

## FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, .....BENCH

OA/TA/RA/CP/MA/PT ...61/96...of 20.....

Santosh Prasad Das .....Applicant(S)

Versus

.....U.O. 9.....Respondent(S)

## INDEX SHEET

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Certified that the file is complete in all respects.

Signature of S.O.

Signature of Deal. Hand

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Registration No. 61 of 1969

APPLICANT(S) S. P. D. Co.

RESPONDENT(S) \_\_\_\_\_

Particulars to be examined

Endorsement as to result of examination

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 taking the application in time, been filed ?
4. Has the document of authorisation/authorization been filed ?  
a) Yes and it is accompanied by a D/O/Postal Order for Rs.50/-
5. How the certified copy/copies of the order(s) against which the application is made been filed ?
6. a) Have the copies of the document(s) 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 Notary Public and duly filed accordingly ?  
c) Are the documents referred to in (a) above neatly typed in double copies ?
7. Has the index of documents been filed and numbering done properly ?
8. Have the chronological details of representation made and the outcome of such representation been indicated in the application?
9. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?

Particulars to be Examined

Endorsement as to result of examination

1. Are the application/duplicate copy/s are copies signed ?
2. Are extra copies of the application with Annexures filed ?
  - a) Identical with the Original ?
  - b) Defective ?
  - c) Wanting in Annexures
3. Nos. \_\_\_\_\_ pages Nos \_\_\_\_\_ ?
13. Have the file size envelopes bearing full addresses of the respondents been filed ?
14. Are the given address the registered address ?
15. Do the names of the parties stated in the copies tally with those indicated in the application ?
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?
17. Are the facts of the case mentioned in item no. 6 of the application ?
  - a) Concise ?
  - b) Under distinct heads ?
  - c) Numbered consecutively ?
  - d) Typed in double space on one side of the paper ?
18. Have the particulars for interim order prayed for indicated with reasons ?
19. Whether all the remedies have been exhausted.

4,

Two sets

No

4,

4,

NA

4,

4,

4,

direct/

CA No. 61/90

(P)

27/2/90

Hon. Justice K. Rathi, re.  
Hon. K. J. Ramani, Am.

Shri P.L. Mishra for the applicant  
is present.

Shri V.K. Choudhary accepts notice  
on behalf of opposite parties. He has  
also received copies of the application.  
He requests for and is allowed  
two weeks time to obtain instructions  
or file a short counter if possible  
and list for admission orders

on 12/3/90 on which date the  
case may be disposed of finally. Till  
then the applicant shall not  
be relieved from the post of  
A.P.M. (Accts) Sitapur. A copy of  
this order may be delivered to  
the counsel for both the parties  
within twenty four hours.

Am.

re.

re

OR  
No short CA  
filed.  
S. F. A

13.3.90

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

Shri P.L. Mishra for applicant.  
Shri V.K. Choudhary for respondents.

Counter affidavit has been filed today. Keep it  
on record. The learned counsel for the applicant  
wants short time for filing rejoinder. Allowed.  
Rejoinder be filed within 2 weeks. List it for  
orders/final disposal on 30.4.90.

Interim order passed on 27.2.90 shall continue  
till then.

A.M.

Dec.  
J.M.

143

CA 61/90(L)

(per)

14/9/90

Hon. Mr. Justice K. Math, vs.  
Hon. Mr. M. M. Singh, Am.

Counts & rejoinders have been  
exchanged. A prayer for postponement  
was made on behalf of the applicant  
in the Hon'ble High Court of Judicature  
at Allahabad, Lucknow Bench, Lucknow.  
List for admission hearing on 8/11/90 when  
the case will be disposed of finally.

M. H. L.

Am.

VC

Re

8.11.90

Hon. Mr. M. Y. Bhalakar - AM  
Hon. Mr. D. K. Agrawal JM.

Due to resolution of Bar  
Association case is Adjourned  
to 9.11.90.

① B.O.C.

OR

S.F.A.

L  
8/11/90

9.11.90

On the request of Sri  
P. L. Mishra case is adjourned  
to 8.12.90. Interim order shall  
continue till then.

by  
L

20

Dep  
JM.

AM

8.12.90

No sitting held to 12.12.90

CA/RA have been  
exchanged.

S.F.A.

L  
10/11/90

11-7-84

Am 3

Promotion of app'l PD/RMS Accabank - to the next higher scale of  
 R 425-640 w/ef 30.11.03 - under "Time based one  
 promotion Scheme"

Option by app'l: (1st) - 1979 - for Account Branch  
 Am I

(2nd) 66-1980 - for Guard Branch Line

(3rd) 10.3.87 - for APM Access Code on being invited  
 to exercise option by letter of 6-3-87  
 Am 5 "This is my 3rd option" Am 4

Degels

Am 6

12.11.87

- Cancellation of promotion by Am 3

Am 9.

2.11.89

= App shifted from Accabank to Guard line.

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH, LUCKNOW.

J.A. No. 61/90(L)

Santosh Prasad Das

Applicant.

versus

Union of India & others

Respondents.

Hon. Mr. Justice K. Nath, V.C.  
Hon. Mr. K. Obayya, A.M.

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

This application under section 19 of the Administrative Tribunals Act, 1985 is for quashing an order dated 12.11.87 (Annexure 6) cancelling the applicant's promotion contained in order dated 11.7.84 (Annexure 3); there is also a prayer to quash order dated 2.11.89 (Annexure-9) by which the applicant was shifted from accounts line to general line.

2. Counter-Rejoinder have been exchanged. We have heard Shri P.L.Mishra for the applicant and Shri V.K.Chaudhary for the respondents on the merits of the case on the admission stage.

3. It appears that the applicant had initially opted for the accounts line by an option letter dated 15.1.1979 (Annexure -1) and subsequently, he opted for the general line on 6.1.81.

4. Subsequently, on 11.7.84 the applicant alongwith a number of other persons was promoted PO/RMS Accountant in the next higher scale of

2

(R)

Rs 425-640 with effect from 30.11.83 under time bound one promotion scheme. Annexure 5 is another letter of option dated 10.3.87 by which the applicant exercised his option for the APL accounts cadre on <sup>to</sup> being invited/exercise such option by the department letter dated 6.3.87 (Annexure 4).

5. However, while these options were in force, the first impugned order dated 12.11.87 (Annexure 6) was passed cancelling the applicant's promotion as contained in Annexure 3 dated 11.7.84 on the ground that the applicant could not be promoted in the accounts line, as he had exercised his option in 1981 for the general line. In line with that decision, the applicant was shifted from accounts line to general line by the second impugned order dated 2.11.89 (Annexure 9)

6. The applicant's grievance is that there was no illegality in the promotion order dated 11.7.84 (Annexure 3) because after exercise of option for general line in 1981 he had also exercised option for the accounts line in the year 1984. However, there is no specific pleading on that point in the original application, although there is a statement to that effect in para 10 of the rejoinder.

7. Two facts are material in this connection. It is admitted that the applicant was continued to work in the accounts line ever since promotion by Annexure 3 dated 11.7.84 but while cancelling the order annexure 3 opportunity had not been given to the applicant to show cause. Secondly, even though

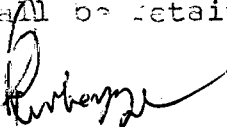
*Sh*




AB

applicant's promotion by annexure -3 was cancelled by order dated 12.11.86 (Annexure 5) he was nevertheless permitted to continue to work in the accounts line so much so that he was working as APM accounts when the second impugned order dated 2.11.89 (Annex. 9) was passed shifting him from accounts line to the general line. It appears to us that the principles of natural justice required that before the promotion order of the applicant as contained in Annexure -3 dated 11.7.89 could have been cancelled by the impugned order dated 12.11.87 (Annexure 6) applicant should have been given an opportunity. The necessary corollary thereof is that the further order dated 2.11.89 (Annex. 9) shifting him from <sup>accounts</sup> the line to general line cannot be sustained.

3. The petition is partly allowed and while the impugned order dated 12.11.87 (Annexure 6) and 2.11.89 (Annexure 9) are quashed, it will be open to the respondents to give an opportunity to the applicant to show cause why his promotion as contained in Annexure -3 dated 11.7.84 may not be quashed and thereafter to decide whether or not the applicant shall be retained in the accounts line.

  
V.S.

  
V.S.

Lucknow Dt. December 12, 1990

Copy received  
Chand  
8.1.91  
J. K. Khandu

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW  
BENCH, LUCKNOW.

Application No. 61 of 1990

District Sitapur

Between

Santosh Prasad Dass, aged about 53 years, ...Applicant

Versus

Union of India and others.

... Respondents

SCHEDULE-A

1. Application under section 19  
of the Administrative Tribunal Act, 1985. 1/10/90
2. Annexure No.6: A photo copy of letter  
dated 19.11.1987. 1/8
3. Annexure No.9: A photo copy of the  
impugned order dated 2.11.89. 1/1

Lucknow

Dated: 22.2.1990

*[Signature]*  
APPLICANT

*[Signature]*

Noted for  
27/2/90  
Quinn  
22/2/90

22 2 20  
APD

Before the Central Administrative Tribunal, Lucknow Bench,  
Lucknow.

Application No. 61 of 1990. (C)  
District Sitapur

Between

Santosh Prasad Pass, aged about 53 years, son  
of Shri Chandra Shekhar Pass, employed as A.P.M.  
(Accounts) in the office of Supdt of Post Offices,  
Sitapur.

...Applicant

Versus

1. Union of India, through the Secretary,  
Post & Telegraph Department, New Delhi.
2. Chief Post Master General, U.P.Circle, Lucknow
3. Superintendent of Post Offices, Sitapur.

... Respondents.

1. Particulars of the applicant:

- |   |  |
|---|--|
| (i) Name of the applicant:                    | Santosh Prasad Pass  |
| (ii) Name of father                           | Chandra Shekhar Pass   |
| (iii) Age of the applicant:                   | 53 years   |
| (iv) Designation & Particulars of the office: | APM(Accounts)- Office of the Supdt of Post Offices, Sitapur. |
| (v) Office address                            | Office of the Supdt of Post Offices, Sitapur                 |
| (vi) Address for service of notices:          | APM (Accounts) Office of Supdt of Post Offices, Sitapur.     |

2. Particulars of the respondents:

- (i) Union of India, through the Secretary,  
Post & Telegraph Department, New Delhi
- (ii) Chief Post Master General, U.P.Circle, Lucknow
- (iii) Superintendent of Post Offices, Sitapur.

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

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Application is made against the impugned orders passed by respondent no.2 and 3 dated 4.10.39, and dated 2.11.89 cancelling the promotion of the applicant from the post of APM (Accounts)/ and reverting back the applicant from Accounts Line to General Line, denial of promotion to Higher Selection Grade (2) of Accounts Cadre post.

4. 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.

5. Limitation:

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

6. Facts of the case:

1. That the applicant was appointed initially on the post of P.A. and he joined as such during the month of July 1956.

2. That a departmental examination was held and the applicant had passed PO & IES Accounts Examination in the year 1967. By virtue of his passing the said examination, the applicant was become entitled to be promoted in the Accounts Grade posts i.e. APM (Accts) or Lower Scale Grade Accountant.

3. That during the year 1979, options were called for from the working employees who have passed the departmental examination of PO & IES Accounts Examination as to whether or not they intend to work either in Accounts Cadre or in General Line Cadre. The applicant was also asked for the option and accordingly he had given his option that he is ready to work in the A.P.I. Accounts Cadre on his promotion. A true photostat copy of the option dated 15.1.1979 is annexed

*[Handwritten signature]*

*[Handwritten signature]*

(A2)

herewith as Annexure no.1.

4. That in pursuance of the said option, the applicant was promoted under the orders of Director Postal Services U.P.Circle, Lucknow dated 5.2.1980, alongwith 16 other persons on the post of LSG Accountant/APM(Accts). A true photostat copy of the said promotion order is annexed herewith as Annexure no.2.

5. That by virtue of his promotion as such, it clearly goes to show that the applicant's option for Accounts Line was clear and it was accepted by the authorities for all intents and purposes.

6. That during the year 1982, the opposite party no.3 asked the applicant to give yet another option for general line so that the authorities could consider his case for yet another promotion in Accounts Line. It was advised to the applicant that he could seek his promotions by both ways - one by option in Accounts Line and another through General Line. The applicant, however, gave his conditional option that in case he is promoted through general line, his option be treated as such.

7. That a Departmental Promotion Committee was formed by the opposite parties for considering the cases of promotions in Time Bound One Promotion Scheme. The case of the applicant was considered by the said Committee and it has recommended the promotion of the applicant to P.O. and F.M.S.Accountants. On the basis of said recommendations, the opposite party no.2 issued promotion orders in next Higher Scale of the applicant and various others vide his order dated 11.7.84. A true photostat copy of the order dated 11.7.84 is annexed herewith as Annexure no.3.

8. That in pursuance of the said promotion orders, the applicant was posted as A.P.M. Accounts in the district of Sitapur, and since 1980 he was working as such without any complaint either from his senior officers or from the public in general.

*[Handwritten signature]*

*M.G. Me*

APB

9. That the opposite party no.3 had called for an option as to whether or not the applicant is willing to work in A.P.M. Accounts Cadre in case he is promoted. This letter was issued by the opp.party no.3 in the year 1987, a true photostat copy of which is annexed herewith as Annexure no.4.

10. That the applicant gave his option on 10.3.87 that he is willing to work as A.P.M.Accounts in case he is promoted in the said cadre. A true photostat copy of the willingness/declaration is annexed herewith as Annexure no.5.

11. That it appears that the opp.party no.3 had forwarded the said declaration of the applicant to the opp.party no.2.

12. That the opp.party no.2 had passed an order dated 12 November 1987 by means of which it was stated that since the applicant had opted for General Line of promotion, the orders passed earlier in the year 1984 may be treated as cancelled. It was also ordered that the applicant be shifted to General Line if he is still working in the Accounts Cadre. A true photostat copy of the letter dated 19.11.87 is annexed herewith as Annexure no.6.

13. That it was ironical that once the applicant had given his option to work in Accounts Line and he was promoted as such, his promotion cannot be cancelled without affording him reasonable opportunity. It is not out of place to mention here that the applicant had passed the departmental examination and his promotion was due long ago. Further, the Departmental Promotion Committee had considered his case and accordingly on the recommendations of the said Committee his promotion orders were passed in the year 1984, therefore the opp.party no.2 was not at all justified to cancel the promotion orders without affording reasonable opportunity to the applicant.

14. That although the orders for cancellation of promotion orders were passed by the opp.party no.2, yet the applicant continued to serve in Accounts Line

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on the basis of his earlier promotion orders passed in the year 1980.

15. That aggrieved by the said orders of cancellation, applicant preferred a representation dated 25.11.1987 and prayed to the opposite party no.2 to reconsider his decision. A true copy of the representation dated 25.11.1987 is annexed herewith as Annexure no.7. In the representation, the applicant had clearly stated that he had not retracted from his earlier option for serving in Accounts Line.

16. That having failed to seek any redress on his representation, the applicant yet moved another representation dated 22.11.1987. No action was taken on the representations and ultimately the applicant got sent a notice under Section 80 C.P.C. through his Advocate Shri Sheo Shanker Lal Awasthi.

17. That the opposite party no.2 had replied to the notice and had stated that the promotion of the applicant to LSG Accountant was made on purely temporary and adhoc basis in the year 1980. Since the applicant had opted for general line in the year 1981, therefore his promotion had to be cancelled and he was shifted to general line. His case for promotion shall be considered when his turn will be there. A true photostat copy of the letter dated 11.10.89 is annexed herewith as Annexure no.8.

18. That on the basis of the aforesaid orders, the applicant has been shifted from Accounts Line to General Line vide opp.party no.3 orders dated 2.11.89, a true photostat copy of which is annexed herewith as Annexure no.9.

19. That cancellation of promotion and consequently shifting of applicant from Accounts Line to General Line tantamounts to reversion of the applicant without affording him any reasonable opportunity whatsoever. Before passing the orders, the opposite parties no.2 and 3 have not afforded any opportunity to him and passed suo-mottu orders on wrong assumption treating that the applicant had opted for general line and hence he could not be promoted.



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20. That it is not out of place to mention here that the applicant had given his first option in the year 1979 when he was promoted in Accounts Line and he continued as such till todate. His seniority in the Accounts Cadre was maintained and his case for further promotion was considered by the departmental promotion committee. The option given by the petitioner in the year 1981 had no basis at all because the applicant had not revoked his earlier option to serve in Accounts Cadre.

21. That after that option of 1981, the opposite parties have obtained yet fresh options in the year 1984 and the applicant has given fresh option that he intends to serve in Accounts Line and thus on this score also his earlier option of 1981 had become redundant and it cannot be taken into account.

22. That merely on the basis of option of the applicant, his promotion cannot be cancelled without affording him reasonable opportunity. It tantamounts to reversion and no employee could be reverted unless he is given reasonable opportunity.

23. That many of the junior persons who have given the options in a similiar situations are still working and they have been given further promotions but the applicant had been discriminated in the matter of promotion and now his entire career has been put at stake.

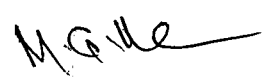
24. That the Departmental Promotion Committee had considered the case of the applicant and as such he is to be promoted to Higher Scale Grade of Accountants but on account of illegal orders, the applicant is prevented to be promoted.

7. Grounds in support of application:

ACCOUNTS

1. Because the applicant had right to be promoted in Accounts Line on the basis of his option of 1979 and as such he was rightly promoted in LSG(Accounts) Cadre on the basis of his examination passed and as such his promotion cannot be cancelled.







AKG

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2. Because the subsequent option for general line cannot be taken into account once the option given by the applicant in 1979 was still in vogue and it has not been revoked by the applicant.

3. Because the applicant was yet promoted in higher scale grade of Accounts Line in the year 1984 on the basis of recommendations made by the Departmental Promotion Committee and again an option was given by the applicant which was accepted and applicant was promoted.

4. Because after serving for quite a long period in Accounts Line, the applicant could not be reverted back to general line on the mere assumption that he had given option for general line. That option for general line was not materialised and hence it has no consequential effect and now in the garb of that option of the applicant, the opposite parties could not revert back the applicant from his post of Asst (Accounts) which he was holding since 1980.

5. Because cancellation of promotion and sending back to the applicant to general line tantamounts to reversion of the applicant from higher post to lower post without any opportunity given to the applicant and as such the orders are against the spirit of Articles 311(2) of the Constitution of India.

6. Because many of the junior persons than the applicant are still working and as such the impugned orders of cancellation and reversion of the applicant to general line are hit by Articles 14 and 16 of the Constitution of India.

7. Because the applicant has been seriously discriminated by the impugned orders as he had served for quite a long time and now he had got a permanent status in Accounts Line for which he was ordered to be promoted in HGS-2 grade by the Departmental Promotion Committee but in the garb of option of 1981, the applicant has been reverted from higher post to the lower post without affording him any opportunity whatsoever.

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8. Because the impugned orders of reversion to general line are against the principles of natural justice.

7. Reliefs sought:

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

(a) the orders contained in Annexure No.6 and 9 may kindly be quashed and it be ordered that the applicant shall continue in Accounts Line and he be promoted to yet another Higher Grade Scale as per orders dated 11.7.84 contained in Annexure no.3 to the application;

(b) consequently the applicant be given due seniority of his post of A.P.M.(Accounts)/LSG and his pay be fixed in Higher Selection Grade-2 and he be paid arrears of pay from the date of promotion when his junior persons have joined the duties;

8. Interim Order, if prayed for:

Pending final decision on the application, the applicant seeks issue of the following interim orders:

The orders contained in Annexure no.6 and 9 to this application passed by the opp.parties no.2 and 3 respectively be stayed during the pendency of the application and the applicant be allowed to work as A.P.M. Accountant as he has been working before;

9. Details of the remedies exhausted:

The applicant declares that he has availed of all the remedies available to him under the rules which are as under:

(a) Applicant moved first representation dated 25.11.1987 (Ann.7 to the application);

(b) Applicant moved second representation dated 22.12.87 but without any results;

(c) Applicant served a notice u/s 80 CPC through his counsel Sri SSL Awasthi, Advocate which was answered by the opp.parties.

*[Handwritten signature]*

*McGue*

10. Matter not pending with any other court, etc:

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law or any other authority or any other Bench of the Tribunal.

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

(i) Name of the Bank on which drawn

(ii) Demand Draft No.


12. List of enclosures:

Annexures No.1 to 9  
filed in support of  
the application.

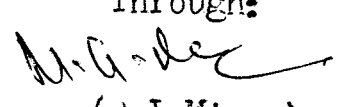
Verification:

I, Santosh Prasad Dass, aged about 53 years, son of Sri Chandra shekhar Dass, resident of No.97/93, B Plock, Avas Vikas Colony, Sitapur, do hereby verify that the contents of paras 1 to 12 of this application are true to my personal knowledge and belief and that I have not suppressed any material facts.

Lucknow, dated  
22 February, 1990.

  
Applicant.

Through:

  
(P.L. Misra)  
Advocate  
Counsel for the Applicant.

I identify S.P. Dass who has signed  
before me, his signatures are verified  
M.G. Me

Santosh P. Das

Applicant

Union of Indicators

appellate

Annexure no 6

Copy of letter No. STA/48-XT/LSG/86/Cn.II/11 dated 12 Nov. 1987 received from PMG UP Circle LKO, Addressed to the Supdt. of Post Office, Sitapur Dn.

Sub:- Cancellation of promotion orders of Shri S.P. Das in L.S.G. Accountant.  
Ref:- Your letter No. B/Accounts/Genl dtd. 19.5.87.

I view of earlier option of Shri S.P. Das for General Line orders of Promotions of the official issued vide this office memo No. STA/48/XT/TBP/84/11 dated 11.7.84 may be treated as cancelled.

The official may be shifted to General Line if still working in the Accounts Cadre s.

sd/-

For Postmaster General, UP

No. B/Accounts/Genl dated at STP the 19.11.87.

Copy to:- 1- Sri S.P. Das APM A/C Sitapur HU.  
2-3 The P.M. Sitapur HU with a spare copy for Service Book of the official.  
4- P/F.  
5-6 D.O. file No. B/Rlg/47/Corr I B/Rlg-39/LSG/Corr.  
7- U/C.  
8- Spare.

Supdt. of Post Offices,  
Sitapur Dn. Sitapur-261001.

PL 2361

101/11/P STA/48-XT/LSG/86/Cn.II/11  
6/1/87 B/Accounts/Genl of 6/1/87

STA/48-XT/LSG/86/Cn.II/11  
Cancelled (Case)

Recd

M. G. Iyer

signature of Hested  
Chandra

in the Central Administrative Tribunal

Dehradun Bench

Dehradun

Case no.

of 1990

Shri S.P. Dass

Applicant

Shri S.P. Dass

Applicant

Annexure No. 9

Copy of letter no. STA/228-RS/89/11 dtd. 19.89  
/4.10.89 from ~~Shri~~ Shri V.N. Kapoor APMG Staff  
for Chief PMG UP Circle LKO, Addressed to  
SPO's Sitapur Dn.

Sub:- Notice under Section 80 CPC on behalf  
of Shri S.P. Dass, Offg. APM A/Cs Sitapur.

With reference to notice under Sec. 80  
CPC served by Shri S.P. Dass, LSG Official of  
your Divn. through Shri Shiv Shankar Lal  
Advocate regarding his promotion to HSG-II  
against A/Cs. line quota, the official may be  
informed that he was promoted to LSG Acctt.  
on purely and adhoc basis vide this office  
Memo No. STA/48-XI/LSG/78/11 dtd. 5.2.80.  
However in the year 1981 the official opted  
for genl. line vide his option dtd. 6.6.81.  
forwarded vide your No. P/Accounts/Genl. dtd.  
6.6.81. Consequently his promotion to LSG  
Acctt. had to be cancelled and he was shifted  
to genl. line vide his office Memo No. STA/48-  
XI/LSG/86/Ch. II/11 dtd. 17.11.87. The ques-  
tion of his promotion to HSG-II cadre will be  
considered in due course on his turn as per  
his seniority among the genl. line officials.  
He has no claim for APM A/C cadre.

Please inform him.

Sd/-

(V.N. Kapoor)  
APMG-Staff

for Chief PMG UP Circle, LKO

dt. at STP the, 11.10.89

No. P/LSG

Copy to:- Shri S.P. Dass APM A/Cs Sitapur HO  
for information.

Supdt. of Post Offices,  
Sitapur Dn. 261001.

Annexure Attested  
Sd/-

M.G. Be

124

ब भवालत श्रीमान

महोदय

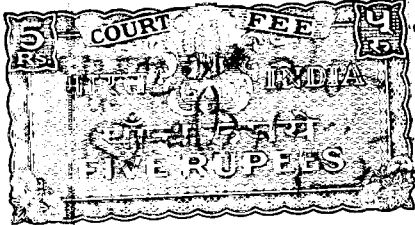
[ वादी ] अपीलान्त

प्रतिवादी [रेस्पाडेन्ट]

श्री

का

# वकालतनामा



टिकट

वादी (अपीलान्त)

बनाम

प्रतिवादी (रेस्पाडेन्ट)

नं० मुकद्दमा

सन्

पेशी की ता०

१९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

वकील

महोदय  
एडवोकेट

नाम अदालत	नाम फरीकेन	बनाम
मुकद्दमा नं०		

की 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 करें या कोई कागल 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 हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखली) रसीद से लेवें या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यबाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसको जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन्

ई०

स्वीकृत

(A28)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW  
BENCH, LUCKNOW.

Application No. 61 of 1990 (5)

District Sitapur

Between

Santosh Prasad Dass, aged about 53 years. ...Applicant

Versus

Union of India and others.

...Respondents

SCHEDULE-B

~~xxxApplication~~

1. Annexure No.1: Photo copy of option dated 15.1.1979. 1
2. Annexure No.2: Photo copy of promotion order dated 5.2.1980 2
3. Annexure No.3: Photo copy of the order dated 11.7.1984. 3-10-87
4. Annexure No.4: Photo copy of option the year 1987. (7)
5. Annexure No.5: Photo copy of willingness/ declaration dated 10.3.87. 9
6. Annexure No.6: Photo copy of letter dated 19.11.1987. 10
7. Annexure No.7: Photo copy of option dated 25.11.87. 11
8. Annexure No.8: Photo copy of letter dated 11.10.89. 12
9. Annexure No.9: Photo copy of the impugned order dated 2.11.1989. 13

Lucknow  
Dated: 22.2.1990

  
APPLICANT



In the Central Administrative Tribunal

Allahabad Bench

Unknown

Cases

of 1990

(A21)

Santosh Prasad

Applicant

Union of Militaries

Apparatus

Annexure No. 1

DECLARATION

I, Santosh Prasad Dass, Accountant Divisional Office  
Sitapur is hereby declared that I am ready to work in  
the A.M. Accounts cadre on my promotion .

Date:- 15.7.79

(SANTOSH PRASAD DASS)  
Accountant Divisional  
Office Sitapur. 261001.

Annexure Attached  
Clerk

M. G. K.



Santaish R. Dass

Applicant

Union of Employees

Applicants

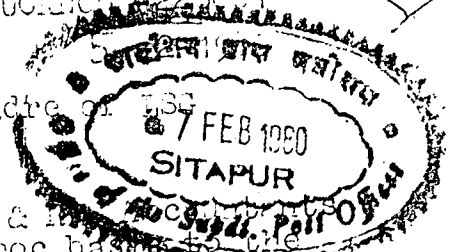
Mixture No 2

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

OFFICE OF THE POSTMASTER-GENERAL, U.P. CIRCLE LUCKNOW

No. STA/48 XI/LSG/78/11 dated at Lucknow the

Sub: Promotion, transfer and posting in the cadre of LSG  
Accountants/APM (Accounts)



(A) PROMOTIONS :-

The following Time Scale Accountants/P.O & A.P.M. are hereby promoted on purely temporary and Ad-hoc basis to the cadre of LSG Accountants/APM (Accounts) in the scale of Rs. 427/840 and posted as under:-

Sl. No.	Name and designation of the officials	Station to which posted
1.	Shri Mohan Lal Accountant Azamgarh	Gorakhpur HPO
2.	Shri S.D. Sharma Accountant Dehradun	Dehradun HPO
3.	Shri Hari Kishan Agrawal Accountant Agra	Mainpuri HPO
4.	Shri Baleshwar Lal Accountant Allahabad	Mirzapur HPO
5.	Shri Shambho Nath Tewari Accountant Ghazipur	Jaunpur HPO
6.	Shri Radhey Shyam Yadava Accountant Kanpur City	Dr. Kanpur Cantt HPO
7.	Shri M.R.M. Siddiqui Accountant Lucknow	Lucknow GPO
8.	Shri S.P. Dass Accountant Sitapur	Sitapur HPO
9.	Shri Mohan Lal Arora Accountant Bareilly	Bareilly HPO
10.	Shri M.A. Prasad Ojha Accountant Ballia	Pratapgarh HPO
11.	Shri M.S. Chauhan Accountant Meerut	Saharanpur HPO
12.	Shri Mohan Singh Accountant Dehradun	Dehradun HPO
13.	Shri Sanwari Lal Accountant Budaun	Hardoi HPO
14.	Shri Laxmi Narain Accountant Meerut	Moradabad HPO
15.	Shri Jagdishwar Singh Accountant Budaun	Lakhimpur-Kheri HPO
16.	Shri K.C. Garg Accountant Agra	Agra HPO
17.	Shri Ram Phal Misra Accountant Lucknow	Lucknow-Chowk HPO

Those of the above noted officials who have already opted for the Accounts line and got their pay fixed in accordance with para 3 of the Director-General F&T New Delhi letter No. 31-31/74-PE-I dated 10-11-77, endorsed under the office order No. STA/X-1579/IV dated 21.11.77, their pay in the LSG Accountants cadre shall be fixed on the analogy of FP-22(a)(ii) treating the appointments as not invalid, higher duties and responsibilities. Other officials who are still working as Time Scale Accountants and have not yet given their options due to extension of time of submission of options, as allowed by the Directorate, their pay would be fixed as per orders existing prior to separation of P.O. & RMS Accountants cadre. The officials should also understand that these orders are being issued purely on provisional basis and are subject to review after finalization of the options as per instructions contained in the P&T Directorate's communication No. 31-31/74-PE-I dated 10.11.78 on expiry of the extended period for furnishing those options vide P&T Directorate's orders contained in communication No. 9/6/79-SPB II dated 20.8.79 circulated vide this office order No. STA/X-57/CHII/11 dated 1.9.79.

(B) POSTINGS :-

Shri P.C. Jain APM Accounts Aligarh NO is transferred and posted as APM Accounts Mathura at his own request and cost. All the above officials should be relieved immediately for their new assignments except in case where any disciplinary/vigilance case is pending against any of the officials to be mentioned above, or where a punishment is pending, the matter should be reported to this office immediately and the officials should not be relieved for his new posting.

Charge reports should be submitted to all concerned.

Ann. Attached

(Ved Kumar)

Director Postal Services UP

cases

of 1990

(23)

Santaish R. Guss

Applicant

Union of Militians

applicants

Annexure no 3

APM 17/11

INDIAN POSTS AND TELEGRAPHS DEPARTMENT  
OFFICE OF THE POSTMASTER GENERAL U.P.CIRCLE LUCKNOW

MEMO NO STA/48-XT/TBP/84/11 DATED AT LUCKNOW, THE 11.7.84

SUBJECT: TIME BOUND ONE PROMOTION SCHEME-PROMOTION  
OF P.O. AND R.M.S. ACCOUNTANTS TO NEXT  
HIGHER SCALE.

In implementation of the orders contained in  
D.G. P&T communication no. 31-26/83-P.I dated 47.12.83  
on the basis of the recommendations of the Departmental  
Promotion Committee the following P.O. and R.M.S. Account-  
ants have been ordered by the Director Postal Services  
(Headquarters) to be promoted to the next higher scale  
of Rs.425-640 with effect from 30.11.83, or such subsequent  
dates as indicated against particulars names concerned.

Sl. No.	Name of the official	Name of the Division
1.	Shri Moinuddin	SSPOs Agra
2.	" K.D.Bhardwaj	SSPOs Agra
3.	" J.C.Sharma	SSPOs Aligarh
4.	" Munna Lal Srivastava	SSPOs Allahabad
5.	" Sri Chand Verma	SSPOs Allahabad
6.	" Chhedo Lal II	SSPOs Allahabad
7.	" C.B.Gingh	SSPOs Allahabad
8.	" D.S.Shukla	SSPOs Allahabad
9.	" V.K.Shukla	SSPOs Allahabad
10.	" B.P.Tripathi	SSPOs Allahabad
11.	" R.S.Maurya	SSPOs Allahabad
12.	" K.D.Misra	SSPOs Allahabad
13.	" M.P.Singh	SSPOs Allahabad
14.	" R.K.Singh	SSPOs Allahabad
15.	" O.N.Rai	SSPOs Azamgarh
16.	" Gopalji Srivastava	SSPOs Azamgarh
17.	" Ekadashi Misra	SSPOs Azamgarh
18.	" Rom Bachan Yadav	SSPOs Azamgarh
19.	" Rafi Uddin	SSPOs Barcilly
20.	" Puttu Lal	SSPOs Barcilly
21.	" Ram Ashraya Patehak	SSPOs Barcilly
22.	" Behari Lal Dobhal	SSPOs Dehradun

Ann. Attached

F.T.O. 2/-

Mobile

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(224)

- 2 -

23.	Shri Niranjan Dass Gang	SSPOs Dehradun
24.	" Anand Pd. Naithani	SSPOs Dehradun
25.	" Ram Kishan Gupta	SSPOs Dehradun
26.	" Budh Prakash	SSPOs Ghaziabad
27.	" R.K.Srivastava	SSPOs Kanpur (C)
28.	" R.K.Awasthi	SSPOs Kanpur (C)
29.	" Shiv Kumar Tewari	SSPOs Lucknow
30.	" Tapeshwar Dayal	SSPOs Lucknow
31.	" R.P.Singh	SSPOs Lucknow
32.	" Abdul Sattar	SSPOs Lucknow
33.	" Ilam Chandra	SSPOs Saharanpur
34.	" Sri Pal	SSPOs Saharanpur
35.	" Kedar Ram	SSPOs Varanasi (E)
36.	" Deo Bali	SSPOs Varanasi (E)
37.	" Hafizullah Ansari	SSPOs Deoria
38.	R.P.Pandey	SSPOs Deoria
39.	" Nandan Singh Bisht	SSPOs Almora
40.	" M.D.Kandpal	SPOs Almora
41.	" D.S.Bisht	SPOs Almora
42.	" Mand Kishore Tripathi	SPOs Bahraich
43.	" Ram Kishore Chaurhary	SPOs Basti
44.	" D.C.Misra	SPOs Barabanki
45.	" S.B.Singh	SPOs Barabanki
46.	" J.K.Agarwal	SPOs Bijnor
47.	" Daya Krishna Sharma	SPOs Bulandshahr
48.	" R.C.Gupta	SPOs Fatehgarh
49.	R.P.Tewari	SPOs Fatehgarh
50.	" Kifayat Shah	SPOs Fatehgarh
51.	" Dharam Raj	SPOs Fatehpur
52.	" S.S.Sahu	SPOs Fatehpur
53.	" Mata Prasad	SPOs Fatehpur
54.	" C.B.Singh	SPOs Gonda
55.	" S.P.Mirsa	SPOs Gonda
56.	" R.G.Patel	SPOs Gonda
57.	" R.D.Yadav	SPOs Gonda
58.	" Krishan Murari	SPOs Hardoi
59.	"	

P.T.O. 3/-

*[Handwritten signature]*  
Ann Attested  
*[Handwritten signature]*

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McKen

REC

95.	Shri S.S. Rusia	'X' Dn. Jhansi
96.	" H.H. Jain	'X' Dn. Jhansi
97.	" D.K. Biswas	'G' Dn. Gorakhpur
98.	" R.B. Gupta	'G' Dn. Gorakhpur
99.	" R.N. Chaubey	'G' Dn. Gorakhpur
100.	" U.P. Gupta	'G' Dn. Gorakhpur
101.	" S.P. Dass (467)	SPOs Sitapur 12/283
102.	" V.P. Pathak	SPOs Gonda
103.	" R.K. Pandey	SPOs Gonda
104.	" K.S. Saraswat	SPOs Mathura w.o.f. 6.1.84

4. The cases of the following P.O. and R.M.S. Accountants will be decided on conclusion of the disc/Vig. proceedings pending against them:

1.	Shri Uma Shankar Srivastava	SPOs Sitapur
2.	" H.P. Gupta	'G' Dn. Gorakhpur

The cases of the following P.O. & R.M.S. Accountants could not be decided for want of their complete records. The Supdt. concerned will ensure that upto date confidential records alongwith the Special Reports in respect of these officials are submitted to this office immediately so that their case may be considered by the D.P.C. when it meets next.

1.	Shri U.S. Nath	SSPOs Faizabad
2.	" S.K. Jagdhari	SSPOs Lucknow
3.	" H.A. Khan	SPOs Rao-baroli.
4.	" K.S. Mittal	SSPOs Nainital
5.	" R.M. Verma	PM Lucknow HO
6.	" R.S. Yadav	P.M. Lucknow HO
7.	" V.K. Srivastava	P.M. Lucknow HO
8.	" R.P. Sharma	PTTC Saharanpur
9.	" P.N. Singh	SPOs Ghazipur
10.	" Hamid Ullah	'A' Dn. Allahabad
11.	" Jagdish Chandra	'X' Dn. Jhansi

P.T.O. 5

Dr. Alkesh

Mishra

Before the officials are allowed to draw pay in the next higher scale it should be ensured by the Supdts. concerned as also by the drawing officers that the basic conditions or completion of 16 years services as on 30.11.83 is satisfied by all the officials. In case any discrepancy is detected it should promptly be brought to the notice of this office and pay ~~xxxxx~~ in the next higher scale should not be drawn until receipt of further instructions from this office.

It should also be ensured that no. Vig/Disc. case of the type indicated in DG P&T New Delhi communication No. 6/16/71-Disc.I dt. 25.3.72 circulated under this office letter No. STA/A-1/26/8 dt. 20.4.72 read with DG P&T ND letter No. 56/7/77-Disc.I dt. 15.12.77 circulated under this office letter no. Vig/R-1/Ch.IV/ dt. 4.2.78 is either pending or is contemplated to be initiated against any of the officials mentioned above and also no punishment of stoppage of increment is in currency. In case there is any such case the matter should immediately be reported to this office and pay in the higher scale should not be allowed to the officials until receipt of further instructions of this office.

On promotion to the next higher scale the officials indicate above will retain their original seniority in the Circle Gradation list.

( B.C.JOSHI )

for Postmaster General, UP

Copy for information and necessary action :-

1. The DPS Lucknow/Kanpur/Allahabad/Dehradun
  2. The SSPOs/SPOs/SSRM/SRMs in U.P.Circle.
  3. All PNs in U.P.Circle.
- stores.

An. A. A. Patel

In the Central Administrative Tribunal

Dehradun Bench

Dehradun

Cases

of 1990

428

Santosh P. Dass

Applicant

Union of Milk Producers

Appellee

Annexure No. 6

7/Corr. 7

भारतीय डाक-तार विभाग/INDIAN P. & T. DEPARTMENT

कार्यालय, Office of the

To.

Sd/- S.P. Das

APM A/c Sitapur Ho.

Sitapur-261001.

No 13/Accounts/Genl dated at STP No 6.387  
Sub-Promotion in APM A/c cadre.

- 1 -

Kindly send your  
willingness/unwillingness for  
promotion in APM A/c cadre  
to this office at once for  
onward submission to e.o.

Handwritten signature/initials

Post Office  
Inspector

Handwritten signature/initials

Handwritten signature/initials

MGIPAH-216 P. & T./81-23-7-81-6,00,000 Pads

MGIPAH-2

Am. AA estd

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in the Central Administrative Tribunal  
Aurangabad Bench  
Lucknow  
Cases of 1990

129

Santosh P. Dass — Applicant  
Union of Militaries — opposites  
Annexure No. 5

DECLARATION

I am willing to work as A.P.M. Accounts  
on promotion in the A.P.M. Accounts cadre anywhere  
in U.P. It is my third willingness.

( S.P. DASS )

Offg. A.P.M. Accounts  
SITAPURH. O

Dated. 10.3.87.

*[Signature]*

*[Signature]*

83.4.11

An. A.H. *[Signature]*



Central Administrative Tribunal

Dehradun Bench

Dehradun

Cases

of 1990

10

A30

Santosh P. Das

Applicant

Union of Motilal

Applicant

Annexure no 6

Copy of letter No. STA/48-XT/LSG/86/CH.II/11 dated 12 Nov. 1987 Received from PMG UP Circle LKO, Addressed to the Supdt. of Post Office, Sitapur Dn.

Sub:- Cancellation of promotion orders of Shri S.P. Das in L.S.G. Accountant.

Ref:- Your letter No. B/Accounts/Genl dtd. 19.5.87.

\*\*\*\*\*

In view of earlier option of Shri S.P. Das for General Line orders of Promotions of the official issued vide this office Memo No. STA/48/XT/TBP/84/11 dated 11.7.84 may be treated as cancelled.

The official may be shifted to General Line if still working in the Accounts Cadre.

Sd/-

For Postmaster General, UP

No. B/Accounts/Genl dated at STP the 19.11.87.

Copy to:- 1- Sri S.P. Das APM A/C Sitapur HU.

2-3 The P.M. Sitapur HU with a spare copy for Service Book of the official.

4- P/F.

5-6 D.C. file No. B/Rlg/47/Corr I B/Rlg-39/LSG/Corr.

7- U/C.

8- Spare.

Supdt. of Post Offices,  
Sitapur Dn. Sitapur-261001.

PL 2961

10/11/87

STA/48-XT/LSG/86/CH.II/11

6/10/87 B/Accounts/Genl of 6/10/87

M. G. Mehta

Ann. Attached

In the Central Administrative Tribunal

Allahabad Bench

Unknown

Cases

of 1990

Santosh P. Dass

Applicant

Union of Motilal

Apparatus

Annexure No. 1

To

The Postmaster General  
P.O. Circle Lucknow-226001

Through

Post Office  
Sitapur Division

Subject: Cancellation of promotion orders of S.P. Dass of Accounts.

Sir,

Kindly refer to your letter No. 51/48-XI/LSS/LG/Ch. 11/11 dated 12.11.87 in view of my earlier option for general line, my promotion in the cadre of LSS accountant has been cancelled. In this connection it is to state that so far earlier option is concerned, my 1st earliest option was for accounts line and it was given on 15.1.79 on the basis of which I was approved for promotion in LSS accountant cadre and my posting order as LSS Accountant/SPM Accountant was issued by your office under memo No. 15/48-XI/LSS/72/11 dated 5.2.81. In the second para of the above memo it is mentioned that I had given my option for SP Accounts earliest, it is submitted that I never specifically cancelled this option.

It is therefore requested kindly to reconsider my case and arrange to cancel the above order so that I may be allowed to continue on it as post and my confirmation in this post may kindly be issued early.

In case your honour does not agree with the above facts, kindly permit me to approach to the Tribunal for decision.

Thanking you in anticipation.

Yours faithfully,

S. P. Dass

Offg. S.P. Accounts  
Sitapur D.O.

25.11.1987

Annexure 1

In the Central Administrative Tribunal

Allahabad Bench

Lucknow

Cases

of 1990

12

(A3)

Santosh P. Dass

Applicant

Union of Militaries

applicants

Annexure No. 8

Copy of letter no. STA/228-RS/89/11 dtd. 4.9.89  
/4.10.89 from Shri V.N. Kapoor APMG Staff  
for Chief PMG UP Circle LKO, Addressed to  
SPO's Sitapur Dn.

Sub:- Notice under Section 80 CPC on behalf  
of Shri S.P. Dass, Offg. APM A/Cs Sitapur.

With reference to notice under Sec 80

CPC served by Shri S.P. Dass, LSG Official of  
your Divn. through Shri Shiv Shankar Lal  
Advocate regarding his promotion to HSG-II  
against A/Cs. line quota, the official may be  
informed that he was promoted to LSG Acctt.  
on purely and adhoc basis vide this office  
Memo No. STA/48-XI/LSG/78/11 dtd. 5.2.80.  
However in the year 1981 the official opted  
for genl. line vide his option dtd. 6.6.81.  
forwarded vide your No. B/Accounts/Genl. dtd.  
6.6.81. Consequently his promotion to LSG  
Acctt. had to be cancelled and he was shifted  
to genl. line vide his office Memo No. STA/48-  
XI/LSG/86/Ch. II/11 dtd. 17.11.87. The ques-  
tion of his promotion to HSG-II cadre will be  
considered in due course on his turn as per  
his seniority among the genl. line officials.  
He has no claim for APM A/C cadre.

Please inform him.

Sd/-

(V.N. Kapoor)  
APMG-Staff

for Chief PMG UP Circle, LKO

dt. at STP the, 11.10.89

No. B/LSG

Copy to:- Shri S.P. Dass APM A/Cs Sitapur HO  
for information.

Supdt. of Post Offices,  
Sitapur Dn. 261001.

Annexure Attached

In the Central Administrative Tribunal

Allahabad Bench

Lucknow

Cases

of 1990

13

A32

Santosh P. Dass

Applicant

Union of Motilal

Appellee

Annexure no 9

DEPARTMENT OF POSTS

OFFICE OF THE SUPDT. OF POST OFFICES SITAPUR DIVISION

MEMO No. B/Arrg/89

Dt. at Sitapur dne, 2.11.89

In pursuance of Chief PMG UP Circle Lucknow no. STA/228-RS/89/11 dt. 4.10.89 the following arrangements are ordered with immediate effect:

1. Sri S.P. Dass Offg. APM A/Cs Sitapur HO is shifted from Accounts cadre to General line.
2. Sri G.S. Vaish Accountant DO Sitapur is hereby posted as Offg. APM A/Cs Sitapur HO vice no. 1.
3. Sri J.K. Singh who has been declared success in PO & R.M.S examination vide PMG UP No. ADR/Con/M-67/89/3 dt. 12.9.89 is posted as Accountant DO Sitapur. He will look after duties of Stock clerk also in addition till further orders.

Charge report should be submitted.

Supdt. of Post Offices  
Sitapur Dn. 261001.

Copy to:

1-3. Officials

4-6. P/F

7. PM Sitapur for N.A.

8. The Chief PMG UP Lucknow w/r to his no. STA/228-RS/89/11. He will kindly post an approved APM A/Cs at Sitapur.

9. The DPS Lucknow Region Lucknow for arranging approved APM A/Cs for Sitapur.

10. O/C

Ann. Attested

M. G. G.

(A33)

# VAKALATNAMA

In the Hon'ble High Court of Judicature at Allahabad

At

Lucknow Bench

... Santosh Prasad Das ..... Plff./Appl./Petitioner/Complainant

Verses

... Union of India & others ..... Defent./Respt./Accused

KNOW ALL to whom these presents shall come that I/We .....  
the above-named ..... do hereby appoint

Shri V. K. CHAUDHARI, Advocate, .....

..... High Court, Lucknow Bench

(hereinafter called the advocate/s) to be my/our Advocate in the above-noted case and authorised him :—

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us.

To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions, review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents, to admit &/or deny the documents of opposite parties.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive moneys, cheques, cash and grant receipts thereof and do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said cause,

To appoint and instruct any other Legal Practitioner authorising him to exercise the power and authority/herby conferred upon the Advocate whenever he may think fit to do so or sign the power of attorney on our behalf.

And I/we the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all hearings & will inform the Advocate for appearances when the case is called.

And I/we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

And I/we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case untill the same is paid up. The fee settled is only for the above case and above Court I/we hereby agree that once the fees is paid, I/we will not be entitled for the refund of the same in any case whatsoever.

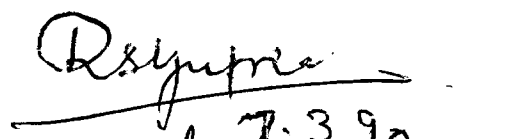
IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this ..... day of ..... 1970

Accepted subject to the terms of fees.

Client

Client

  
Advocate

  
7.3.90  
S. H. Gupta

ABS

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

O.A NO. 61 of 1990(L)

Santosh Prasad Dass

.. Applicant

-VS-

Union of India and others

.. Respondents

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS.

I, *R S Gupta*

aged about *51* years, son of *Late San Kripa Dey*  
at present posted as Supdt. of Post Offices,

Sitapur do hereby solemnly affirm and state as under:-

1. That the deponent is Respondent no.3

in the above noted application and as such he

is fully conversant with the facts of the case and he has been authorised to file the CA on behalf of all other Respondents.

2. That the deponent has read and understood

the contents of application and he is in a position

to give parawise comments etc. as hereinunder:-

3. That before giving parawise comments

it is pertinent to give brief history of the case

as detailed below:

*[Signature]*

*12/3/90*

*COA*  
*12/3/90*

A38

-2-

(a) That the applicant joined as

P.A. at Kheri Head office on 2.7.56.

He passed P.O. and RMS Accounts Examination in the year 1967 and was posted as Accountant, Sitapur HO. He was promoted as LSG/Accountant on purely and adhoc basis vide Memo No. STA/48-XI/LSG/78/II dated 5.2.80 but he did not join as APM A/Cs and opted to work as LSG General Line. He opted General Line vide His option letter dated 6.6.81 hence his promotion to LSG Accts. was cancelled by PMG, UP Circle, Lucknow vide his No. STA/48-XI/LSG/86/Ch. II/II dated 17.11.1987 as communicated by PMG, UP Lucknow vide his letter No. STA/228-125/89/II dated 9.10.89/4.10.89, wherein it was also clearly and categorically mentioned that he has no claim for APM A/C cadre. ~~Copy of the said~~

~~letter is being filed herewith as Appendix~~

~~CA-1 to this counter affidavit~~

4. That the contents of para 1 to 5 are formal as such needs no comments.

5. That the contents of para 6(1) of the application needs no comments.

6. That the contents of para 2 6(?) of

*Amfor*

*Bd*  
*12/3/90*

A37

-3-

the application are admitted to the extent that the applicant passed IO & RMS Accounts Examination in 1967 but by virtue of his option to LSG General Line he became disqualified for LSG Account/AFM Accountants Cadre as communicated to him vide letter No. STA/48-XI/LSG/86/Ch.II dated 17.11.87.

7. That the contents of para 6(3) of the application are incorrect as stated, hence denied.

8. That the contents of para 6(4) of the application are admitted to the extent that he was promoted to AFM A/C Cadre but later due to his option to LSG General Line his promotion was cancelled.

9. That the contents of para 6(5) of the application are incorrect as stated, hence denied.

10. That the contents of para 6(6) of the application are incorrect as stated, hence denied and in reply it is submitted that the applicant originally opted General line vide his option dated 6.6.84 which was sent to C.O. vide office letter No. B/Accountants/General. dated 6.6.81 in response to CC letter No. STA/48-XI/LSG/81/II dated 27.3.81. ~~xxxxxxxxxxxx~~

On the basis of option dated 6.6.81 for General Line cadre the official was promoted to LSG 20% on temporarily and adhoc basis vide office Memo No. 8/Plg.39/Corr. dated 30.7.81 on divisional basis in pursuance of instructions contained in PNC UP Circle

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12/3/90





-4-

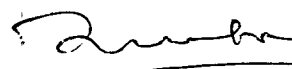
Lucknow communication No. STA/12/XA /LSG/Union/7 dated 5.3.1979 and he assumed as Supervisory cum-operative PA LSG(20%) on 31.7.81 F/M. As such his claim for AFM Accounts do not stand any where in view of his assuming charge in LSG General Line 20%.

11. That the contents of para 6(7) 6(8) of the application are incorrect as stated, hence denied.

12. That in reply to the contents of para 6(9) of the application it is submitted that the applicant was addressed vide office letter No. 8/Acct./Genl dated 6.3.1987 to send his willingness/unwillingness for promotion in AFM A/Cs cadres. Rest of the contents of this para are not admitted being false.

13. That the contents of para 6(10) and 6(11) of the application are incorrect as stated, hence denied.

14. That in reply to the contents of para 6(12) of the application it is submitted that the applicant was wrongly approved in LSG Acctt. cadre instead of LSG General Line as opted by the applicant on 6.6.81 the irregularity was communicated to Shri VM Kapoor AFMO(STaff) Chief Postmaster General UP Circle, Lucknow vide letter No. 2/Accts/Genl dated 19.5.87 and instructions was sought for from him.



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-5-

On this DMG UP Circle Lucknow vide his letter No. STA/48-XI/LSG/86/Ch. II/II dated 12 Nov. 1987 cancelled the orders of promotion of the applicant issued vide his letter No. STA/48-XI/TBP/84/II dated 11.7.84 in view of earlier option of Shri SP Dass for General line and instructed to shift the applicant in General Line if working in account\$ cadre and action was accordingly taken vide Letter No. B/Acctt/Genl dated 19.11.1987.

15. That the content of para 6(13) of the application are incorrect as stated, hence denied and in reply it is stated that the case of the applicant was already decided on the basis of his option dated 6.6.81 and he was accordingly shifted to General Line LSG cadre.

16. That the contents of para 6(14) of the application are incorrect as stated, hence denied.

17. That the contents of para 6(15) of the application are incorrect as alleged hence denied and in reply it is submitted that no representation dated 25.11.1987 of the applicant was ever received in the office of the answering Respondent.

18. That the contents of para 6(16) of the application ~~ixix~~ are incorrect as stated, hence denied and in reply it is submitted that no represent

*[Signature]*

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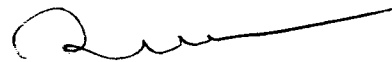
ation of the applicant dated 22.11.1987 as stated by the applicant was not received in the office of the answering Respondent.- as well as notice under Section 80 CPC as alleged.

19. That in reply to the contents of para 6(17) of the application it is submitted that the Chief PMG, UP Circle Lucknow letter No.STA/228-RS/89 dated 4.10.89 addressed to the answering Respondent was received on 5.10.89 and its contents were intimated to the applicant vide letter No.7/LSG/ dated 11.10.89.

20. That in reply to the contents of para 6(18) of the application it is submitted that in pursuance of Respondent no.2 letter No.STA/228-RS/89/II dated 4.10.89 the applicant was shifted from A/Cs. Cadre to General line vide Memo No.3./Arrgt /89 dated 2.11.89 and he stands relieved from the post and is continuing on medical leave. Shri GS Vaish worked AFM A/Cs. on Divisional basis and now Shri RC Saxena approved by the Respondent no.2 is working as AFM A/Cs Sitapur.

21. That the contents of para 6(19) of the application are incorrect as stated. it is submitted that the ~~applicant~~

LSG General Line and LSG Accts. Line are in the same time scale of pay of Rs.1400-2300 and his pay on his shifting to LSG General Line at his option dated 6.6.81 stands fully protected.



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22. That the contents of para 20/ 6(20) of the application are incorrect as stated hence denied and in reply it is submitted that the option of the applicant dated 6.6.81 superceded the option of 1979. In fact this <sup>applicant</sup> ~~official~~ wanted <sup>his</sup> ~~his~~ reservation of promotion in both cadres LSG Genl Line and LSG Accts. Line which was not permissible as per rules of the Department. One official can work and opt for one cadre only even though the same may be in the same scale of pay.

23. That the contents of paras 6(21) to 6(24) of the application are incorrect as stated, hence denied.

24. That in reply to the contents of grounds 1&2 of the application it is stated that the applicant is not entitled to get any relief as sought because after his promotion in the year 1980 in the APM A/Cs Cadre on the basis of his option of 1979 he refused to work in APM Accounts Cadre and vide his option dated 6.6.81 he opted LSG General Line over which post he joined as LSG 20%,

25. That in reply to the contents of grounds 3 of the application it is submitted that the promotion of applicant in the year 1984 in the LSG Accounts cadre was erroneously made and it was subsequently cancelled after knowing the error.

Ans

-8-

26. That in reply to the contents of <sup>ground</sup> para 4 of the application it is submitted that the applicant wanted his reservation in both the cadres which is not permissible.

27. That in reply to the contents of <sup>ground</sup> para 5 of the ~~grounds~~ application it is submitted that LSG Accounts Line and LSG General Line are in the same scale of pay Rs.1400-2300.

28. That in reply to the contents of ~~para~~ grounds 6 of the application it is stated that the applicant opted General Line vide his option letter dated 6.6.81 the other officials of Accounts cadre even though junior will work as APM Accounts ine.

That in reply to the contents of ~~p~~ grounds 7 of the application it is submitted that the applicant is working as LSG General Line in the same scale of pay ~~by which his salary~~ as is given to APM Accounts cadre.

30. That in reply to the contents of grounds <sup>8</sup> of the application it is submitted that the applicant is working as LSG General Line in the same <sup>by</sup> and it is not a reversion order but shifting of official from APM Accounts Cadre to APM General line in the

12/3

same scale of pay by which his salary has never been affected.

31. That in reply to the contents of grounds 6 & 7 are not tenable hence no relief is as sought in this para is entitled in view of the facts stated in the foregoing paragraphs.

32. That in reply to the contents of grounds 8 of the application it is submitted that the applicant is not entitled for any interim relief as sought because he already stands relieved from the post of ARM Accounts where an approved official from the CPMG's office is working.

12/3 KP

33. That in reply to the contents of grounds 9 of the application it is submitted that the applicant has not exhausted all the departmental channels.

34. That the contents of para 9(a) of the grounds are incorrect and it is stated that the prescribed departmental channels as his application dated 26.11.87 was not received in the office of the answering Respondent.

35. That in reply to the contents of grounds 9(b) of the application it is submitted that the representation dated 22.12.87 was not received at the office of the answering Respondent.

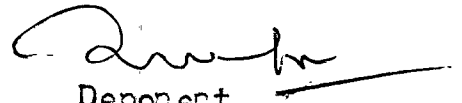
*[Signature]*

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36. That in reply to the contents of grounds 9(c) of the application it is submitted that notice under section 80 CPC as stated by the applicant was also not received in the office of the answering Respondent.

37. That the contents of grounds 10, 11, & 12 of the application needs no comments.

38. That in view of the facts reasons and circumstances stated in the foregoing paragraphs the application filed by the applicant is liable to be dismissed with costs against the Rxx applicant.



Deponent  
on behalf of Respondents 1, 2 & 3.

Lucknow,

Dated: 12 March 1990.

Verification.

I, the above named deponent do hereby verify that the contents of para 1 & 2 of the affidavit are true to my personal knowledge and those of para 3 to 37 are

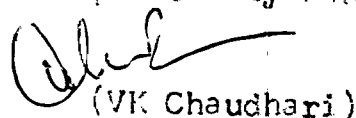
believed by me to be true on the basis of information

gathered and official records and those of contents of para 38 are also to be true on the basis of legal advice.

Dated: 12 Mar. 1990.

Deponent.

I identify the deponent who has signed before me in the same person, who is personally known to me.

  
(VK Chaudhari)

Advocate.

Lucknow,

Dated: 12 March 1990.

(215)

Before the Central Administrative Tribunal, Circuit Bench  
Lucknow.

C.A.No. 61 of 1990 (L)

Santosh Prasad Dass .

... Applicant

Vs.

Union of India and others

... Opp. Parties.

APPLICATION FOR CONDONATION OF DELAY  
IN FILING THE REJOINDER AFFIDAVIT

The petitioner/applicant named-above begs to submit as under:

1. That a duplicate copy of the counter-affidavit was served upon the counsel of the applicant on 13.3.90 who in turn had wrote a letter to the applicant to come for filing the rejoinder-affidavit. This Hon'ble Tribunal had granted two weeks time for filing the F.A.

2. That due to illness of the applicant he could not come earlier for filing the rejoinder-affidavit and hence the same could not be filed within the time granted by this Hon'ble Tribunal.

3. That a little delay has been caused in filing the rejoinder-affidavit and as such the delay on the part of applicant was not deliberate or intentional and is liable to be condoned.

4. That the case is now listed for 30.4.90 for arguments.

P R A Y E R

In view of the aforesaid circumstances, it is most respectfully prayed that the delay in filing the F.A. may kindly be condoned and FA being filed alongwith this application be brought on record.

Dated: 4/4/90

Counsel for the Applicant.

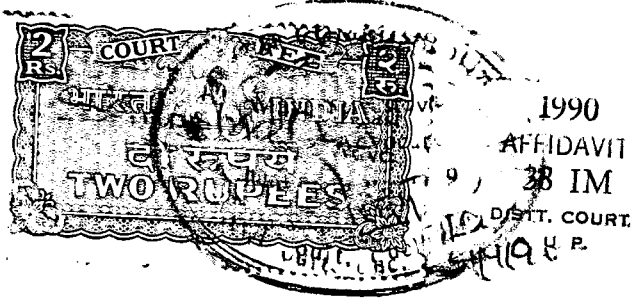


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Before the Central Administrative Tribunal Circuit Bench  
Lucknow.

C.A.No. 61 of 1990 (L)

...



Santosh Prasad Dass

... Applicant

Versus

Union of India and others

... Opp.Parties.

REJOINDER AFFIDAVIT

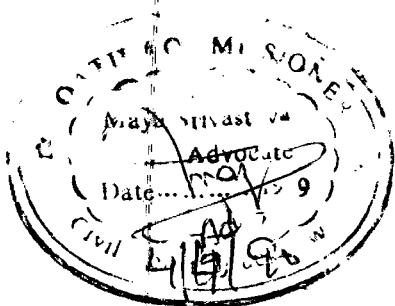
I, Santosh Prasad Dass, aged about 53 years, son of Shri Chandra Shekhar Dass, employed as A.P.M.(Accounts) in the office of Supdt. of Post Offices, Sitapur, the deponent, do hereby solemnly affirm and state as under:

1. That the deponent is sole petitioner in the abovenoted case and as such he is fully conversant with the facts and circumstances of the case. He has read and understood the contents of the counter-affidavit filed by the opp.parties no.1 to 3 and is submitting his replies in seriatim.

2. That the contents of paras 1 and 2 of the counter-affidavit do not call for any reply.

3. That the contents of para 3 of CA are denied as stated. It is further stated that merely on the basis of alleged option of 1981, the deponent cannot be reverted from his post nor he could be prevented

*[Handwritten signature]*



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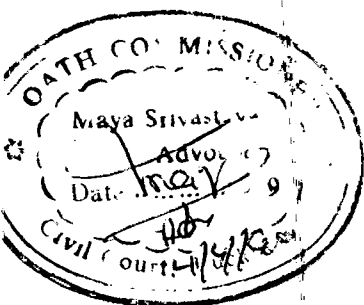
tioner has given his first option in the year 1979 for working in Accounts Cadre and on the basis of which he was promoted. Petitioner was again asked to opt for further promotion in General Line to which the petitioner gave his conditional option in the year 1981. Petitioner gave yet further option in the year 1984 for working in Accounts Cadre and thus the option of 1981 has become redundant. Rest of the contents of the para under reply are denied because they are against the records.

11. That in reply to para 11, the contents of corresponding paragraphs of the petition are reiterated to be correct. Evasive denial of opp. parties is no denial in the eye of law.

12. That in reply to para 12, the contents of para 6(9) of the petition are reiterated to be correct. It is further stated that from their own admission now of the opp. parties that option was called for from the petitioner for working in A/c cadre and accordingly the deponent gave the same and on the basis of which he was promoted as APM A/C cadre.

13. That in reply to para 13, the contents of the corresponding paragraphs of the petition are reiterated. Evasive denial is no denial in the eye of law. Nothing has been stated by the opp. parties in support of their denial of the specific fact and allegations.

14. That in reply to para 14, the contents of



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from his further promotions.

4. That the contents of para 4 of CA do not call for any reply.

5. That the contents of para 5 of CA need no reply.

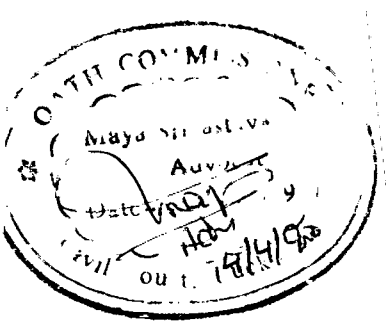
6. That in reply to para 6, the contents of the corresponding para of petition are reiterated.

7. That in reply to para 7, the contents of para 6(3) of petition are reiterated. It is further stated that evassive denial of specific allegation is no denial in the eye of law. The opposite parties have not given specific reasons for their denial of the allegation of the deponent.

8. That in reply to para 8, the contents of para 6(4) of the petition are reiterated. Once the deponent was promoted to A.P.M. A/c cadre, his promotion cannot be cancelled. It will tantamount to reversion of the deponent. The very basis of the cancellation of the promotion is vague.

9. That in reply to para 9, the contents of para 6(5) of the petition are reiterated. Mere denial of specific allegation is no denial in the eye of law. No reasons have been assigned by the opp.parties to prove that the allegation is incorrect. Thus the reply of the opp.parties is evassive.

10. That in reply to para 10, the contents of para 6(6) of the petition are reiterated. The deponent has not originally opted for General Line vide his option dated 6.6.84 as stated in the CA but the peti-



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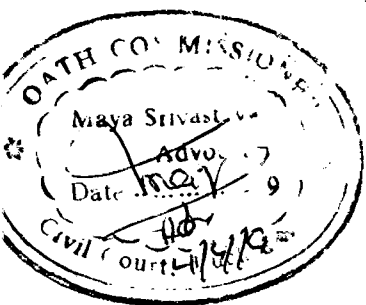
tioner has given his first option in the year 1979 for working in Accounts Cadre and on the basis of which he was promoted. Petitioner was again asked to opt for further promotion in General Line to which the petitioner gave his conditional option in the year 1981. Petitioner gave yet further option in the year 1984 for working in Accounts Cadre and thus the option of 1981 has become redundant. Rest of the contents of the para under reply are denied because they are against the records.

11. That in reply to para 11, the contents of corresponding paragraphs of the petition are reiterated to be correct. Evasive denial of opp. parties is no denial in the eye of law.

12. That in reply to para 12, the contents of para 6(9) of the petition are reiterated to be correct. It is further stated that from their own admission now of the opp. parties that option was called for from the petitioner for working in A/c cadre and accordingly the deponent gave the same and on the basis of which he was promoted as APM A/C cadre.

13. That in reply to para 13, the contents of the corresponding paragraphs of the petition are reiterated. Evasive denial is no denial in the eye of law. Nothing has been stated by the opp. parties in support of their denial of the specific fact and allegations.

14. That in reply to para 14, the contents of



499

para 6(12) of the petition are reiterated. It is further stated that it was not a mistake but a deliberate acts of the opp.parties to revert the deponent from his post and also to prevent him from further promotions in Accounts Cadre. The action is highly irregular and hence the deponent had challenged the same by way of this petition.

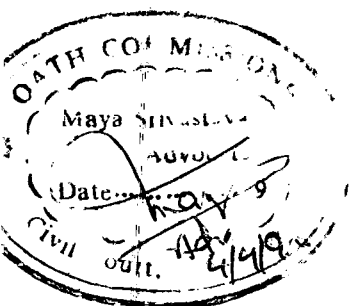
15. That in reply to para 15, the contents of para 6(13) of the petition are reiterated. It is further stated that the action taken while deciding the case was highly irregular and therefore the deponent had challenged the same through present application before this Hon'ble Tribunal.

16. That in reply to para 16, the contents of para 6(14) of the application are reiterated. Evasive denial is no denial in the eye of law nor the opp. parties have assigned any cogent reasons in support of their denial.

17. That in reply to para 17, the contents of para 6(15) of the application are reiterated. It is stated that the deponent had submitted his representation and in case it is not received in the office of opp.party no.3, the deponent is not on fault.

18. That in reply to para 18, the contents of para 6(16) of the application are reiterated. It is further stated that from their reply to the notice ascontained in Annexure no.8, the contention of the deponent about the representation and sending of notice is amply proved.

19. That in reply to para 19, the contents of



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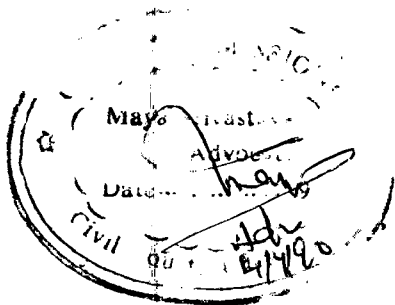
para 6(17) of the application are reiterated. It is further stated that the answering opp. parties have admitted about the receipt of representations and legal notice sent by the deponent.

20. That in reply to para 20, the contents of para 6(18) of the application are reiterated. It is further stated that the deponent has not handed over his charge of the post which he was holding as APM A/C Cadre and hence he has not been relived as yet. He still holds the charge of the said post. It might be possible that the opp. parties have posted any other person for working in absence of the deponent because the deponent is running on medical leave.

21. That in reply to para 21, the contents of para 6(19) of the application are reiterated. It is further stated that by virtue of working in Accounts Cadre, the deponent had obtained seniority on the higher post and in case he will be reverted to serve in General Line, the deponent will loose seniority and further promotions.

22. That in reply to para 22, the contents of para 6(20) of the application are reiterated. It is further stated that in case the option of 1981 superseded the option of 1979 then the option given by the deponent in 1984 shall also supersede the option of 1981 and hence the opp. parties cannot act upon to the option of 1981 which was conditional. The deponent has opted clearly to serve in A/c cadre right from 1979 onwards and hence he cannot be reverted back to general line.

23. That in reply to para 23, the contents of



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the corresponding paragraphs of the petition are reiterated to be correct. Evassive denial is no denial in the eye of law. No reasons have been assigned by the opposite parties for the denial of the specific allegations of the deponent.

24. That in reply to paras 24 to 37, the deponent is advised to state that the grounds urged in support of the application are legal and tenable one and hence the application is liable to be allowed with costs.

25. That the contents of para 38 of the CA are denied. The deponent is advised to state that he had made out prima-facie case in his favour and as such the application is liable to be allowed <sup>with</sup> costs.

Lucknow, dated

Deponent

28.3.1990



Verification:- I, the abovenamed deponent, do hereby verify that the contents of paragraphs 1 to 23 are true to my own knowledge while paras 24 and 25 are true on legal advise. No part of it is false and nothing material has been concealed, so help me God.

Signed and verified this 28th day of March, 1990 in Civil Court Compound at Lucknow.

Deponent

I identify the deponent who has signed before me.

Advocate

4/4/90 12:00  
Smt. P. L. Das 4/4/90  
Dated: 28.3.1990

Maya Adv. 4/4/90  
Oath 4/4/90  
Civil Court, Lucknow

(152)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

C.A. NO.61 of 1990(L)

Santosh Prasad Dass

... Applicant

-VS-

Union of India and others

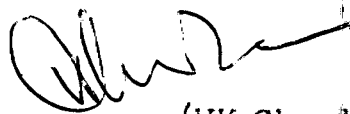
.. Opp. parties

~~XXX~~ OBJECTION TO THE INTERIM RELIEF.

That the Respondents begs to submit as under:-

1. That for the facts, and reasons stated in the accompanying counter affidavit it is expedient in the interest of justice that the interim relief claimed by the petitioner /applicant may kindly be rejected.

2. Wherefore it is most humbly requested that the interim relief claimed by the applicant in the above noted case may very kindly be rejected.



(VK Chaudhari)

Addl Standing Counsel for Central Govt  
Counsel for Respondents.

Lucknow,

Dated: 13<sup>th</sup> March 1990.

15.7  
13/2/90



To

Registered A.O.

Annexure - NO. 1

(AM) 7

Principal  
Kendriya Vidyalaya  
New Tehri Town (T.S.)

Sir

With due respect it is to state  
you that in incident of 25/8/89  
I received serious injuries from the  
joint assault by Mr. R.R. Uniyal,  
Mr. R.K. Sharma and Mr. Manoj Kumar Mishra.

I had been under treatment  
for healing aforesaid injuries and  
submitted required medical certificates  
within time for the month of Sept. 89

Regretfully it is being stated that  
my salary of month September i.e.  
duration of my medical treatment could  
not be disbursed so far.

you're requested to disburse my  
salary of September 1989 at the  
earliest otherwise I will have to  
resort to contest the case for  
my said salary plus compensation

Thanking you for n/a w.r.t. my said  
withheld salary and other dues.

Dated - 18/12/89

Yours faithfully  
Mahesh Kumar  
T.G.T. (P.C.M.)  
K.V.N.T.T.

(1) Warrant  
Ch. J. Sankar  
M.A.