

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, /cc/now BENCH

OA/TA/RA/CP/MA/PT 407/90 of 20.....

Arhok Kumar Magal Applicant(S)

Versus

U.C.I. Bar Respondent(S)

INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
1 - order sheets.	A1	
1 - check list	A1 to A2	
2 - order sheets in order dt. 05/05/95	A3 to A8	
3 - copy of petition / annex	A9 to A21	
4 - computation of annexure	A22 to A27	
5 - power	A28	
6 - reply, power	A29 to A37	
7 - Suppl. application	A38 to A46	
8 - inspection applt. power & photocopy of	A47 to A50	

Certified that the file is complete in all respects.

B/C worked out / instructed

Signature of S.O.

Signature of Deal. Hand

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Central Administrative Tribunal

Circuit Bench, Lucknow

Date of Filing 13/12/90
Date of Receipt by Post.....

Deputy Registrar (J)

Registration No. 467 of 1989/90 (L, 54u?)

APPLICANT(S) Shri. A. K. Munjal

13/12

RESPONDENT(S) C. I. (P. S. I)

Particulars to be examined

Endorsement as to result of examination

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

no

Particulars to be Examined

Endorsement as to result of examination

4 sets

Are the application/duplicate copy/spare copies signed?

yes

Are extra copies of the application and annexes filed?

yes

a) Identical with the Original?

b) Defective?

c) Missing annexes

How many pages? _____?

W.A.

Have the file size envelopes bearing full addresses of the respondents been filed?

Are the given address the registered address?

yes

Do the names of the parties listed in the petition tally with those indicated in the application?

yes

Are the translations certified as true or supported by an affidavit affirming that they are true?

W.A.

Do the facts of the case mentioned in item no. 6 of the application?

Item No. 4

Corollary?

Are the distinct heads?

Are the numbered consecutively?

Are typed in double space on one side of the paper?

yes

Have the particulars for interim relief prayed for indicated with reasons?

no

Whether all the remedies have been exhausted?

yes

yes

13.12.90

D.R. Put up before the Hon. Bench

on 14.12.90 for orders

R
Sya

13/12

ORDER SHEET

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

67A No. 427 OF 1990

Vs. _____

Sl.No.	Date	Office Report	Orders
		Recd Com person with Court order Dt. 15/12/89 Opp. H-183 for V.K.Ch c/o [Signature] 20/12/89 Resd no. 4 notice served 20-12-90 Recd Com for V.K.Ch 14/1/91	<u>14.12.1990</u> Hon'ble Mr. Justice K.Nath, V.C. Hon'ble Mr. K.Obayya, J.J. Shri [Name] Privastava for the applicant. Shri V.K.Chaudhary for respondents 1 to 3 accepts notice for copies of the notices sent for respondents 1 to 3 may be delivered to Shri Chardhar Issue notice to respondent no. 4. Counter affidavit may be filed within four months to which the applicant may file a rejoinder within two weeks thereafter. In the matter of interim relief Shri V.K.Chardhary suggests that the case may be taken in January by which time he will obtain instructions. List for orders on 11.1.91; in the meantime any promotion made to the post of Director Mechanical Engineering shall be subject to the further orders of this Tribunal. Sd/ A.M. Sd/ V.C. No sitting order to 11-1-91 11-1-91 No sitting order to 30-1-91

OR No sitting order to 7.2-91.

Sri V.K. Chaudhary accepts
notices on behalf of DR No.
1 to 3 & 4 notice was issued to
OP No. 4 on 20.12.90
Neither reply nor any answer yet
has been received back
Sd. A. Sinha for JJP No. 41/91/6.
3 F O

C-H 407/90

4-9-91 Hon Mr. D.K. Agrawal J.M.

Hon Mr K. Gargya, A.M.

Mr. Anil Srivastava for Applicant.

Mr. V.K. Chaudhary for Respondent.

No satisfactory reasons have been given to us as to why the counter has not been filed so far, last opportunity is provided to file counter within 4 weeks. If the counter is not filed within the stipulated time, the right to file counter shall be forfeited. Respondent may be filed within 2 weeks of filing counter.

last for hearing on 12.12.91

61

H.M.

Dec
J.M.

OR
Neth RA on which
at 4
No CA filed a writ of 1003.
KIP 41-91 is also pending
S. F. H

h
9/12

12.12.91

Dir to Sad Commission B.D.
Order Adv. ref. made by Dn.
case made 7.4.92

Se
Dae

7.4.92

No sitting order to 22.6.92

2

SPH
S
17/16

2.3/1/85

D.R.

C.A. filed by OP No 4.
O.P. No 1, 2 & 3 are
directed to file C.A. before
me on 22/3/95 as a last
opportunity.

D.R.

D.R.

22-3-95

D.R.

None for the parties.
No C.A. filed till today.
Sufficient time has
already been granted
for filing C.A. before
the Hon'ble Bench
on 05/5/95 for orders
under Rule 12 of the Prac-
ture Rules.

D.R.

D.R.

C.A. No. 407/90 (12)

27.1.94.

D.R.

Both the parties are absent. C.A. file by
O.P.No. 4 but O.P.No. 1, 2, & 3 are not file
counter they are directed to file it on the
date fixed. List on 10.3.94 before me. Applicant
is directed to file the same on the date
fixed. List on 10.3.94 before me.

Amit..

D.R.

10.3.94.

D.R.

Due to boycott of lawyers.
Case is adjourned to 12.5.94
for filing C.A. before me.

D.R.

12/5/94
D.R.

Both the parties are absent
C.A. No. 4, 1, 2, 3 are not filed.
Applicant is directed to move case
full about the reports. List
his case on 3/8/94 before
me.

Amit

D.R.

Central Administrative Tribunal
Lucknow Bench, Lucknow.

4/11

ORDER SHEET

AK Mulye

O.A./T.A. No.

42/85

Office Record

Order

Order - No. 42/85

ER
26/7/41

Subordinate to Mr. Mulye
26/7/41

Order - No. 42/85

26/7/41

5.5.1995

Hon'ble Mr. V.K.Seth, A.M.

Hon'ble Mr. D.C.Verma, J.M.

None for the parties.

No. C.A. has been filed despite ample opportunity. A perusal of record also shows that on the past several occasions nobody has put appearance on behalf of the applicants.

15/5/95
The O.A. is dismissed in default of the applicant.

K.N.

K
J.M.

W K
A.M.

407

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1813/12/10

1813/12/10

Amey 1813

Amey 1813

GOVERNMENT OF INDIA, MINISTRY OF DEFENCE, NEW DELHI

SECRET

S. N. 407 OF 1925 (L)

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing 13-12-90
Date of Receipt by Post

Deputy Registrar

Signature
13.12

Shri Karam Singh,
aged about 42 years,
son of late Shri Mohan Lal Singh
Resident of House No. 17, M-7,
Kandhwal Colony,
Post - 'K', District
LUCKNOW.

... Applicant

-VERSUS-

1. Union of India through its Secretary to Government, Ministry of Lands and Steel, District, Lucknow, U.P.
2. The Director General, Geological Survey of India, Calcutta.
3. The Director General, Geological Survey of India, Northern Region, Shimla, Punjab.
4. Shri. Jaganath Singh aged about 40 years, son of 'not known', at present working as Technical Engineer, (Senior) in the office of Director General, Geological Survey of India, Eastern Region, Calcutta, District.

.... Respondents.

2
filed today
Signature
13.12.90

THIS IS IN pursuance of Section 12 of THE ACT NO. 17, 1925.
AT THE DISTRICT COURT, LUCKNOW.

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

The aforesaid application is being moved

against the order of fixation of interest payable

Signature

between the applicant and the Respondent no.4 as published on the post of Mechanical Engineer (Senior) circulated with letter dated 25.7.1990 as on position disclosing as on 1st Dec. 1989. A copy of the said letter is being enclosed as annexure no.1 (Compilation 1) along with the application.

2. Jurisdiction of the Tribunal.

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

3. Limitation.

The applicant further declares that the application is within the limitation period prescribed in section 21 of the Administrative Tribunal's Act, 1985.

4. Facts of the case:

The facts of the case are as follows:

1. That the present petition is being directed against the fixation of seniority inter-se between the applicant and the Respondent no.4 on the post of Mechanical Engineer (Senior). A copy of the said seniority list is being enclosed as annexure no.1 (Compilation no.1).

2. That the applicant joined the services in the Geological Survey of India at Calcutta on the

Amrinder

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-2-

post of Mechanical Engineer (Junior) of group 111
post on 16.2.1976.

3. That the aforesaid Respondent No. 4
Mr. Jagant Singh joined the same post on
27.5.1976.

4. That the promotion list was published
with respect to the Mechanical Engineer (Juniors)
as on 1.2.1976. In the said promotion list
the name of the applicant finds place at
serial No. 16 whereas the name of the Respondent
no. 4 finds place at serial no. 10. True copy
of the said promotion is being enclosed herewith
as annexure no. 2 to this application (in compilation
no. 2).

5. That the applicant belongs to general
category whereas the Respondent no. 4 belongs to
Scheduled Caste category and as such he has given
preference in preference to the applicant on the
post of Mechanical Engineer (Junior) prior to the
promotion of the applicant although he is senior.

6. That the Respondent no. 4 was promoted as
Mechanical Engineer (Junior) with effect from 2.11.82
whereas the applicant was promoted as Mechanical
Engineer (Junior) with effect from 1.2.85.

7. That the applicant was confirmed on the
post of the said post with effect from 8.3.1975
whereas the Respondent No. 4 was confirmed with effect from 27.5.76 on the said post.

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True copy of the order of confirmation, is being enclosed herewith as Annexure no. 2 to this application (corroboration no. 2).

8. That in the gradation list (Annexure No. 1) the name of the applicant was mentioned as serial no. 7 whereas the name of the Respondent no. 4 finds place at serial no. 5.

9. That it is pertinent to mention that one Sri Jagadhean Kuttaraswamy retired from Government service with effect from 30.11.1930 and as such ^{now} in the name of the Respondent no. 4 will be treated at serial no. 4 in the gradation list of Mechanical Engineer (Senior).

10. That the applicant is learnt that 4 additional post of Director (Mechanical Engineering) ^{are likely to be filled up being vacant} ~~are likely to be filled up being vacant~~ in the Department of Geological Survey of India which will be filled from amongst the Mechanical Engineer (Seniors). The said post ~~is~~ ^{is} a selection post but the seniority interest between the Mechanical Engineer (Senior) will not play a much better role in the said selection and the Departmental Promotion Committee is likely to be convened in the first or second week of January 1930 for considering the promotion of the post of Director (Mechanical Engineering) amongst the

Amrit

Technical Engineer (Seniors).

4. 11. That the applicant has preferred a representation dated 6.12.1980 to the Respondent No.2 for determining the inter-se seniority between the applicant and the Respondent No.4 in accordance with law. A copy of the aforesaid letter is being enclosed herewith as annexure No.4 to the application (Compilation no.2). But the petitioner hopes that the said representation will not be decided before the meeting of the Departmental Promotion Committee, hence this petition is being filed before this Hon'ble Tribunal.

4. 12. That the applicant was promoted after promotion of the Respondent no.4 on the post of Technical Engineer (Junior) with effect from 1.2.1985 and at present he is working as Technical Engineer (Senior) but as Respondent No.4 was promoted earlier to the applicant due to the fact that he belongs to Scheduled Caste and got promotion by jumping over his seniors due to policy of Government with regard to promotion on the higher post from the amongst the candidates of 1978 with effect from 2.11.82.

4.13 That as per the law laid down by the Hon'ble Supreme Court and this very Hon'ble Tribunal the Respondent no.4 cannot claim seniority in the promotional

Amended

over
sent that ~~must~~ the applicant after junior over due to
reservation and where the general candidates have also
~~was~~ ^{been} promoted in the said category. He will retain his
original seniority such as on the post of Mechanical
Engineer (Junior) in this regard this Hon'ble Tribunal
has decided a case filed by Virpal Singh Chauhan and
others vs- Union of India and others in its decision
No.647 of 1986 decided on 21.1.1987 reported in (1987),
4, S.T.C - Page 685.

4.14 That in the representation dated 6.12.1980
submitted by the applicant (Annexure no.4) the full
facts of the case has already been mentioned including
the law on the point settled by this Hon'ble Tribunal.

4.15 That the applicant has also moved another
representation dated 6.12.1980 regarding the
applicant no.2 not to take any further promotion
till the inter-se seniority between the applicant
and the applicant no.4 is determined. A copy of the
said letter is being enclosed as Annexure no.5 (Corroboration
no.2) to this application.

4.16 That the applicant is not keen of getting
any justice from the Department and he is constrained
to file this application before this Hon'ble Tribunal.

5. Grounds for maintaining this application:

5.1 Because the applicant joined the Department
on the post of Mechanical Engineer (Junior) prior to

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and a memorial no. 4 and also for execution
of the part of the part of (Industrial
Engineering), but he has no last of writing
any relief from the Department in the course
of the appropriate time, hence this application
is being filed.

7. The matter is not previously filed or pending
in any other court.

The applicant further declares that he
had not previously filed any applications,
petition, or suit or pending the matter
in support of his application has been
made before any Court or any other authority
or in any other branch of the Tribunal nor any such
application, petition, or suit is pending before
any court of law.

8. Relief sought.

In view of the facts and grounds mentioned
in para 4 & 5 of this application the applicant
prays for following reliefs:-

(1) That this Hon'ble Tribunal may be
pleased to place the signature list (Annexure No. 1)
Respondent No 1 to 3
in the list of the applicant above the
Memorial no. 4 in the signature list of Industrial
Engineers (Senior) amongst placed at
serial No. 4.

(2) That the respondents may be directed to
1 of the above the signature list at the appropriate place.

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in the credentia list of Mechanical Engineer (Sr.) and to consider his name for the promotion on the post of Director (Mechanical Engineering) which is likely to be held in the next month.

(C) That any other and further relief which this Hon'ble Tribunal deems fit and proper may also be awarded in favour of the applicant along with cost.

9. Interim order if any granted for:

leading final decision, on the application the applicant seeks the following interim order:

(i) That the Respondents may be directed to not to fill the post of Director (Mechanical Engineering) till the final disposal of this application.

(ii) That or in the alternate the Respondents may be directed to consider the case of the applicant for promotion on the said post treating him senior to the Respondent no. 4 and also the case of the Respondent no. 4 may also be considered treating him senior to the applicant and both the matters may be kept in the pending state till the further orders of this Hon'ble Tribunal.

10. That the humble applicant seeks oral hearing through his counsel.

Amey

total amount \$18-928180 to 88 gals/each
for 100' gal.

2. Victim's Name: Angel, age 42 years

[illegible]

Don't

Date: 13, Dec. 1964.

Anteivaculato

(Amount for the month)

Annexure No 1

GOVT. OF INDIA

NO. 2951 P.A-23011 (S-NE)/84-19B.

Dated 25-7-1990.

From :

The Director General,
Geological Survey of India,
4, Chowringhee Lane, Cal.

To

1. The Sr.Dy. Director General,
Northern Region,
Lucknow.
2. The Dy. Director General,
Central Region, Western
Region, / North Eastern Region/
Coal Wing/AMSE/ Eastern
Region/Marine Wing,/
Training Instt. Southern
Region, / Nagpur, / Jaipur /
Calcutta/Bangalore /
Calcutta/ Calcutta /
Hyderabad / Hyderabad.
3. The Dy. DG (ES), GSI, Cal.

Sub : Provisional gradation list of officers
in the grade of AME/ME(Jr) & ME(Sr)
Geological Survey of India as on ...31.12.89

Five/Three copies of provisional gradation list of officers in the grade mentioned above is sent herewith with the request to circulate the same to the officers concerned working under you for their information. If they have any comments to make as to the correctness of the entries and the interse position, they should be sent so as to reach this office within 30 days from the date of this circular. If nothing is heard within the above stipulated time, it will be presumed that the particulars in the list are in order and the same will be finalised.

S. N. Das
(S. N. Das)
Administrative Officer,
for Director General.

Designation Sanctioned post Permt. 22
 Mechanical Engineer(Sr) Permt. 22
 Rs. 3000-4500/-

Sl. No.	Name of officer	a) date of birth	Date of service in	Particulars of perm. posts held in the GSI.	a) pay next increment.	b) Date of the next increment.	c) No. & date of recommendation.	d) Mode of rectt.	Remarks
1	2	3	4	5	6	7	8	9	10

1. Sri Jagadeesan Kumareswamy

a) 12.11.1932
 b) L.A.E.
 c) worked as an apprentice in Govt. Transport Central Workshop Chromepet from 25.7.55 to 25.7.56.
 ii) worked as an apprentice in the Sou Damigni Motor Service, Dharpuram Coimbatore from 1.2.56 to 15.2.57.
 iii) worked as Asstt. Motor Vehicles Inspector in the Transport Commission's Office Madras, from 1.10.57 to 5.3.58.
 iv) worked as an apprentice in F.S. Simpson & Co. Ltd Madras from 22.2.57 to 17.10.57.
 v) worked as Foreman in the State Transport Deptt. Madras, from 11.3.58 to 4.1.63.
 vi) worked as Asstt. Engineer (Transport) in the Indian Telephone Industries Ltd, Bangalore, from 16.1.63 to 28.6.63.
 vii) worked as Foreman in the Co-operative Motor Transport, XXXXXXXXXXXXXXXXXX Society for Servicemen, Tiruchirappalli from 1.11.63 to 1964.

By promotion
 ii) Ministry's Lr. No. A-32013/6/77-72
 dt. 12.3.73.

2. " Mukhopadhyay Tapan Kumar

a) 8.11.42
 b) B.E. (Mech.) (Jaipur)
 c) worked as Graduate Trainee in M/S Bird & Co, Kumbhari Engg. Works, Dhanbad from Sept. 1964 to April 1965.

1) Promotion
 ii) Ministry's Lr. No. 32013/6/76/W-2 dt. 31.1.77.
 signed from Post.

Attended
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2. Valhvit namo

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Ant. Sivaak

... 13,

Govt. of India

Geological Survey of India
4, Chowringhee Lane,
Calcutta - 7000 10.

No. 60651/A-31013/ME(JR)/73-19C

Dated, the 5th Nov. '80.

A copy of the undermentioned notification is forwarded for information and necessary action to :-

1. The Sr.Dy. Director General (Finance), G.S.I., Calcutta.
2. The Dy. Director General (Geology), A.M.S.E., G.S.I., Bangalore.
3. The Dy. Director General (Geology), S.R., G.S.I., Hyderabad.
4. The Dy. Director General (Geology), E.R., G.S.I., Calcutta.
5. The Dy. Director General (Geology), N.E.R., G.S.I., Shillong.
6. The Dy. Director General (Geology), N.R., G.S.I., Lucknow.
7. The Dy. Director General (Engg. Service), E & T Divn., G.S.I., Calcutta.
8. The Controller of Accounts, Pay & Accounts Office, I&A, Brabourne Road, Calcutta.
9. The Accounts Officer, Pay & Accounts Office, AMSE Wing, GSI, Bangalore.
10. The Accounts Officer, Pay & Accounts Office, S.R., GSI, Hyderabad.
11. The Accounts Officer, Pay & Accounts Office, NER, GSI, Shillong.
12. The Accounts Officer, Pay & Accounts Office, G.S.I., N.R., Lucknow.
13. Shri M. Srivastava, M.E.(Jr.), N.R., G.S.I., Lucknow.
14. Shri S.C. Behal, M.E.(Jr.), N.R., G.S.I., Lucknow.
15. Shri S.S. Taj, M.E.(Jr.), N.R., G.S.I., Jaipur.
16. Shri V.S. Karunakaran, M.E.(Jr.), E&T Divn., G.S.I., Calcutta.
17. Shri G.R.N. Tagore, M.E.(Jr.), S.R.O., G.S.I., Hyderabad.
18. Shri V.Raja Ram Mohan, A.M.S.E., G.S.I., Bangalore. (M.E.(Jr.))
19. Shri R. Vanchinathan, M.E.(Jr.), E & T Divn., G.S.I., Calcutta.
20. Shri Ashok Kumar Munjal, M.E.(Jr.), N.E.R., G.S.I., Shillong.
21. Shri R. Jagannathan, M.E.(Jr.), S.R., G.S.I., Hyderabad.
22. Shri Ashish Karanjai, M.E.(Jr.), E.R., G.S.I., Calcutta.
23. Shri Jaswant Singh, M.E.(Jr.), N.E.R., G.S.I., Shillong.
24. Shri M. Ramachandran, M.E.(Jr.), A.M.S.E., G.S.I., Bangalore.
25. The Administrative Officer, Accounts Section-I, G.S.I., Calcutta.
26. The Administrative Officer, Budget Section, G.S.I., Calcutta.
27. The Supdt., Section-19B, G.S.I., Calcutta.
28. Guard file, Section-19C, G.S.I., Calcutta.

(B. SARKAR)

Administrative Officer
for Director(s).

Copy forwarded.

Govt. of India, Ministry of Steel & Mines, Deptt. of Mines Notification
No. A-31013/2/80-M.2 dt. 31.10.80.

NOTIFICATION

PO. A-31013/2/80-M.2 - The President is pleased to confirm the following officers in the grade of Mechanical Engineer (Junior) in the Geological Survey of India with effect from the date shown against each :

- | | | | |
|-----------------------|-----------|-------------------------|-----------|
| 1. Shri M. Srivastava | 14.2.1974 | 7. Shri R. Vanchinathan | 5.3.1975 |
| 2. " S.C. Behal | 14.2.1975 | 8. " Ashok Kumar Munjal | 5.3.1975 |
| 3. " S. S. Taj | 14.2.1975 | 9. " R. Jagannathan | 5.5.1975 |
| 4. " V.S. Karunakaran | 14.2.1975 | 10. " Ashish Karanjai | 24.5.1976 |
| 5. " G.R.N. Tagore | 25.2.1975 | 11. " Jaswant Singh | 27.5.1976 |
| 6. " V.Raja Ram Mohan | 5.3.1975 | 12. " M. Ramachandran | 11.2.1977 |

Sd/- F.L. SARKAR.

Chief Secretary to the Govt. of India.

akm/24.11.80

R2

1	2	3	4	5	6	7	8	9
12. Karunakaran V. S.	a) 1.9.1947 b) E.E. (Mech. Engg.) c) Engg. Apprentice, Dalmia Cement (P) Ltd., Tamil Nadu from 4.10.69	a) 20.4.72 as Mech. Engg. (Jr.) in the G.S.I. b) 20.4.72 Offg. c) 20.4.72	a) - b) - c) -	a) - b) - c) -	a) - b) - c) -	a) - b) - c) -	No	i) Direct Recruitment. ii) Ministry's letter No. 5/44/EC-MII/22 (Vol. III) dated November '71
13. Tagore G. N.	a) 14.11.1946 b) E.E. (Mech.) c) -	a) 28.2.1973 (as Mech. Engg. (Jr.) in the G.S.I. Offg.) b) 28.2.1973 (as Mech. Engg. (Jr.) in the G.S.I. Offg.) c) -	a) - b) - c) -	a) - b) - c) -	a) - b) - c) -	a) - b) - c) -	No	i) Direct Recruitment. ii) Ministry's letter No. 4-12025/15/70-M2 -Vol. III (a) dt. 3.11.72
14. Raja Ram Mohan V.	a) 14.2.1949 b) E.E. (Tech. Engg.) c) -	a) 8.3.75 as Mech. Engg. (Jr.) in the G.S.I. b) 8.3.73 Offg. c) 8.3.73	a) - b) - c) -	a) - b) - c) -	a) - b) - c) -	a) - b) - c) -	No	i) -do- ii) -do-
15. Vanchinathan	a) 27.10.1947 b) E.E. (Mech. Engg.) c) Junior Engg. (Elect) in C.F. u. r. b) 8.3.73 Offg. c) -	a) 19.12.70 as Junior Engg. (Elect) in C.F. u. r. b) 8.3.73 Offg. c) -	a) - b) - c) -	a) - b) - c) -	a) - b) - c) -	a) - b) - c) -	No	i) -do- ii) -do-
16. Munjel Ashok Kr.	a) 1.7.1948 b) E.Sc. (Engg.) c) -	a) 16.2.73 as Mech. Engg. (Jr.) in the G.S.I. b) 16.2.73 Offg. c) 16.2.73	a) - b) - c) -	a) - b) - c) -	a) - b) - c) -	a) - b) - c) -	No	i) -do- ii) -do-
17. Jagannathan	a) 7.4.1948 b) E.E. (Mech) c) -	a) 5.5.73 as Mech. Engg. (Jr.) in the G.S.I. b) 5.5.73 Offg. c) 5.5.73	a) - b) - c) -	a) - b) - c) -	a) - b) - c) -	a) - b) - c) -	No	i) -do- ii) -do-
18. Varanajel Ashish	a) 8.3.1943 b) B.E. c) Lecturer, Jalpeiguri Polytechnic from 24.9.66 to till joining G.S.I.	a) 24.5.74 as Mech. Engg. (Jr.) in the G.S.I. b) 24.5.74 Offg. c) 24.5.1974	a) - b) - c) -	a) - b) - c) -	a) - b) - c) -	a) - b) - c) -	No	i) Direct Recruitment. ii) Ministry's letter No. 4-12025/15/71-M2(a) dt. 23.1.74.
19. Singh Jaswant	a) 26.1.51. b) B.Sc. (Mech. Engg.) c) -	a) 27.5.74 as Mech. Engg. (Jr.) in the G.S.I. b) 27.5.74 Offg. c) 27.5.74	a) - b) - c) -	a) - b) - c) -	a) - b) - c) -	a) - b) - c) -	Sch. Caste	i) -do- ii) -do-
20. Ramchandran M.	a) 10.3.1944 b) B.E. (Mech.) c) Asstt. Loco foreman from April 1966 to till joining G.S.I.	a) 11.2.75 as Mech. Engg. (Jr.) in the G.S.I. b) 11.2.75 Offg. c) 11.2.75	a) - b) - c) -	a) - b) - c) -	a) - b) - c) -	a) - b) - c) -	No	i) By Direct Recruitment. ii) Ministry's letter No. 4-12025/17/72-M2 dt. 25.9.74

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3. A. A. Jeyaraj	a) 20.2.50 b) 8.5.50 (Mech.) (Madras). c) Worked as Supervisor in Madras P.W.D., Madras-5, from 6.6.59 to 10.7.59. d) Worked as Lecturer in Mechanical Engg. in the Alagappa Educational Trust Karaikudi-3, from 20.7.59 to 12.5.61. e) Worked as Section Officer in the Neyveli Lignite Corporation, Neyveli from 19.5.61 to 1963.	a) 20.1.64 (AM) as Mechanical Engineer(Jr.), G.S.I. b) 20.1.64 (AM) Engineer(Jr.) (Offg.) G.S.I. c) 8.12.67	a) M.E.(Jr.) C.2.67 b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - b) -	a) - 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Ashom Kumar Munjal,
Sr. Mech. Engineer,
Geological Survey of India,
Northern Region,
Aliganj, Sector 'B',
Lucknow.

Annexure No 4

19

To

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

Through Proper Channel.

Sub : Discrepancies in the provisional gradation list
of Mechanical Engineer (Sr) as on 31.12.1989.

Sir,

I wish to bring to your kind notice the following facts regarding discrepancies in the provisional gradation list of M.E.(SRs) as on 31.12.89 circulated vide your letter no. 2951B/A-23011(5-ME)/84-19B dated 25.7.90.

In the gradation list of M.E.(SRs), I have been placed after Shri Jaswant Singh, who was promoted earlier than me i.e. on 2.11.82 by breaking the queue on the basis of reservation for scheduled casts, whereas I was promoted as M.E.(Sr) on 1.2.85.

As I had been senior to Shri Jaswant Singh in the grade of Mechanical Engineer (Jr), it would have been proper to restore my original seniority above him, as he was promoted under SC/ST quota prior to my promotion to the post of M.E.(Sr) in Feb.1985.

In this connection your kind attention is invited to the rulings of the Hon. Central Administrative Tribunal, Allahabad quoted below, for your kind perusal.

"Reserved community candidate who gets promotion by breaking the queue on the basis of reservation, gets only the promotion and not the seniority" (Virpal Singh Chauhan v. Union of India, AIR 1987(2) CAT 71 (Allahabad).

"Scheduled cast and scheduled tribe employees who get promotion earlier due to quota reservation will not get seniority over their erstwhile seniors promoted later in the general turn" (Virpal Singh Chauhan v. Union of India 1987(2) SLJ(CAT) 534 (Allahabad).

I, therefore, request you kindly to restore my original seniority and place me above the officer promoted in the reserved quota immediately, before any further harm is done to my future career prospects in the department.

An early action and reply is earnestly solicited.

Forwarded to Dy. D G N.R.

For the Director General

Ashom Kumar

6/12/90
A.K. Munjal

Yours faithfully,

Ashom Kumar
(A.K. Munjal)

Mechanical Engineer(Sr)

From

Amuzjal No. 5

Dated : 6.12.90

A.K. Amuzjal,
Mech. Engineer (Sr),
Engg. & Transport Division,
Geological Survey of India,
Sector 'E', Aliganj, Lucknow.

To

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

Through proper Channel.

Sub : Discrepancies in the provisional gradation list of
Mechanical Engineer (Sr) as on 31.12.1989-withholding of
DPC to the post of Director (Mech. Engg.)

Sir,

In continuation to my letter dated 6.12.90 (copy enclosed)
regarding pointing out the discrepancies noticed in the gradation
list of M.E. (Sr) as on 31.12.89 circulated vide your letter
no. 2951B/4-23011(5-ME)/84-9B dated 25.7.90, I am to bring, the
following points for your consideration and sympathetic action :-

1. That I understand the DPC for five posts of Director (Mech. Engg.)
is being held shortly.
2. That I was senior to Shri Jaswant Singh in the grade of
M.E. (Jr) and Shri Singh has been made senior to me in the grade
of M.E. (Sr) jumping the queue on the basis of reservation for
S.C.
3. That I was also promoted to the post of M.E. (Sr) on 1.2.85.
4. That I am to be placed senior to Shri Jaswant Singh.
5. That reserved community candidates who gets promotion by
breaking the queue on the basis of reservation gets only the
promotion and not the seniority. This has been decided by the
Hon'ble C.A.T., Allahabad, A.I.R. 1987 (2) in respect of
Shri Virpal Singh Chauhan v. Union of India.

In view of the above, I, therefore, request you that the DPC
for the post of Director (Mech. Engg.) may not be held till
the seniority is restored to me so that my career prospects
are not jeopardized.

Thanking you,

Yours faithfully,

A.K. Amuzjal
(A.K. Amuzjal)

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ब अदालत श्रीमान

महोदय

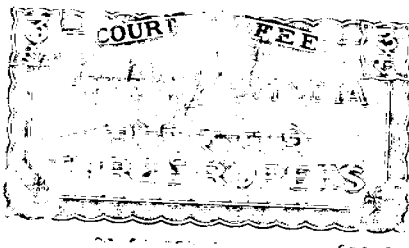
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वादी (अपीलान्त)

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ऊपर लिखे मुकदमा में अपनी ओर से श्री

ANIL SRIVASTAVA

ADVOCATE - 6-9, SECTOR H, ANANDAPUR, DELHI

वकील

महोदय

एडवोकेट

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को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या 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 मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (बस्तखती) 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 हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा और मुकदमा अबम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाना है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

Accepted
13/12/40
माश्री (गवाह)

हस्ताक्षर

(A K Mungai)

साक्षी (गवाह)

दिनांक

महीना

सन् १६ ई०

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW

O.A. No. 407 of 1990 (L)

Ashok Kumar Munjal

.....Applicant

Vs.

Union of India & Others

.....Respondents

I N D E X

S.No.	Description	Page Nos.
1.	Reply from Respondent No. 4	1 to 7

Place : Lucknow

Dated : 11.9.91

(JASWANT SINGH)

Respondent No. 4.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW

O.A. No. 407/90 (L)

Ashok Kumar MunjalApplicant

Vs.

Union of India & OthersRespondents

REPLY TO THE ORIGINAL APPLICATION
ON BEHALF OF RESPONDENT NO. 4.

MAY IT PLEASE THIS HON'BLE TRIBUNAL :

The humble respondent No. 4, most respectfully, begs to submit as under :

1. That the contents of paras 1, 2 and 3 of the Application need no reply.
2. That the contents of sub-paras (1) of para 4 of the Application are not admitted. The inter-se seniority between the Applicant and this Respondent in the post of Mech. Engineer (Sr.) has been fixed correctly on the basis of the dates of respective promotions of the Applicant and this Respondent. Since this Respondent had been promoted earlier, he is entitled to be assigned higher seniority than

the Applicant who was promoted much later.

3. That the contents of sub-paras (2) to (7) of the Application are not disputed.
4. That this Respondent is not in a position to give any reply to the contents of sub-paras (8) to (10) of para 6 of the Application as page No. 4 of the Application containing the sub-paras is missing from the Application sent to this Respondent and this Respondent reserves his right to give proper replies thereto.
5. That in reply to the contents of para 4.11 of the Application, it is stated that the representation stated to have been given by the Applicant on 6.2.90 in respect of his inter-se seniority vis-a-vis this Respondent is ~~unjustified~~ meaningless and it should not be taken into consideration. The Applicant is precluded from giving any such representation in respect of the seniority list in the Grade of Mech. Engineer (Sr.) after the expiry of the period stipulated in the ^{A4, 451} Memo No. 2951B/A-23011(5-ME)/84-19B dated 25.7.90. In this connection, it is stated that a provisional Gradation List in the Grade of Mech. Engineer (Sr.) was circulated vide the aforesaid Memo dated 25.7.90 and the concerned officers were asked to give their representations as to the correctness of the entries and the inter-se position indicated therein within a period of 30 days from the aforesaid date and it was further stipulated therein that

if nothing was heard in the said stipulated time, it would be presumed that the particulars in the said list were in order and the same would be finalised. The said Memo had been received by the Applicant but he choose not to make any representation as regards the inter-se seniority stated therein, and since no such representation had been made by him within the stipulated period of 30 days, he will be deemed to have accepted the inter-se seniority contained, in the said Memo and that position will be deemed to have been finalised as between the applicant and this Respondent. Since the said inter-se seniority between the Applicant and this Respondent had achieved finality, the Applicant is now estopped from questioning and challenging the same by his belated representation made on 6.12.90. The said representation cannot reopen the inter-se seniority which had already achieved finality, as stated above.

6. That in reply to the contents of para 4.12 of the Application, it is stated that this Respondent had been promoted to the post of Mech. Engineer (Sr.) in pursuance of the reservation policy of the Govt. formulated in accordance with the provisions of the Constitution of India. The said promotion cannot, therefore, be termed as jumping over his seniors.
7. That the contents of para 4.13 of the Application are not admitted. It is stated that the seniority in the posts of Mech. Engineer (Jr.) and Mech. Engineer (Sr.) are required to be maintained separately on the

basis of the dates of appointments/promotions of the employees and, as such, the seniority list maintained for the post of Mech. Engineer (Sr.) is a distinct and independent seniority list, prepared on the basis of the dates of promotions and as this Respondent had been promoted earlier, he has been correctly assigned higher seniority over the Applicant. This position gets support from the Supreme Court judgement in Karan Chand Vs. Haryana State Electricity Board reported in AIR 1989 SC 261. It is, therefore, submitted that the decision of the Hon'ble Tribunal (Allahabad Bench) in Vir Pal Singh Vs. UOI & Ors., referred to therein, is no more applicable in this case and the Applicant cannot derive any benefit therefrom. The next post of the Director (ME) is a selection post which requires to be filled up from the Cadre of Mech. Engineer (Sr.) on merit-cum-seniority basis and not on seniority basis alone. It is also stated that there is no reservation point for SC/ST for that post. As such, the question of seniority alone for filling up the said post is not relevant. Since the Applicant comes within the zone of consideration for said post of Director (ME), he will be considered alongwith others.

8. That the contents of paras 4.14 and 4.15 of the Application need no reply except what is stated in para 5 above.
9. That the contents of para 4.16 of the Application need no reply from this Respondent as the Applicant has made serious charge against the Department, which is to be replied by the Respondent Nos. 1, 2 and 3.

.....P/5.

10. That the contents of the ground urged in para-5 of the Application, including its sub-paras are not admitted. As stated above, the decision of the Hon'ble Tribunal in Virpal Singh's case is not applicable in the instant case and the Applicant is not entitled to be assigned seniority over and above and this Respondent on the post of Mech. Engineer (Sr.) as also supported by the Supreme Court judgement AIR 1989 SC 261. Since the post of Director (ME) is a selection post and as the Applicant also comes within the zone of consideration, his right for being considered for promotion to the said post, notwithstanding his lower seniority than this Respondent, will not be, in any way, jeopardised. It may be relevant to state that there is no reservation for SC/ST in the matter of promotion to the said post of Director (ME) and this Respondent had the right to be considered for promotion to that post alongwith others and the interest of the Applicant will not suffer. There will also be no discrimination among the eligible persons who are coming within the zone of consideration, including the Applicant as well as this Respondent and the cases of all such persons will be considered by the DPC on merits.
11. That in reply to the contents of para 6 of the Application, it is stated that the inter-se seniority between the Applicant and this Respondent has achieved finality, as stated above and the representation stated to have been given by the Applicant cannot reopen and disturb the said inter-se seniority. Since the Applicant has failed to give representation against the assignment of the seniority to him in the

tentative seniority list circulated on 25.7.90, the Applicant is not entitled to approach this Hon'ble Tribunal with a view to have the settled position unsettled.

12. That the contents of para 7 of Application need no reply.
13. That the contents of para 8 of Application are not admitted. The Applicant is not entitled to any of the reliefs prayed for in the said para and in the facts and circumstances and the above submissions, this Application deserves to be dismissed by the Hon'ble Tribunal.
14. That the Applicant is also not entitled to any of the interim reliefs prayed for in para 9 of the Application in view of the fact that the post of Director (ME), being a selection post, is required to be filled on the basis of merit-cum-seniority and as the Applicant comes within the zone of consideration for the said post, his case, along with the cases of other eligible persons, will also be considered by the DPC for promotion to the said post. The question of seniority is, therefore, not germane to his being considered for the said post of Director (ME). No prejudice is, therefore, likely to be caused to the Applicant and he has no balance of convenience in his favour.
15. That the contents of paras 10 and 11 of the Application need no reply.

.....P/7.

It is, therefore, humbly prayed that this Hon'ble Tribunal may be pleased to dismiss this Application with ~~in~~ cost to this Respondent.

Humble Respondent No. 4.

Dated, the 11th Jan 91

(JASWANT SINGH)

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

I, Jaswant Singh, Son of Shri L. Singh aged 39 years, resident of B-16 (A), Chomu House C-Scheme, Jaipur do hereby verify that the contents of paras 1 to 15 of the above reply are true to my knowledge and belief and the legal submissions are based on the advice of the Counsel, which I believe to be true. Nothing material has been concealed therefrom and no part of it is false, So, help me GOD.

Dated, the 11th Jan 91

(JASWANT SINGH)

Respondent no 4

Sd/- Shasna

Adv

Counsel for Respondent no 4

महोदय

(बादो अपोलान्ट)

CAT the Bench

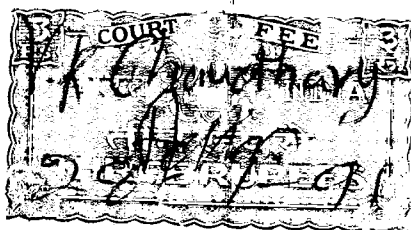
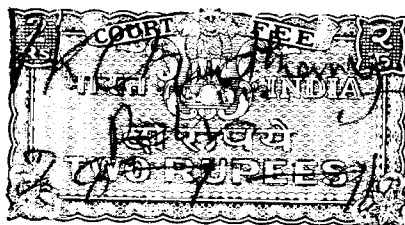
प्रतिवादी [रेस्पॉण्डेंट]

No 4.

वकालतनामा

✓, Sri Jasant Singh का वसालत नाम Ashu

Ashok Kumar Munjal



Version 1.0
(अपोलान्ट)

बनाम

(प्रतिवादी रेस्पाडेन्ट)

नं० मुकद्दमा 407/904 सन्

पेशी की ता० ।। । १८९। ई०

उपर लिखे सुकद्मा में अपनी ओर से श्री. वि. के. चौधरी एडवोकेट
श्री. सुनील चन्द्र चरमाना वकील
दाइयार लाल गुप्त व-य लाल गुप्त महोदय
 एडवोकेट

५

वकील
महोदय
एडवोकेट

नाम अक्षरान्त
मुक्दमा नं०
नाम परीकृत
.....

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

हस्ताक्षर

~~संक्षेप~~ (गवाह)

साक्षी (गवाह)

दिनांक

14

महीना

सवीकृत

SL Dhasman

17/12/91

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW.

O.A. NO. 407 of 1990 (L)

Civil Misc. ~~Application~~ Petition No. 41 of 1991. (L)

Ashok Kumar Munjal ... Applicant.

versus

Union of India & others Respondents.

APPLICATION FOR TAKING ON RECORD THIS
SUPPLEMENTARY APPLICATION.

The counsel for the applicant beg to submit as
under -

1. That till date no counter has been filed in reply to the contents of original application.
2. That the facts stated in the supplementary application are most essential for adjudication of the present case.

P R A Y E R

Wherefore, it is most respectfully prayed that in the interest of justice the accompanying supplementary application may be ordered to be brought on record and may be read as part of original application.

Lucknow.

Dated :

Anil Srivastava
ANIL SRIVASTAVA
ADVOCATE.

(Counsel for Applicant)
XXXXXXXXXXXX

Filed today
30/1/91

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW.

O.A. NO. 407 of 1990 (L)

Ashok Kumar Munjal

Applicant.

versus

Union of India & others ...

Respondents.

SUPPLEMENTARY APPLICATION ON
BEHALF OF THE APPLICANT.

I, Ashok Kumar Munjal, aged about 42 years,
son of late Shri Mohan Lal Munjal, Resident of
House no.35, Type IV, Sector K, Aliganj, Lucknow
do hereby solemnly affirm and state as under :-

1. That the person abovenamed is the applicant himself
as such he is fully conversent with the facts
stated here-in-below :-
2. That the applicant above named has filed the
present original application on 13 December'1990
which came up for orders on 14.12.90. On 14.12.90
this Hon'ble Tribunal was pleased to admit the
application with direction that counter affidavit

Contd....2

:: 2 ::

may be filed within 4 weeks to which the applicant may file a rejoinder within two weeks thereafter.

This Hon'ble Tribunal was pleased to further Direct -

" In the matter of interim relief

Shri V.K. Chaudhary suggests that the case may be taken in January by which time he will obtain instructions.

List for orders on 11.1.91, in the meantime any promotion made to the post of Director Mechanical Engineering shall be subject to the further orders of this Tribunal".

3. That the Hon'ble Tribunal's aforesaid order was not complied by the respondents as they did not file any counter within the stipulated time of 4 weeks. In fact no counter has been filed till date.

4. That after exhaustive enquiry made by the applicant from his Head Office at Calcutta, the applicant came to know about the following facts which are essential for adjudication of the present dispute, hence they are brought in the knowledge of this

Contd....3

Am. J.

Hon'ble Tribunal by way of this Supplementary application.

5. That as stated in para 4(10) of the original application, 4 or 5 additional posts of Director's (Mechanical Engineering), which are selection posts, are likely to be filled up by the department of Geological Survey of India, The Departmental Promotion Committee is now likely to be convened in the last week of January 1991 or first week of February 1991 for considering the promotion of the post of Director (Mechanical Engineering) amongst the Mechanical Engineer (Seniors).
6. That it ~~is~~ is again reemphasized that in the selection for the post of Director (Mechanical Engineering), the inter se-seniority amongst the Mechanical Engineer (senior) will play a much crucial role, so much so that till date the selection / promotion to the said post were made strictly according to seniority. Exceptions were made only in those cases where either the incumbent has left the department or he lacks

any of the qualification of the said selection or any vigilance inquiry or departmental proceedings were pending against him.

7. That in fact no test or examination whatsoever is taken for the said selection/ promotion but the inter-se-seniority position and the service book of all the candidates are sent to the Departmental Promotion Committee who after considering the inter-se-seniority of a candidate and after going through the service book of a candidate, selects / promotes a candidate to the post of Director (Mechanical Engineer). Till date, this selection / promotion was given to the candidates strictly in order of their inter-se-seniority unless either he is not qualified for the said post or some enquiries are pending against him or he has already left the department.
8. That annexure No. 2 to the original application is the gradation list for the post of Mechanical Engineer (Junior). In the said list, the incumbent at serial no.1 was not promoted to the post

of Director (Mechanical Engineering) because a vigilance case was pending against him. WHEN the said case was decided only then he was promoted. The incumbent at serial No.2 left the department. The incumbent at serial No.3 was promoted to the said post of Director (Mechanical Engineering) on 28.4.82. The incumbent at serial No.4 was promoted to the said post of Director (Mechanical Engineering) on 21.6.82. The incumbent at serial No.5 now finds place at serial no.1 of Annexure no. 1 of the original application, lacked the educational qualifications and retired hence he was not promoted. The incumbent at serial no.6 was promoted to the said post of Director (Mechanical Engineering) on 18.6.85. The incumbent at serial no.7 now finds place at serial no.2 of Annexure no.1 of the original application. The incumbent at serial no. 8 also retired. The incumbent at serial no.9 & 10 now find place at serial nos. 3 & 4 of the Annexure no 1. The incumbents at serial no.11,12,13, & 15 have left the department. The incumbent at serial

Contd...6

- 2 -

24/11/14

: : 6 : :

no.14 now finds place at serial no.6 of annexure No.1 i.e. below the incumbent placed at serial no.19 of Annexure no.2 to the original application. Similarly the incumbent at serial no.16 i.e. the applicant also find place at serial no.7 of Annexure no. 1 i.e. two place below the incumbent who is at serial no.19 of Annexure no.2.

10. That it is to be seen that the incumbent i.e. the respondent 4 of the present original application, who was placed at serial no.19 of Annexure no.2 now finds place at serial no.5 of the Annexure no.1, superceding four persons including the applicant just because he belongs to Scheduled Caste and got promotion to the post of Mechanical Engineer (senior) by jumping over his seniors due to policy of Govt.

10. That now from the above facts it is crystal clear that till date the promotion/selection to the said post of Director was done strictly as per inter-se-seniority, therefore, if the respondent no.4 is placed above the applicant in the inter

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Contd.....7

13
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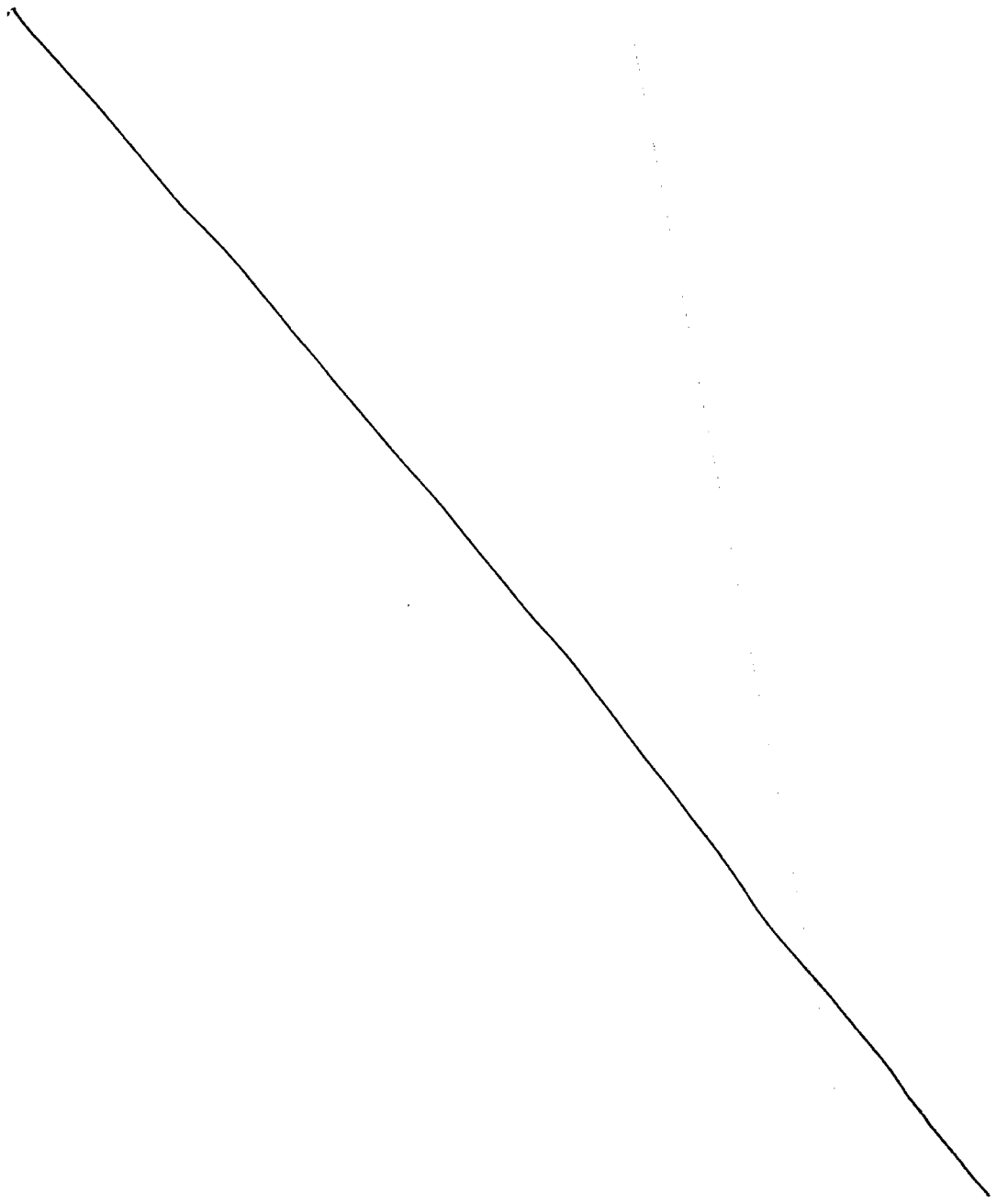
: : 7 : :

Se-seniority position, the rights of the applicant
would be severely infringed and he will be put
to irreparable loss which will not be made
good in any event.

Lucknow.

Dated : 19.1.91

Ashok Kumar Munjal
ASHOK KUMAR MUNJAL



VAKALATNAMA

Central Administrative Tribunal, Lucknow Bench, Lucknow.
In the High Court of Judicature at Allahabad

SITTING AT LUCKNOW.

Ashok Kumar Munjal

Petitioner / Appellants

VERSUS

Union of India & Others.

Respondant

O.A. No. 407/90 (L)

of 19

I/we the undersigned do hereby nominate and appoint

Dr. Ashok Nigam

3, Sapru Marg, Lucknow

and Shri

Sr. Central Govt. Standing Counsel

Advocate, to

be counsel in the above matter and for me / us and on my / our behalf to appear. plead, act and answer in the above Court or any appellate Court or any Court to which the business is transfer in the above matter, and to sign and file petitions, statements accounts, exhibits compromises or other documents whatsoever, in connection with the said matter arising there from and also to apply for and receive all documents, or copies of documents, depositions etc. etc. and to apply for issue of summons and other writs or subpoena and to apply for and get issued any arrest, attachment or other execution warrant or order and to conduct any proceeding that may arise thereout and to apply for and receive payment of any or all sums or submit the above matter to arbitration.

Provided, however, that if any part of the Advocate's fee remains unpaid before the first hearing of the case or if any hearing of the case be fixed beyond the limits of the town; then, and in such an event my / our said Advocate shall not be bound to appear before the court and if my / our said Advocate does appear in the said case he shall be entitled to an outstation fee and other expenses of travelling lodging etc. Provided ALSO that if the case be dismissed by default or if it be proceeded ex parte, the said advocate (s) shall not be held responsible for the same. And all whatever my / our said advocate (s) shall lawfully do, I do here by agree to and shall in future ratify and confirm.

ACCEPTED For Petitioner/Respondent No. _____.

(Dr. ASHOK NIGAM)
ADVOCATE

Advocate

Advocate

Signature of Client

श्री अशोक निगम
आर्य समाज सेवा समिति
सचिव श्री अशोक निगम

:CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH, LW:

OA No.

407/90

Petitioner.

A K. Dhanraj.....

Versus.

U. C. I

.....

Respondents.

:Application for Inspection of documents/records:

I hereby apply for grant of permission to inspect the documents/records in the above case. The details are as follows:-

1. Name & address of the person - Km. Asha Chaudhary, Addl. Standing Counsel for Central Govt., 14/629, Baraf Khana, Nai Basti, Lucknow.

2. Whether he/she is a party to the case/his Legal Practitioner and if so, his rank therein.

3. Details of the papers/documents sought to be inspected.

4. Reasons for seeking inspection.

Legal Practitioner
Full file.

To verify the exact
date of becoming
and whether the
pleadings or
complaint or not.

5. The date and duration of the inspection.

6. Whether any fee is payable and if so mode of payment.

Place: Lucknow.

(Km. Asha Chaudhary)
Addl. Standing Counsel for
Central Government.

Dated:

Office Use.

rejected.

Granted inspection for

hours on

/

REGISTRAR.

CAT Lucknow Bench, Lucknow.

J.S.
T. S. S. S.
as per order
14/6

1827
for

A
11a.

Central Administrative Tribunal
Lucknow Bench, Moti Mahal, Lucknow.

O.A.No. 407/90

Ashok Kumar Mangal

Union of India & others.

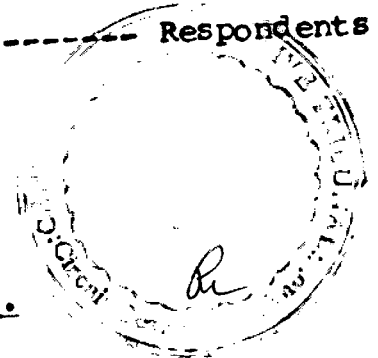
----- Applicant.
versus

----- Respondents.

5.5.1995

Hon'ble Mr. V.K.Seth, A.M.

Hon'ble Mr. D.C.Verma, J.M.



None for the parties.

No. C.A. has been filed despite ample opportunity. A perusal of record also shows that on the past several occasions nobody has put appearance on behalf of the applicants.

applicant.

11/5/95
The O.A. is dismissed in default of the

Sd
J.M.

Sd
A.M.

प्रधान न्यायाधीश संभाग
केंद्र न्यायाधीश संभाग
लखनऊ न्यायाधीश, लखनऊ

31-0-95

A/50

Central Administrative Tribunal
Lucknow Bench, Moti Mahal, Lucknow.

O.A.No. 407/90

Ashok Kumar Mangal

----- Applicant.
versus

Union of India & others.

----- Respondents.

5.5.1995

Hon'ble Mr. V.K.Seth, A.M.

Hon'ble Mr. D.C.Verma, A.M.



None for the parties.

No. C.A. has been filed despite ample opportunity. A perusal of record also shows that on the past several occasions nobody has put appearance on behalf of the applicants.

^{15/5/95}
The O.A. is dismissed in default of the

applicant.

Jd
J.M.

Sd-
A.M.

प्रमाणित प्रति

प्रभाषी न्यायिक अन्तर्भाग
केन्द्रिय प्रशासनिक अधिकरण
लखनऊ न्यायपेठ, लखनऊ

31-8-95