. I on the 20th June 90 in the chamber of Sh. P.K.D. Sarkar, Dy. Secy. (F) in front of Mr. S.M. Bajaj, Desk Officer firmly told them that I can also bring letter from ..and you people will then prefer me. ~~Every~~ Every respectable Officer in the Ministry/Hqrs. is aware that Sh. Tamboli used political influence and even then they are silent because they know how to serve whereas I have learnt only how to work, never believed in such dirty ~~games~~ games.

In the case of private regd. parties also, complaints received from respectable persons/officers of media units and my reports have not been taken into

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consideration and under the pressure of Pvt. Regd. Parties I have been forced to allot programmes even to those parties against whom there are serious charges. A decision regarding transfer of the Administrative Officer was already taken by the Hqrs. on 22/8/90 where as I reported to Delhi on 23/8/90, in connection with the allotment of programmes to the private regd. parties. It clearly shows that the Hqrs. had a preconceived decision and the discussion with me was only a farce formal and full of threats "if I do not do this I face the music." In fact my visit to Delhi in such circumstances was a sheer waste of public money.

I have been humiliated and insulted enough. I may mention that after hearing such threats from you that J S (F) has ordered you to put me under suspension I paid a visit to JS(F) in Shastri Bhawan at 5.40 P.M. He was so courteous and nice to me during the brief visit that I could not talk to him about my suspension and the same evening before our colleagues, Sh. Braroo, Sh. Solanky, Sh. Gulati, Sh. Mohan Lal, Sh. Sarin I talked/complained to you and you readily said "Worry I had talked to you confidentially." Every colleague of mine present there convinced me that somebody amongst us has been picked up and we have to co-operate in a healthy atmosphere. I appreciated it and agreed to extend my fullest co-operation to you but you have mal-treated me and pressurised me to obey your wrong-orders threatening me of the dire consequences. I also remember that during the course of discussion you also told me to proceed on protest leave in case of disagreement with arrangement of allotment of progs. to the pvt. regd. parties. I may submit here that although I have followed your instructions with regard to allotment of progs. to pvt. regd. parties (those who are defaulters.) I am still of the opinion that their standard of performance etc. is of sub-standard it is a sheer waste of public money.

I will request you to kindly allow me to function in such a manner that the dignity of Regional Dy. Directors is maintained and confrontation and humiliation is avoided.

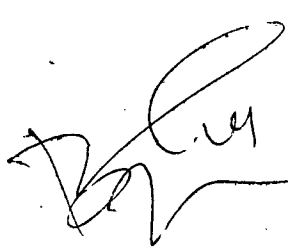
I suppose you are to appear before the coming interview of the P U.P.S.C. for the post of the Director I wish you all the best.

In the end I may add that no pressure, no threat has ever deterred me from the just path or to compromise my principles. I have been commended many a times for my honesty, sincerity and devotion to duty, but despite all this, I have been subjected to frequent - transfers, humiliation and great insult, which is wholly unjust, prejudiced, biased and unfortunate.

I am agreeing with your threat to go on protest leave. I therefore request you kindly to sanction me E.L. w.e.f. 8/10/90 to 26/10/90 with permission to avail 27th and 28th with station leave permission.

Yours faithfully

(B.P. Sinha)
Regnl. DY. Director.



T.C.
A.C. Singh
Adm.

Before the Central Administrative Tribunal, Circuit Bench, Lko. (75)
O.A. No. of 1990(L)

B.P. Sinha

Vs.

Union of India and others

--- Applicant ---

--- Respondents ---

ANNEXURE NO. A-20

CONFIDENTIAL

B.P. Sinha

No. 01/01/90-SAD/LKO

24.10.1990

Dear Shri Bandi Sahab,

It is really very unfortunate that some of our senior staff members indulge in exploiting the situation for which the entire Song & Drama Division is being maligned and disreputed.

I am humbly sending a glaring example of extortion of money by one of our colleague Sh. Mahabir Prasad, UDC, presently working in our Hqrs. New Delhi. The letter (Annexure-I) a complaint & itself will speak out the truth and compell us to come to conclusion that one of our staff member will not hesitate to take the cloak from the funeral-pyre.

I have had the matter examined, confirmed and assured by the Hand Writing Expert that the complaint of the anonymous letter was no body else than our Sh. Mahabir Prasad. (Hand Writing Expert's Opinion Letter-Annexure-II encl.).

I humbly request you kindly to take appropriate action against the defaulter & realize all the money mentioned in the complaint (of Smt. Kaushalya Shah, W/o late Prithvi-Raj Shah, Ex. performer of SAD, Division, Mahatma Centre). He has mercilessly been extorting money from the helpless lady on one pretext or other. From her submission & narration of her plight, I really felt like dismissing the person.

You are requested kindly to take an appropriate action immediately under rules and by this we shall definitely be improving the "LEVEL OF ADMINISTRATION."

Thanking you.

Cordially Yours

Dr. P.K. Nandi,
Director,
Song & Drama Division
10/10, Subhash Marg.

(B. P. Sinha)
Regional Deputy Directors