

Central Administrative Tribunal
Lucknow Bench

Cause Title OA 361/96 of 1993

Name of the Parties

G.K. Magchandi: Applicant

versus

Union of India: Respondents.

Part A: P.C.

S. No.

Description of documents

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File A:

1.	Check List	A1-A2
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4.	Annexure Power	A13-A34
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Annexure

B - File

File BOS 13-113

C - File

Need to cancel/destroyed
for other

SC (3)

Am

361
O.P. 2240/90(X)

23/11/90

Hon Mr Justice K. Nath IC.

Hon Mr. M. M. Singh JDD.

Orders or admission and
Interim Relief passed separately.
The case be put up on 11-1-91
before D.R. for fixing a
date of final hearings if
possible, after completion of
record.

M. M. L.

AM

✓

VC

11.1.91

D.R.

Both the parties are
present today. Sri
V. K. Chaudhary LD.
counsel for the O.P.
desires to file
counter by 15/2/91
hence this case is
listed before me

On 12/2/91.

12.2.91

D.R.

Applicant's side is
present today. O.P. is
absent. Counter has
not been filed till
today. Respondent to
file counter by 13/3/91

(P.W)

13/3/91

Applicant's side is present. Respondent evaded and didn't show up. He did not file counter also. Put up on 18/4/91 to file Counter again. ✓

18-4-91

D.R.

Applicant's side is present. No appearance has been made on behalf of the O.P. and O.P. did not file counter till today. Respondent to file counter by 3/7/91
3/7/91
D.R. ✓

Both the counsel for the parties are present. Counter has also been filed along with an application for condonation of delay on 26.6.91. Rejoinder has not been filed till today. Applicant's counsel desires to file R.A. by 18/7/91, ✓

(R)
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD,

CIRCUIT BENCH
LUCKNOW

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

G.K. Nagchandi

Applicant.

versus

Union of India & others

Respondents,

Hon. Mr. Justice K. Nath, Vice Chairman.
Hon. Mr. M.M. Singh, Adm. Member.

(Hon. Mr. M.M. Singh, A.M.)

Before he filed the present application to challenge the order of his transfer from Lucknow to Madras, the applicant had filed O.A. No. 290 of 1990 on the same subject on 29.8.90. The O.A. No. 290 of 90 was disposed of on 31.8.1990 at the admission stage with direction to Director, Song and Drama Division, Ministry of Information and Broadcasting, New Delhi (Respondent No. 2 of O.A. No. 290 as also of the present application) ("We dispose of the representation dated 27.8.1990 made by the applicant taking into account all the facts and, if possible, after giving an opportunity of personal hearing to the applicant and that the transfer in question will not be implemented till a decision is taken on the same representation". This representation dated 27.8.90 addressed to Dr. P.K. Nandi, Director, Song and Dances Division, Ministry of Information and Broadcasting, Govt. of India, New Delhi, (Annexure A-10 of O.A. 290/90)

M H L

(P)

contained only two points which are extracted below:

"(i) Since my joining at Lucknow on 26.12.1988 I have been requesting for transfer to Bhopal under the provisions of Department of Personnel Min. of Home Affairs office memorandum No. 28034/7/86-Estt.(A) dated 3.4.86 which lays down the policy of the Govt. regarding posting of Husband & Wife at the same station.

(2) I joined the Division on 18.6.69. Since then for most of the period I remained away from my family due to posting at Patna, Siliguri, Delhi, Pune and Guwahati etc. When the transfers & postings of the Administrative Officers were recently done, my case was not considered. However, as the posting at Lucknow being the nearest station to Bhopal was reasonably convenient to me, I somehow adjusted at that time. But the order in question transferring me from Lucknow to Madras has totally shaken my confidence. Madras is not only far away from Bhopal but I will also have to face language and food problem, affecting my working efficiency. I will humbly submit that this unwarrantable transfer order may please be cancelled."

2. One of the several allegations made in the present application which also figures in the grounds for relief is as follows:

"Because the Respondent No. 2 has not yet decided the representation of the applicant and asked the Respondent No. 4 to relieve the applicant in utter disregard of the judgment and order dated 31.8.90 passed by this Hon'ble Tribunal in O.A. No. 290 of 1990"

However, in his representation dated 10.9.90 (Annexure A 5) the applicant had, interalia, mentioned that by an order dated 10.9.90 he was also intimated that his application had been considered but it had not been found possible to accede to his request. The Bench of the Tribunal had, on 15.11.90, directed the applicant to produce copy of order dated 10.9.90. The learned advocate for the applicant, Shri R.C.Singh, produced the original order at the pre admission hearing. This order signed by Shri B.P. Sinha, Regional Deputy Director is reproduced below:

K R L

12

"Reference his application dated 28.8.90 which was forwarded by this office to Director Song & Drama Division New Delhi it is informed to Sh. G.K.Nagchandi, Admn. Officer that his application has been considered by the Director S&DO New Delhi and it has not been found possible to exceed to his request.

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

M

The above, thus purports to convey, the applicant that his application dated 28.8.90 (the application is dated 27.8.90. Date 28.8.90 is of the Regional Deputy Director's letter under which it was forwarded to the Director) was considered by the Director but not acceded to and that he stands relieved with immediate effect.

2. We do not consider it necessary at this juncture to express any views on how various allegations the applicant has made appear on a first view. However, we feel the application merits further consideration being the issue of ^M ~~fairness~~ of the respondents' order to transfer the applicant to Madras, much more distant from Bhopal than Lucknow is, when the request of the applicant in application to the authorities all along has been to post him at Bhopal where his wife is employed in a department of the State Government of Madhya Pradesh and the Central Government's policy in cases where one spouse is employed under the Central Government and the other spouse is employed under the State Government as contained in O.M. No. 28034/7/86 Estt(A) dated 3.4.86 is that the competent authority, on an application from the spouse employed in the Central Government, may post the same officer to the station where the other spouse is employed under the State Government and if there is no post in that station in the state where the other

M. L.

(A)

spouse is posted. It is further stated in these instructions that each case has to be dealt with keeping in mind the spirit in which the guidelines have been laid down and the "larger objective of ensuring that a husband and wife are, as far as possible and within the constraints of administrative convenience, posted at the same station".

3. We are also of the opinion that the balance of convenience in this case requires ad-interim relief against the operation of the impugned order of transfer dated 22.8.90 and the relieving order dated 4.10.1990.

4. The application is admitted with ad-interim relief against the operation of the impugned orders dated 22.8.1990 and 4.10.1990, and the applicant shall be treated as if he has not been relieved.

5. The respondents, represented by Shri V.K. Chaudhary who produced the record, are at liberty to file objections if any, within a period of fifteen days against the order of ad-interim relief. They are also at liberty to file their counter within four weeks with copy to the applicant advocate. The applicant shall have two weeks' time to file rejoinder thereafter. Hearing to be expedited.

Received copy
for the applicant
Re singh
23/11/90

M K S
Member (A)


Vice Chairman

Dated the 23rd November, 1990.

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

O.A. No. 361/90

G.K. Nagchandi

Applicant

versus

Union of India & others

Respondents.

Mr.R.C. Singh Counsel for Applicant.

Mr. V.K.Chaudhari Counsel for Respondents.

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

Hon. Mr. A.B. Gorthi, Adm. Member.

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

The applicant has been transferred from Lucknow to Madras, although one of the grounds against his transfer is that his wife is posted at Bhopal. As per Govt. of India directions, husband and wife may be posted at one station. The applicant may also be transferred to Bhopal. The transfer order which is under challenge is dated 22.8.90 which has been passed by Director, Song and Drama Division, Ministry of Information and Broadcasting. The applicant was transferred to Lucknow consequent upon his repatriation from deputation vide order dated 3.11.88. He moved an application for his transfer on the ground that his wife is in service at Bhopal but the grievance of the applicant is that his case was not considered, although the Administrative Officer at Chandigarh was transferred to Bhopal during February, 1990. Certain financial

irregularities were made and this made the respondents annoyed. Certain complaints were also received from delay in one person for the payment of bills and submission of fictitious bills of sub-standard programmes performed by some private parties. The applicant had nothing to do with that matter. A letter was written by the local M.L.A. to the Minister of Information and Broadcasting and the applicant inspite of doing nothing was made escape goat. Against the transfer and relieving orders the applicant preferred a representation to the respondents on 27.8.90 and then he filed O.A. in this Tribunal in O.A. No. 290/90, which was disposed with the direction to respondent No. 2 to dispose off the representation made by the applicant taking into account all the facts and, if possible after giving an opportunity of personal hearing. The Tribunal had stayed the implementation of transfer in question till a decision was taken on the representation.

The applicant still continues to be at Lucknow, his representation was rejected. Then he approached this Tribunal through the present O.A.

2. The respondents in the counter have stated that there were no vacancies at Bhopal, as such the request of the applicant could not be considered, more because Administrative Officer Bhopal was posted vice Administrative Officer, Chandigarh. The case of Administrative Officer, posted at Bhopal and who is still working at Bhopal also comes up under the purview of DP&T'S O.M.No.

28034/7/86-Estt(A) dated 3.4.86, as his wife is working as a Teacher under the State Government of Haryana and because of his long illness and other problems he was not in a position to cope up with the work load of Chandigarh.

3. We have gone through the record and orders etc. ~~by~~ which have been rejected but the direction given by the Tribunal rather not been considered. No consideration has been given to the fact ~~that~~ regarding the direction of the Tribunal and the applicant has not been posted at Bhopal, may be that actual consideration was not there. The respondents did not consider him to ^{be} posted ~~as~~ at the place which is nearer to Bhopal but transferred the applicant to Madras where there may be language problem. The representation of the applicant has not been considered in correct perspective which has been rejected as if it was to be rejected. We prefer to give another opportunity to consider all representations of the applicant within one month taking into consideration the grievance of the applicant and not only that he should be posted in Bhopal or ^{any} place nearer to Bhopal. The respondents are directed to consider the case of the applicant for posting at Bhopal or nearer to Bhopal and they will again look after the plea of the applicant which is said to have been rejected. Let it be done within one month from the date of receipt

(4)

of this order. No order as to costs.

Shakeel
A.M.

V.C.

Shakeel/

Lucknow: Dated: 16.4.92.

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

218 16-9

APPLICANT(S): John Doe

RESPONDENT(S) John Doe, et al.

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

Particulars to be ExaminedEndorsement as to result of examination

11. Are the application/copy/duplicate copy/spare copies signed ? *yes*

12. Are extra copies of the application with Annexures filed ? *yes*

a) Identical with the Original ? *yes*

b) Defective ? *yes*

c) Wanting in Annexures *yes*

No. _____ pages No. _____ ? *yes*

13. Have the first size envelopes bearing full addresses of the correspondences been filed ? *yes*

14. Are the given address the registered address ? *yes*

15. Do the names of the parties stated in the copies tally with those indicated in the application ? *yes*

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? *N.A.*

17. Are the facts of one case mentioned in item no. 6 of the application ? *yes*

a) Concise ? *yes*

b) Under distinct heads ? *yes*

c) Numbered consecutively ? *yes*

d) Typed in double space on one side of the paper ? *yes*

18. Are the particulars for interim order prayed for indicated with reasons ? *yes*

19. Whether all the remedies have been exhausted. *yes*

minus *yes*

W.M. D.
D.P.
Full before the next hearing
for filing for orders
on 15/11/91

9/11
14/11/91

Open
14/11/91

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

Original Application No. 361 of 1990 (L)

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

G.K.Nagchandi

...Applicant

Versus

Union of India and others.

...Respondents.

I N D E X

Sl.No. Description of documents relied upon. Page Nos.

Compilation No.1

1. Application 1 to 19

2. Annexure No.A-3 20
Photostat copy of the impugned
transfer order dated 22.8.90
for transfer from Lucknow to
Madras.

3. Annexure No.A-7 21
Photostat copy of the impugned
order dated 4.10.90 relieving
the applicant.

4. Vakalatname. 22

Compilation No.2

1. Annexure No.A-1 23
Photostat copy of the ~~copy of~~ news reports
dated 1.8.90.

2. Annexure No.A-2 24
Photostat copy of the letter dated
17.8.90 written by

Reengled

3. Annexure No.A-4

25-26

Photostat copy of the judgment and order dated 31.8.90 passed by this Hon'ble Tribunal in O.A.No.290 of 1990-

4. Annexure No.A-5

27-28

Photostat copy of the application of the applicant dated 10.9.1990.

5. Annexure No.A-6

29

Photostat copy of the news item dated 20.9.1990.

6. Annexure No.A-8

30

Photostat copy of the application dated ~~10.9.1990~~ 4.10.1990.

7. Annexure No.A-9

31

Photostat copy of the application dated 7.8.1990 made by one Sri Vijay Suri.

For use in Tribunals' Office

Deepti Devi
Signature of the
Applicant.

Date of filing

or

Date of receipt by post

Registration No.

Signature
For Registrar.

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing 14/11/90
Date of Receipt by Post 14/11/90
7/11/90
14/11/90
Deputy Registrar (J)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW.

CIRCUIT BENCH, LUCKNOW.

Original Application No. 361 of 1990 (L)

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

...Applicant

Versus

1. Union of India through the Secretary, Ministry
of Information and Broadcasting, New Delhi.

2. Director, Song and Drama Division, Ministry of
Information and Broadcasting, 15/16, Subhash Marg,
Daryaganj, New Delhi - 11 0002.

3. Dr. P. K. Nandi, Director, Song and Drama Division,
Ministry of Information and Broadcasting 15/16,
Subhash Marg, Daryaganj, New Delhi.

4. The Deputy Director, Song and Drama Division,
Ministry of Information and Broadcasting, Lucknow.

...Respondents.

Details of Application:-

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

The application is directed against the

No. 14/11/90
Re. Regd.
14/11/90

Decided

following order.

(a) No. A-22013/1/90-Admn.I dated 22.8.90 passed by the Director, Song and Drama Division, Ministry of Information and Broadcasting, New Delhi (Respondent No.2) transferring the applicant from Lucknow to Madras (Annexure No. A-3).

(b) Number S & D/DD/Misc/1/90-38 dated 4.10.90 passed by the Dy. Director, Song and Drama Division, Ministry of Information and Broadcasting, Lucknow (Respondent No.4), relieving the applicant of his duty in the after-noon of 4.10.1990 under purported directions issued by the Respondent Nos 2 and 3 vide alleged letter No. A-22013/1/90-Admn-I dated 21.9.90 (Annexure No. A-7).

2. Jurisdiction of the Tribunal:

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

3. Limitations:

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.

Reengled

The facts of the case are given below:

4.01. That the applicant was transferred to Lucknow consequent upon repatriation from deputation with Directorate of Field Publicity vide Office Order No.A-22013/2/87-Admn.I dated 3.11.88 issued by the Respondent No.2

4.02. That the wife of the applicant is employed in the Directorate of Industries, M.P., Bhopal. The applicant had moved an application on 25.9.1987, e.g., prior to his repatriation, for transfer to Bhopal in terms of guide lines issued vide Govt. of India, Deptt of Personnel and Public Grievances and Pension O.M.No.28034/7/86-Estt(A) dated 3.4.1986, copy of which was forwarded to all Media Units by the Ministry of Information and Broadcasting vide I.D. No.27/1/86-Ad.III(Pt.III) dated 18.4.1986. However, his case was not considered. Again the applicant submitted an application for transfer from Lucknow to Bhopal on 28.3.1989 which was submitted by the Respondent No.4 to the Respondent No.2 on 30.3.89. However, once again the case of the applicant was not considered and the Administrative Officer at Chandigarh was transferred to Bhopal during February 1990.

Reengd

(P)

4.03. That while working at Lucknow the applicant had come across certain financial irregularities which were reported by him to the Respondent No.2. Due to the reports made by the applicant, Sri H.P.Solanki, the then Dy.Director, Song and Drama Division, Lucknow (now working as Dy.Director in the Office of Respondent No.2) was highly annoyed, prejudiced, biased and had threatened the applicant of dire consequences.

4.04. That during March 90 a complaint was made by one Sri R.D.Shukla regarding delay in payment of bills and submission of fictitious bills of sub-standard programmes performed by private parties. The applicant had nothing to do with the matter but a false rumour was spread by the then Dy.Director that the delay was attributable to the applicant. It may be stated here that the then Dy.Director has taken no action in the matter till his transfer from Lucknow to New Delhi in April 90 though the applicant had put up a note to him in this regard on 30.3.90. The delay if any and the question of submission of fictitious bills is attributable and pertains to the powers of the Dy.Director and not the applicant who is only to make the payment as per the orders of the Dy.Director.

Enclosed

4.05. That due to the rumour spread by the then Dy. Director and his inaction in the matter, the private parties were much agitated and they started meetings, dharna etc. demanding action against the Dy. Director and the Administrative Officer of Song and Drama Division, Lucknow. In this contest the New Paper reports dated 1.8.90 are being annexed as Annexure No. A-1.

Annexure No. A-1

4.06. That besides News Paper reports the Association (Uttar Pradesh Panjikrit Kalakar Sangh) also approached the local MLA of Lucknow East Sri Ravi Das Mehrotra and got a letter written to Sri P. Upendra, the then Minister for Information and Broadcasting. A photostat copy of the letter dated 17.8.1990 written by Sri Ravi Das Mehrotra is being annexed as Annexure No. A-2. ~~please file~~

Annexure No. A-2

The applicant has also come to know that similar letter was written by Sri Mandhata Singh, M.P.

4.07. That without ascertaining the true factual position and without verifying the facts, the respondent No. 2 and 3 made the applicant a scape goat and considering the applicant to be a dishonest and corrupt official responsible for the agitation and the complaints made by the politicians, transferred the applicant from Lucknow to Madras vide order No. A-22013/1/90-

Reorge [Signature]

Annexure No. A-3

Admn-I dated 22.8.90. A photostat copy of the impugned transfer order is being annexed as Annexure No. A-3. This order was received at Lucknow on 27.8.90 and on the same day Respondent No.4 relieved the applicant of his duties from 27.8.90 (after-noon).

4.08. That aggrieved by the impugned transfer order dated 22.8.90 and the relieving order dated 27.8.90 the petitioner preferred a representation to the Respondent No.2 on 27.8.90. The applicant filed C.A.No.290 of 1990(L)(G.K.Nagchandi Vs. Union of India and others) against the impugned transfer and relieving orders. The main grounds raised by the applicant were that the transfer order was passed malafide, as a punishment and in violation of the principles of natural justice. C.A.No.290 of 1990 was disposed off by this Hon'ble Tribunal vide judgment and order dated 31.8.90. This Hon'ble Tribunal had opined that the transfer is an incidence of service- all the same it is the bounden duty of the competent authority to take into account the hardship likely to be undergone by a public servant in regard to the transfer or his work and conduct in department.

Tribunal
This Hon'ble ^{had} disposed off the petition with direction to Respondent No.2 to dispose off the representation made by the applicant taking into account all the facts and, if possible, after giving an opportunity of personal hearing. This Hon'ble Tribunal had stayed the implementation of transfer in question till a decision was taken on the representation. A photostat copy of the

Leave

judgment and order dated 31.8.90 passed by this
Hon'ble ~~SC~~ Tribunal in O.A.No.290 of 1990 is
Annexure No.A-4 being annexed as Annexure No.A-4.

✓ 4.09. That a copy of the judgment and order
dated 31.8.90 alongwith with the copy of the
petition (O.A.No.290 of 1990) was forwarded by
the applicant to the Respondent No.2 through
proper channels vide his application dated 10.9.90,
a photostat copy of which is being annexed as

Annexure No.A-5 Annexure No.A-5. In this application ~~to respondent~~
the applicant had requested for a personal hearing
and a decision on his representation taking into
account all the facts. It is specifically stated
here that the application has neither been
communicated the date of personal hearing nor the
decision on his representation so far.

Reengaged
4.10. That while the representation of the
applicant is still pending a news item appeared
in daily evening news paper 'Pratidin' on 20.9.90,
according to which the agitation of the U.P.
Panjidakrit Kalakar Sangh has been called up, on
the appeal of the respondent No.2 and on transfer
of the Administrative Officer(applicant). The
news item further says that the Respondent No.2
had clarified that the Administrative Officer
has been transferred and a new honest officer will

21.9.90 is not in the knowledge of the applicant.

As the applicant had not been communicated with the decision on his representation as per the order of the Hon'ble Tribunal and had not even been given the opportunity of personal hearing or the reasons for not giving the said opportunity of personal hearing, the applicant submitted an

application to the Respondent No.4 on 4.10.90 by way of representation against the relieving order. A photostat copy of the application cum representation dated 4.10.90 is being annexed as

Annexure No.A-8

Annexure No.A-8. In this application the applicant had clearly stated that there was no question of his handing over the charge as no decision on his representation has been communicated.

4.12. That the applicant has not yet handed over the charge and is still continuing on the post of Administrative Officer, Song and Drama Division, Lucknow. However the Respondent No.4 is not allowing the applicant to discharge his duties effectively.

4.13. That the applicant has more than 21 years unblemished service to his credit and has not been awarded any adverse entry or any other punishment in his entire service career.

Enclosed

4.14. That transfer is not a solution of the problem. If an officer is dishonest and indulges in the corrupt practices of bribery and commission at one station he can indulge in the same activities at other station also. In the interest of justice and for proper administration the allegations levelled against the applicant ought to have been enquired into and the applicant should have been dealt with in accordance with Law. It may be stated here that there are only 8 offices of Song and Drama Division all over India where the applicant as Administrative Officer could be posted. If such allegations are levelled by the interested parties. Ultimately problem if any will not be solved by transfer. The applicant is always ready and willing to face the enquiry and further action.

4.15. That it is obvious that the applicant has been transferred malafide, by way of punishment under political influence, in violation of the principles of natural justice. The applicant is advised to state that the impugned transfer order is violative of Articles 14 and 16 of the Constitution.

Deepti

dated 4.10.90 is bad in the eyes of law as it has been issued without deciding the representation of the applicant in accordance with judgment and order dated 31.8.90 passed by this Hon'ble Tribunal.

4.17. That there is no policy regarding transfer of employees in the Song and Drama Division, Ministry of Information. While the applicant has been frequently transferred and his case has also not been considered for transfer to Bhopal under the authority of Govt. of India, Deptt. of Personnel and Public Grievances and Pension O.M.No.28034/7/86 -Estt(A) dated 3.4.86, there are many Administrative Officers who have not been transferred even once in the last 10 years and even more. The transfer orders are issued arbitrarily, whimsically and in violation of the fundamental rights enshrined in Article 14 of the Constitution. It may be pertinent to mention here that Sri Shri Chand, Administrative Officer, Song and Drama Division, Chandigarh has been transferred to Chandigarh for the third time in past ten years. Km. Prem Lata Malik, Administrative Officer, Song and Drama Division, New Delhi is serving at Delhi ever since her appointment. She has not been transferred out of Delhi inspite of 3 promotions before reaching the present post of Administrative Officer. Similarly Sri R.P.Saini, Administrative Officer, Song and Drama Division,

Deeplak

Bhopal is being accommodated in and around Delhi for the past 10 years. It is apparent that while others are accommodated according to their choice the applicant is being victimised and harassed by means of frequent transfers to distant places with a view to accommodate others. In the past also the applicant was transferred from Bhopal to Gauhati to accommodate Sri G.S. Agarwal who was to return from deputation. The applicant has reason to believe that he is being transferred from Lucknow to Madras for accommodating one Sri V.K. Tara, Administrative Officer who is expected to return from deputation very soon and perhaps with this reason only no one has been transferred in the place of the applicant so far.

4.18. That the applicant has come to know that the officials sitting in the office of the Respondent No. 2 demand cash and liquor by way of bribe for favourable orders failing which they harass the honest and hardworking employees even by framing false, frivolous and malafide cases.

In this context a photostat copy of the application dated 7.8.90 made by one Sri Vijay Suri Inspector Song and Drama Division, Darbhanga, Bihar to the Respondent No. 1 is being annexed as Annexure No. A-9. In this application Sri Suri had levelled

[Redacted]

serious allegations regarding demand of Rs.5000/- as bribe.

4.19. That the applicant has also filed contempt Petition (Civil)No.17 of 1990(L)(G.K. Nagchandi Vs.Dr.P.K.Nandi and another) for initiating contempt proceedings against the Respondent No.3 and the present Deputy Director, Song and Drama Division (Sri B.P.Sinha) for their wilful, deliberate and intentional flouting and disobeying the judgment and order dated 31.8.90 passed by this Hon'ble Tribunal. The contempt petition is fixed for 19.12.1990 for orders.

4.20. That it may be stated here that Sri H.P.Solanki, the then Deputy Director, Song and Drama Division, Lucknow is now posted at Headquarters in the Office of Respondent No.2 and is in a position to influence the decision of the Respondent No.2 and it appears that the impugned transfer order was issued by the Respondent No.2 at the behest of the then Deputy Director. The impugned transfer order is passed because of strong prejudice and malafide . It may also be stated here that the applicant has not completed even 2 years at Lucknow.

Engines

4.21. That the cause of action accrued to the applicant for filing the present petition, when the Respondent No.4, acting under the orders of the Respondent No.2, threatened on 12.10.1990 to take charge from the applicant by force despite full knowledge about the pendency of the representation of the applicant and the order dated 31.8.90 passed by this Hon'ble Tribunal. The Respondent No.4 is not allowing the applicant to discharge his duties and he is not assigned any work, which is wastage of public money.

5. Grounds for relief with legal provisions:-

(a) Because the impugned order of transfer dated 22.8.1990 causes stigma on the character of the applicant and has been issued by way of punishment.

(b) Because the impugned order of transfer is wholly arbitrary, unreasonable, violative of principles of natural justice and Articles 14 and 16 of the Constitution.

Deemed to
(c) Because the impugned order of transfer is contrary to the provisions of Govt. of India, Deptt. of Personnel and Public Grievances and

AMO

Pension O.M.No.28034/7/86-Estt(A)dated 3.4.1986.

(d) Because the impugned order of transfer is not in public interest, but it has been issued at the behest of the then Deputy Director who is highly annoyed, prejudiced and biased with the applicant and is malafide.

(e) Because the impugned order of transfer has been issued because of political interference, without verifying the correctness of factum of the alleged complaints.

(f) Because the impugned transfer order is pre-mature and has been passed with a view to accommodate others.

(g) Because the representations made by the applicant are still pending.

(h) Because the Respondent No.2 has not yet decided the representation of the applicant and asked the Respondent No.4 to relieve the applicant in utter disregard of the judgment and order dated 31.8.90 passed by this Hon'ble Tribunal in O.A.No.290 of 1990.

Deeplak

(i) Because the applicant is still holding

P.M.

the charge of Office, but the respondent No.4, acting at the behest of Respondent No.2 has threatened to take charge from the applicant by force.

6. Details of the remedies exhausted:

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

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

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

Deepraj Ceed

of transfer dated 22.8.1990, issued by Respondent No.2, as contained in Annexure No.A-3.

(b) Issue a writ, order or direction in the nature of CERTIORARI quashing the impugned relieving order dated 4.10.1990, passed by Respondent No.4, at the behest of Respondent No.2, as contained in Annexure No.A-7.

(c) issue any other writ, order or direction as this Hon'ble Tribunal may deem fit in the circumstances of the case.

(d) allow the petition with cost.

9. Interim order, if any, prayed for:-

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

(a) the operation of the impugned transfer order dated 22.8.1990 (Annexure No.A-3) and the relieving order dated 4.10.1990 (Annexure No.A-7) be stayed.

(b) the respondents particularly the Respondent No.4 be directed not ^{to} take charge from the applicant by force and allow him to function

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as Administrative Officer as hitherto fore and allow him to discharge his duties effectively.

10. Not applicable.

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

High Court Lucknow Post Office I.P.O. No. 8-62-415952
dated 14.11.1990 for Rs.50.00.

12. List of enclosures:-

1. Annexure No. A-1 Photostat copies of the News paper reports dated 1.8.90.

2. Annexure No. A-2 Photostat copy of the letter dated 17.8.1990 written by MLA.

3. Annexure No. A-3 Photostat copy of the impugned transfer order dated 22.8.90 for transfer from Lucknow to Madras.

4. Annexure No. A-4 Photostat copy of the judgment and order dated 31.8.90 passed by this Hon'ble Tribunal in OA No. 290 of 1990.

5. Annexure No. A-5 Photostat copy of the application of the applicant dated 10.9.1990.

Deepti

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6. Annexure No.A-6 Photostat copy of the news item dated 20.9.1990.

7. Annexure No.A-7 Photostat copy of the impugned order dated 4.10.90 relieving the applicant.

8. Annexure No.A-8 Photostat copy of the application dated 4.10.90.

9. Annexure No.A-9 Photostat copy of the application dated 27.8.1990 made by one Sri Vijay Suri.

Lucknow:

Deepti Devi
Signature of Applicant

Dated: November 14th, 1990.

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

I, G.K.Nagchandi s/o Late Sri K.V. Nagchandi age about 50 years working as Administrative Officer in the Office of Dy. Director Song and Drama Division, Ministry of Information and Broadcasting, Lucknow r/o 116 A, Faizabad Road, Lucknow do hereby verify that the contents of Paras 1, 4.01, 4.02, 4.03, 4.04, 4.06, 4.08, 4.09, 4.10, 4.11, 4.12, 4.13, 4.14, 4.15, 4.16, 4.17, 4.18, 4.19, 4.20, 4.21, 6, 7, 8, 9, 10, 11, 12 are true to my personal knowledge and those paras 2, 3, and 5 are believed to be true on legal advice and paras 4.05, 4.07 are believed to be true on belief, and I have not suppressed any material facts.

Lucknow:

Deepti Devi
Signature of the applicant.

Dated: November 14th, 1990.
To,

C. S. J. J.
14.11.90
The Registrar,
Central Administrative Tribunal, Lucknow.

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

G.K. Nagchandi

vs.

Union of India and others

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Applicant

Respondents

ANNEXURE No. A-3

No: A-22013/L/90-Amn, I
Song and Drama Division
Ministry of Information & Broadcasting

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

Dated 22nd August, 90

O R D E R

Officer

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

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

Aug. 28/90

(DR. P. K. NANDI)
DIRECTOR

Copy to:- 1. Sh. G. K. Nagchandi, Administrative Officer, S&DD,
Lucknow

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

(DR. P. K. NANDI)
DIRECTOR

T.C.

Enclosed
Dated.

Before the Central Administrative Tribunal
Circuit Bench, Lucknow
O.A. No. of 1990(L) (21)

G.K. Nagchandi

Vs.

Union of India and others

Applicant

Respondents
ANNEXURE NO. A-7

NO. S&D/DD/0000

No. S&D/DD/Misc./1/90-38

Song & Drama Division

Min. of I & B,

Govt. of India

116-A, Faizabad Road,
Lucknow.

Dated : 04/10/90

-: OFFICE ORDER :-

Reference Hqrs. letter No. A-22013/1/90-Admn.-I

dated 21/8/90, Sh. G.K. Nagchandi, Admn. Officer

Song & Drama Division, Lucknow centre is hereby

relieved of his duties from this centre w.e.f.

04/10/90(A.N.), with the instructions to report

to Regional Deputy Director, Song & Drama Divi-

Madras immediately.

He should hand over the charge of Adminis-
trative Officer along with all the Government-
material under his possession to the under-
signed immediately.

(B.P. Sinha)

Regional Deputy Director.

X.90

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

T.C.
R. Singh
Dw.

In the Central Administrative Tribunal
ब अदालत श्रीमान् Circuit Bench, Lucknow

[वादी अपीलान्ट] श्री G. K. Nagchandi
प्रतिवादी [रेस्पाडेन्ट]

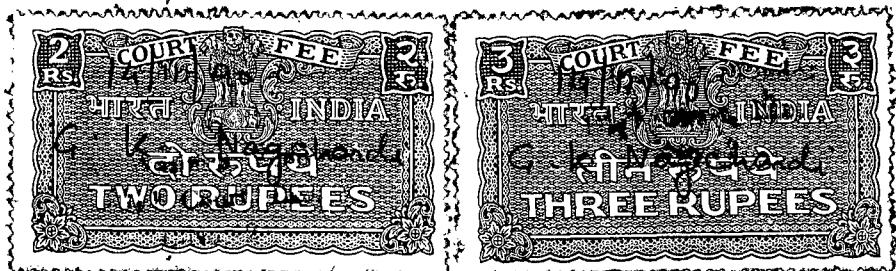
महोदय

(22)

वकालतनामा

O.A. No.

of 1990(L)



G. K. Nagchandi

Versus

Union of India and others

बनाम

प्रतिवादी (रेस्पाडेन्ट)

O.A. नं० मुकद्दमा

सन् १०

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से थी R. C. Singh ... Advocate

(Registration No. 2388 of 1987)

वकील

512/29, 7th Lane, Nishatganj, Lucknow एडवोकेट

नाम अदालत नं० मुकद्दमा फरीकिन नाम

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

हस्ताक्षर C. Singh

साक्षी (गवाह) ... साक्षी (गवाह) ...

दनांक 14th महीना November सन् १९९० ई०

स्वीकृत

C. Singh Adw.
14.11.90

ब अदालत श्रीमान्

[वादी] अपीलान्ट

प्रतिवादी

महोदय

श्री प्रधानमंत्री का वकालतनामा

(टिकट)

वादी (अपीलान्ट)

C.K. Nag elancheri

बनाम

प्रतिवादी (रेस्पान्डेन्ट)

मुकदमा नं० 361 सन् १९८० (L) पेशी की ता० २१.११.१९८० ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री वी० के० चौधरी एडवोकेट हाईकोर्ट
ऊपर स्थायी अधिवक्ता भारत सरकार लखनऊ वेन्य, निवास- १४/६२६
बरफखाना, नईबस्ती अलंकार सिनेमा के पास लखनऊ टेली. न. २३४६८६
हाईकोर्ट चेम्बर न. १४ टेली. न. २४०६०७

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

स्वीकृत

(बी. जोशी के द्वारा)
एडवोकेट हाईकोर्ट

साक्षी (गवाह) साक्षी (Min. of I&B., Govt. of India
G. V. H. Lucknow.

हस्ताक्षर

BSP 51

Dy. Director

Song & Drama Division

Min. of I. & B., Govt. of Ind.

Lucknow.

दिनांक..... २१ महीना ६ सन् १९८२ ई.

23

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

Addl. BENCH. ALLAHABAD

CIRCUIT BENCH, LUCKNOW.

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

In

Original Application No. 361 of 1990 (L)

FF. 14.10.1991

2.12.91

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

... Applicant

Versus

1. Union of India through the Secretary, Ministry of Information and Broadcasting, New Delhi.

2. Director, Song and Drama Division, Ministry of Information and Broadcasting, 15/16 Subhash Marg, Daryaganj, New Delhi-11 0002.

3. Dr. P. K. Nandi, Director, Song and Drama Division, Ministry of Information and Broadcasting, 15/16, Subhash Marg, Daryaganj, New Delhi.

4. The Deputy Director, Song and Drama Division, Ministry of Information and Broadcasting, Lucknow.

... Respondents.

APPLICATION FOR AMENDMENT OF THE ORIGINAL APPLICATION.

Brief facts leading to the Application:

1. That the applicant had submitted an application initially on 25.9.1987 for

Filed today
24/10/91

Recd

transfer to Bhopal in terms of Govt. of India,

Dept. of Personnel and Public Grievances and

Pension Office Memorandum No. 28034/7/86-Estt

(A) dated 3.4.86 as his wife is serving under
M.P. Govt. at Bhopal. However, he was transferred
to Lucknow vide order dated 3.11.88 issued by
the Respondent No. 2.

2. That the applicant submitted another
application on 28.3.81 for transfer from Lucknow
to Bhopal but his case was not considered and
the Administrative Officer working at Chandigarh
whose wife is serving as a teacher in Ballabhgarh
(Faridabad) under the Govt. of Haryana, was
transferred to Bhopal.

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

Enclosed

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

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

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

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

Long

inadvertance the grounds and prayer were not properly worded.

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

(a) Add -Ground

(j) In para 6-

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

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

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

Deepti

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

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

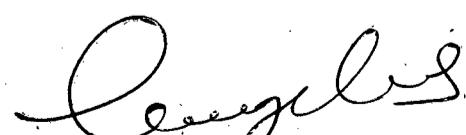


Signature of Applicant

Lucknow: October 2, 1991.

VERIFICATION

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



Lucknow: Signature of the applicant.
Dated: October 2, 1991

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

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

M. P. No. 340191(2)
O.A. NO. 361 of 1990(L)

G.K. Nagchandi ... Applicant

-versus-

Union of India and others .. Respondents

APPLICATION FOR CONDONATION OF DELAY IN
FILING COUNTER AFFIDAVIT.

The Respondents beg to submit as under:-

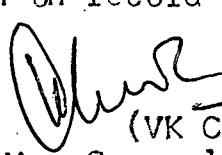
1. That the counter affidavit could not be filed by the Respondents in time due to some unforeseen circumstances such as collecting of certain information/records from various sections and now the counter affidavit is ready for ~~swar~~ filing. It is therefore requested that the accompanying counter affidavit may kindly be taken on record after condoning the delay in filing the same in time.

Filed today
SWS

26.6.91

P R A Y E R.

Wherefore it is most humbly prayed that this Hon'ble Tribunal may be pleased to condone the delay in filing the counter affidavit by the Respondents and the same may be taken on record in the ends of justice.


(VK Chaudhari)

Addl Standing Counsel for Central Govt
(Counsel for the Respondents)

Lucknow,

dated:

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

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

C.K.NAGCHANDI

.. Applicant

-versus-

Union of India and others

.. Opposite parties

COUNTER AFFIDAVIT ON BEHALF OF OPPOSITE PARTIES.

I, Dr. P.K. Nandi

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

at present posted as Director

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

1. That the deponent is the opposite party No. 2 in the above case and he has been authorised to file this counter affidavit on behalf of all the opposite parties.
2. That the deponent has read and understand the contents of the application and is fully conversant with the facts stated in the application and he is in a position to give parewise comments as hereinunder:
3. That the contents of para 1 to 3 of the application needs no comments.
4. That the contents of para 4.1 of the application are admitted to the extent that the application was posted at Lucknow consequent upon his repatriation from deputation post. This was not the transfer.

Director
Song & Drama Division
Tel: 27304

P.M.

5. That in reply to the contents of para 4.2 of the application, it is submitted that in this para true picture of the case has not been indicated. The facts remains that prior to the posting of the applicant to Lucknow in November 1983, he was working on deputation with Directorate of Field Publicity at Bhopal, an another sister media unit of the Information & Broadcasting Ministry. On his repatriation from deputation, the applicant could not be posted at Bhopal due to administrative reasons (as there was no vacancy in the grade at that station). However, he was posted at Lucknow, the nearest station. No doubt it is the policy of the Government that as far as possible and within the constraints of administrative feasibility, the husband and wife are to be posted at the same station, but since there was no vacancy in the grade at Bhopal, the request of the applicant could not be considered. Again when the Administrative Officer Bhopal was posted vice Administrative Officer, Chandigarh, in February 1990, the request of the applicant could not be considered, because the case of Administrative officer, posted at Bhopal and who is still working at Bhopal, also comes up under the purview of the DP&T's OM No. 28034/7/86-Estt. (A) dated 3.4.1986, as his wife is working as a Teacher under the State Government of Haryana i.e. at Faridabad. Because of his long illness and other family problems, it was observed that he was not in a position to cop-up with the heavy work load of Chandigarh

W.S.
Director
Engg. & Drama Division
Tel.: 273042

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

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

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

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

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

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

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

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

Director
Song & Drama Division
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RDX

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

W.
A.

Director
Song & Drama Division
Tel: 273042

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

Ans

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

12. That the contents of para 4.11 of the application are admitted to the extent that the application was relieved by the respondent No. 4 vide his order No. S&D/DD/Misc/1/90-38 dated 4.10.90, in pursuance of letter No. A-22013/1/90-Admn.I dated 21.9.90 written to the applicant and copy endorsed to respondent No. 4. The application could have asked for the copy of the said letter dated 21.9.90 in case he was not in receipt of the same, though the said communication dated 21.9.90 was sent to him by Regd. post. The respondents also admit to have received the applicant's representation dated 4.10.90.

13. That the contents of para 4.12 of the application are not disputed.

14. That the contents of para 4.13 of the application need no comments.

15. That the contents of para 4.14 and 4.15 of the application are not relevant in the instant case. In fact, transfer may not be a solution to the problems of corrupt practices of bribery and commission etc., but it is also not a punishment. The application has been transferred in order to diffuse the burning situation of the Lucknow office, wherein the private registered parties had stopped

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

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

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

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

W
Director
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Headquarters. The reversion of the applicant was to take effect from the date Shri GS Aggarwal took over the charge of the post on his repatriation from deputation. However, the applicant continued to officiate to the post of Administrative Officer, on adhoc basis at Bhopal and in the meantime the official senior to him appointed to the post of Administrative officer on regular basis i.e. Km. Prem Lata Mallick and posted at Guwahati declined to accept the promotion and the applicant was appointed to the post of Administrative Officer, on regular basis and posted at Guwahati vide order No. A-12026/2/83-Admn.I dated 11th July 1983, where he took over the charge of the post on 6.10.83. The order No. 1/72/65-S&D dated 19th Feb. 1983 and No. A-12026/2/83-Admn.I dated 11th July 1983 are annexed herewith as Annexure Nos C-4 & C-5 respectively to this affidavit. However, the applicant immediately after joining at Guwahati on 6.10.83, proceeded on leave with effect from 10.10.83 and did not resume his duties till he was posted at Pune, where he took over the charge of the post on 1.6.1984. After working a few months the applicant was relinquished of his charge of the post of Administrative officer, Pune, consequent upon his selection to the post of Field Publicity Officer, ^{16.} Director Song & Drama Division in Directorate of Field Publicity, an another Media Unit of the Ministry of Information & Broadcasting with posting at Gwalior. Prior to his repatriation from deputation with Directorate of Field Publicity, he was working at Bhopal, from where he joined the post of Administrative Officer in the Division at Lucknow where he was posted

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

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

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

Director
Song & Drama Division
Tel: 273042

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

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

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

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

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

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

Director
Song & Drama Division
Tel: 273042

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

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

W.S.
Deponent.

Place: Director
Song & Drama Division
Tel: 273042

Dated: 8/2/91

Verification

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

W.S.
Deponent.

Place: Director
Song & Drama Division
Tel: 273042

Dated: 8/2/91

ANNE STONE
Commissioner S.D.
8/2/91

St. 7708 C. 1

1) D.F. (Beck) -
Confidential

No. 520/DO/Misc 11/30 - 32

Song & Drama Division

Min. of I& B, Govt. of India

116-A, Faizabad Road

Lucknow.

Dated : 10/9/80

OFFICE ORDER

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

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

(B.P. Sinha)
Regional Deputy Director.

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

Copy to the Director, S&F Counter Division,
New Delhi with reference to his letter D.O. confidential
A-22013/1/90-4pm. I dated 06/9/90, 0100000
for information please. *read here today.*

end! - one receipt

by S. G. K. Maychuk (S. I. S. T.)
A.O.

Set aside

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Annex C-2

PSB

Recd. Enc.

68

Received letter AB 580/DD/Misc. 1/190
Confidential dt. 10/9/90 from DD
5800/440

Contra Lead.
1079
(C.K. Nagchandri)
A.O.

Alleged
Other

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

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

O R D E R

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

S.No.	Name	Date from which pro- moted	Place where posted on ad hoc pro- motion	Remarks
1.	Kum. Premlata Mallick	9.12.1980	Delhi Regional Centre	Vice Shri B.R.Sarin AO (Delhi region) who has proceeded on leave from 9.12.80 to 22.1.1981
2.	Shri G.K.Nagchandi	From the date he assumes charge of the post till 22.1.80	Bhopal Regional Centre	
2. The ad hoc promotion will not bestow on Kum.Premlata Mallick and Shri G.K.Nagchandi, a claim for regular appointment to the grade and the services rendered on ad hoc basis in the grade of Administrative Officer will not count for the purpose of seniority in that grade and eligibility for promotion to the next higher grade.				
3. Shri Nagchandi is relieved from hqrs. with effect from 15.12.1980. It is certified that Shri Nagchandi will be on temporary transfer.				

Copy to:

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

G.K. Jalali
Deputy Director (Adm. I)

G.K. Jalali
Deputy Director (Adm. I)

Attested/ C.
Chh

Annexure
(263)

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

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

Dated the July 11 1983

O R D E R

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

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

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

Done

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

Copy to:-

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

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

M. S. D.
V. S. S.

S
M
Song and Drama Division
Ministry of Information and Broadcasting.

15/16, Subhash Marg,
Daryaganj, New Delhi-110002.
Dated the 19th February, 1983.

O R D E R

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

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

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

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

(B. Naaraayan)
Director

Copy to:

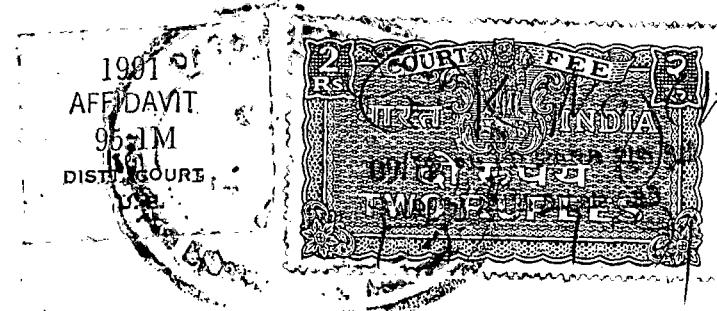
1. All incumbents concerned.
2. Admn-I section (for personal files of the concerned incumbents).
3. All Officers at Hqrs (including Superintendents).
4. All Deputy Directors at Regional Centres.

contd....p-2/-

Attested to
Ch

180/

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH,
LUCKNOW.



REJOINDER AFFIDAVIT

In re:

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

G.K.Nagchandi

...Applicant

Versus

Union of India and others ...Opp.Particles.

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

Engd

Filed today
18/5/91

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

861

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

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

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

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

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

Deeplak

P.D.

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

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

Reenged

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

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

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

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

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

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

Deeplak

direction given by this Hon'ble Tribunal vide judgment and order dated 31.8.90. The news-item dated 20.9.90 has not been denied by the Respondent No.2 nor any action has been taken against the News -Paper for publishing a false report.

13. That the contents of para 12 of the counter affidavit are not admitted as stated. It is incorrect to say that the applicant was relieved by the Respondent No.4 vide order dated 4.10.90. In fact only relieving order was given to the applicant but no handing/taking over was done. As already stated the alleged letter dated 21.9.90 has not been received by the applicant. The applicant had clearly stated in his application dated 4.10.90 that the letter dated 21.9.90 had not been received by him and it was for the Respondent to supply a copy of the same.

14. That the contents of paras 13 and 14 of the counter affidavit need no reply.

15. That the contents of para 15 of the counter affidavit are not admitted as stated.

Though the transfer is not a punishment but in a

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

16. That the contents of para 46 of the counter affidavit are denied as wrong and those of para 4.16 of the O.A. are reiterated as true. As already stated the applicant has still not received the copy of the alleged letter dated 21.9.90 about the disposal of his representation and he has also not been given personal hearing.

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

18. That the contents of para 18 of the counter affidavit are not admitted as stated and the contents of para 4.18 of the O.A. are reiterated as true. Sri Vijay Suri have already furnished the evidence of the charges levelled vide his application dated 28.9.1990. No action has been taken by the Respondents in this regard. In this context it may be mentioned that the Circular No.C-19019/1/88-Vig dated 5.9.90 issued by the Respondent No.2 clearly shows that the officers and staff in his office enjoy liquor alongwith outsiders in office itself. It may be inferred from this that the officers and staff enjoy the liquor in office alongwith outsiders who may be agents through whom illegal gratification and bribe is demanded for transfers and postings. The money so obtained is later utilised for purchase of liquor and meals etc. A photostat copy of the Circular dated 5.9.90 is being annexed as Annexure No.R-4.

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

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

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In this context a bio-data of the applicant is being annexed as Annexure No.R-2. A statement showing the postings of other Administrative officers is also being annexed as Annexure No.R-3, which shows the favouritism done to some and harassment of the applicant becomes abundantly clear. In fact while working as Field Publicity Officer at Gwalior in 1985 the applicant sought reversion from senior position with a view to get a posting at Bhopal, where the vacancy of the Administrative Officer was available. The respondents however, did not agree to post the applicant to Bhopal for oblique considerations and posted the applicant to Pune, which clearly proves that the Respondents have made no efforts to post the applicant at Bhopal, rather have deliberately not posted even when vacancy did exist. The Respondents have misrepresented the facts to mislead this Hon'ble Tribunal. The contents of para 4.17 of the O.A. are reiterated as true. It may be mentioned here that the Respondent No.2 has transferred the employees to their choice stations alongwith posts, but the case of the applicant has deliberately not been considered. It may also be stated here that the Pay and Accounts office for Chandigarh and Bhopal offices is located at Delhi. This provides an opportunity to the Administrative Officers posted at Bhopal and Chandigarh to pay frequent visits to Delhi. As other Administrative Officers are residents of Delhi, the main objective of the Respondent No.2 in rejecting the request of the applicant for posting to Bhopal favoured is to post/forward persons so that he can frequently visit Delhi at Govt. expense.

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

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

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

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

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

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


Deponent

Lucknow:

Dated: 17.7.1991.

VERIFICATION

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

A21

Lucknow do hereby verify that the contents of paras. 1 to 20, 21 (partly), 23 (partly), 24

and 25

of this affidavit are true to my personal knowledge and those of paras. 21 (partly), 22 and 23 (partly)

are believed to be true on legal advice and paras.

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

Deponent

Lucknow:

Dated: 17-7-1991.

IDENTIFICATION

I identify the deponent who has signed before me.

Amritpal Singh 17/7/91
Advocate.

959 AM
Bikram Singh
Ajay Pratap Singh

Wp. 10
17-7-91

In the Central Administrative Tribunal, Addl. Bench Allahabad
Circuit Bench, Lucknow
Original Application No. 361 of 1990(4)

G.K. Nagchandi

vs.

Union of India and others

Applicant

Respondents
ANNEXURE NO. R-1

To

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

Sir,

Inspite of my ill health and continuous treatment from T.B. Hospital/Safdarjung Hospital, New Delhi since 1987 I have obeyed your orders for my transfer twice from Delhi to Chandigarh in Feb. 1988 and then from Chandigarh to Bhopal in Feb. 80. The treatment is still going on as is evident from the copy of prescriptions enclosed.

2. (a) My wife is a teacher in Govt. Primary School Ballabgarh (Haryana).
(b) Moreover, she is also under treatment at Safdarjung Hospital.
(c) She has had serious set backs of deaths of two of her brothers and three sisters and also death of my father.
3. Recently I have suffered an attack of acute appendicular mess for which I have to undergo surgical operation as per medical advice.
4. I am the senior most A.O. and it has been the practice in the past that the senior most A.O. is kept in Hdqtrs.
5. Therefore, I appeal to your honour to kindly transfer me immediately to Delhi on HUMANITARIAN GROUNDS and also the justice of nature demands my posting in Delhi.

Thanking you in anticipation,

Yours faithfully,

Dated: 10th Dec. 1990.

(no. 5474)

Received -

*Mr. D. P. Singh
Adm. Officer
12-12-90*

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

G.K. Nagchandi

Union of India and others

vs.

--- Applicant-

ANNEXURE No. Q-2

S. No.	Date	Residence	Place of posting	Year
1.		S. S. R. P. JAIN	Patna (Bihar)	
			Delhi	1953 to 1973
			Lucknow	1973 to 1982
			Delhi	1982 to 1987
			Orissa-Bihar	1987 to 1990 - February
			Patna	1990 to till date
2.		Shri S. P. JAIN	Delhi	
			Delhi	1957 to 1980
			Chandigarh	1981 to 1983
			Chandigarh	1984 to 1990 (1990)
			Delhi	1990 to till date
3.		S. S. R. P. JAIN	Delhi	1965 to till date

Dec 20/1990

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

G.K. Nagchandi

Union of India and others

--- Applicant-

ANNEXURE NO. R-3
Respondents

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

(to be submitted in duplicate)

1. Name: G.K. NAGCHANDI
2. Father's Name: K.V. NAGCHANDI
3. Date of Birth: 1-1-1940
4. Date of entry in service: 18-6-1969
5. Date of superannuation: 31-12-1997
6. Details of service rendered in Song & Drama Division in various capacities.

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

7. Languages known/spoken

Hindi, English, Marathi

8. Details of field of specialisation

-

9. Whether you are covered under the guidelines regarding posting of husband and wife at the same station in accordance with the instructions contained in Deptt. of Personnel & Public Grievances & Pension O.M. No. 28034/7/86- Btt. (A) dated 3.4.1986 (Copy enclosed);

17/9/88
17/9/88
Yes, Certificate enclosed

If so details thereof may please be given.

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

Deepti

Enclosed

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

G.K. Nagchandi

vs.

Union of India and others

--- Applicant

ANNEXURE NO. R-4
AX-5

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

Song Draria Division
Ministry of Information & Broadcasting

15/16 Subhash Marg
Daryaganj
New Delhi-110001.
Dated 5th Sept., 1990.

C_I_R_C_U_L_A_R

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

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

(Dr. P.K. NANDI)
DIRECTOR

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

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

Received
10-7-90
10-7-90