

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH

OA/TA/RA/CP/MA/PT 8/9/96 of 20.....

T. R. Dubey Applicant(S)

Versus

U-0-9- Respondent(S)

INDEX SHEET

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Certified that the file is complete in all respects.

Signature of S.O. *R. Govindarajan*

B.C. file needed to destroy

Signature of Deal. Hand *[Signature]* 25/6/12

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 08 of 1989

APPLICANT(S) T. R. Dubey

RESPONDENT(S) U. U. U.

Particulars to be examined

Endorsement as to result of examination

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

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(1/2)

Particulars to be Examined

Endorsement as to result of examination

- 11. Are the application/duplicate copy/spare copies signed? *Y*
- 12. Are extra copies of the application with Annexures filed? *Y*
 - a) Identical with the Original?
 - b) Defective?
 - c) Wanting in Annexures
Nos. _____ pages Nos _____?
- 13. Have the file size envelopes bearing full addresses of the respondents been filed? *No*
- 14. Are the given address the registered address? *Y*
- 15. Do the names of the parties stated in the copies tally with those indicated in the application? *Y*
- 16. Are the translations certified to be true or supported by an Affidavit affirming that they are true? *No*
- 17. Are the facts of the case mentioned in item no. 6 of the application? *Y*
 - 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? *Y*
- 19. Whether all the remedies have been exhausted? *Y*

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9.4.1990

Hon'ble Mr. P.S. Habid Mohammad, A.M.

Hon'ble Mr. J.P. Sharma, J.M.

Heard the learned counsel for the applicant.

Admit.

Issue notice to respondents to file replies by 4 weeks. The counsel prays for orders on interim relief by stay on the impugned order of transfer. The impugned order Annexure A-1 is stayed for a period of fortnight.

Put up on 23.4.1990 for orders.

See original order on main petition

Sd/-
J.M.

Sd/-
A.M.

Notice issued
12.4.90

rmm/

23/4/90

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

is present

Shri R.C. Singh for the applicant and Shri D.S. Randhawa, Senior standing counsel, Govt. of India, has sought time on behalf of opposite parties to file counter affidavit. Allowed. Let counter be filed within 4 weeks hereof.

OK
Notices were issued on 12.4.90
No further reply nor any unreserved reply. check has been returned back
S. F. O

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list id for orders on 24/5/90. for disposal on interim matter.

A.M.

J.P.

Sd

Received copy
Folder dt
24.4.90
A.M.
25/4/90

up to



94-590

Hon. Mr. P. C. Jain, J.M.

Hon. Mr. J. P. Sharma, J.M.

Shri R. C. Singh for Applicant.

Shri D. S. Ranthawa for Respondents.

Arguments heard. Judgment

reserved.

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J.M.

Ca
A.M.



CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

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CIRCUIT BENCH

LUCKNOW

1-6-90.

O.A. 89/90(L)

Date of decision:

T.R. Dubey

...Applicant

versus

Union of India & others

...Respondents.

Shri R.C. Singh

...Counsel for Applicant.

Shri D.S. Randhawa

...Counsel for Respondents.

CORAM

Hon. Mr. P.C. Jain, Adm. Member.

Hon. Mr. J.P. Sharma, Judl. Member.

Judgment

(delivered by Hon. Mr. J.P. Sharma, J.M.)

The applicant employed as Sepoy in Customs Preventive Circle, Nautanva District Maharajganj, moved this application under section 19 of the Administrative Tribunals Act, 1985 assailing the order passed by Assistant Collector(Customs Preventive Division), Gorakhpur dated 2nd February, 1990 transferring the applicant from Customs Preventive Circle Nautanva to Customs (P& I), Varanasi; with immediate effect. The applicant claimed the relief that the impugned order of transfer dated 2nd February, 1990 (Annexure A-1) be quashed. The brief facts are that the applicant is an Ex-Serviceman and was appointed in the Customs Department as a Sepoy with effect from

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10.12.1979. The applicant remained posted at various places which have been shown by the applicant in para B of para 4 and lastly was posted in Nautanva where he joined in January, 1990 and from this place he was transferred by the impugned order one month after i.e. February, 1990 to Varanasi. The applicant has challenged the transfer order on the ground that the said transfer order has been passed without jurisdiction and in very high handed manner; that the said transfer order is arbitrary, malafide and has been passed to chastise the applicant for his honesty and due diligence which is violative of the Article 14 of the Constitution of India. Other officials posted with him who have been transferred subsequent to the applicant, have not yet been relieved by respondent No. 4. the Superintendent Customs Nautanva, District Maharajganj, while the applicant had been relieved with undue haste without being given the advance salary of one month and advance T.A., the applicant requested to stay his transfer by telegram dated 14.02.90 (Ann A-8) but no action has been taken so far. The applicant also alleged ~~the~~ activities ↓ smuggling/with the connivance of Superintendent of Customs for which he made a complaint to Additional Collector.

2. The said transfer order was stayed after admission of this O.A. by the order dated 09.04.90. On 29.05.90 the respondents filed the reply to the application. In this reply, the respondents had prayed for vacation of the interim stay order.

3. The contention of the respondents is that the order dated 02.02.1990 transferring the applicant as Sepoy in the Customs Department from Nautanva District Maharajganj to Varanasi in the same Customs division was issued by the Assistant Collector (Customs Division) Gorakhpur as directed by Additional Collector, Lucknow vide letter dated 31.01.90 in public interest and in administrative exigency. At the time of arguments the learned counsel for the respondents

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has filed this letter which reads as follows:

"Subject: Complaint against the Customs Sepoy C/R

Please refer to your letter C. No. II (8) 4-Confl/90/41 dated 30th January, 1990 vide which the complaint made by the Superintendent Customs, Nautanwa has been forwarded and also Supdt. Customs, Nautanwa forwarded the complaint of Shri P.P. Ram Inspector, Customs, Nautanwa regarding the complaint of Shri T.R. Dubey Sepoy, Nautanwa, you may transfer Shri T.R. Dubey Sepoy to any non-sensitive place and take disciplinary action you may deem fit against him."

4. The respondents have further contended that after this transfer order was served on the applicant he was relieved from his duty but the applicant did not join at his new place of posting. The respondents admitted that as funds were not available in the last financial year, T.A. advance could not be given to the applicant. That the said transfer order was made in administrative exigency in public interest under the direction of Additional Collector Customs, Lucknow and the relevant confidential official record in this regard may be placed before the Tribunal. It is admitted by the respondents that the transfer order passed in the cases of Shri Ganga Sagar Singh and Shri Jagdish Prasad ^{who} were also transferred out of Nautanwa have not yet been complied with by these officials as these transfers were not on administrative grounds. It is further said that the Assistant Collector, Customs is competent to transfer a Sepoy within the jurisdiction within the division. It is said that the respondents are not aware about the alleged ailment of the applicant, nor the applicant is being harassed unnecessarily and transfer has been effected not against any policy or decision of the Government.

5. The applicant has filed the rejoinder affidavit reiterating the points raised in the application that the transfer has been effected in a malafide manner to harass the applicant.

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6. We have heard the learned counsel for the parties at length and have gone through the record of the case.

7. Regarding the competence of the Assistant Collector, to transfer in the same division, the learned counsel for the respondents has referred to section 4 covering transfer matters of the Central Excise Circle and Divisional office Procedure Manual, 1975 Edition, where in, under para 124 in sub-clause 'A' it is said that transfers of Class IV staff shall continue to be made as hitherto by the Head of Office as defined in para 103, Central Excise Circular and Divisional Office Procedure Manual. Para 103 at page 40 section I gives out that Head of Office, meaning, the Circle Officer in respect of the staff in a Circle, Divisional Officer in respect of the staff in a division and the HAC in respect of staff of Collector Head Quarters office. The sepy is a Class IV servant in the Customs Department and power to transfer is given to the Head of Office which can be exercised by the Circle or Divisional Officer. It is said that Varanasi and Nautanca are in the same P&I Division. The learned counsel for the applicant pointed out that this is regarding the Department of Central Excise and it is not covered by the Customs Department. However, the Heading and ~~of~~ the title of the Manual shows that it was issued under the authority of Central Board of Excise and Customs and further the learned counsel for the respondents pointed out that these are sister departments and the staff of Excise and Customs is often interchangeable and the ~~same~~ Manual applies to the Customs Department also. Thus, it cannot be said that the ~~transfer order passed by~~ Assistant Collector of Preventive Circle Gorakhpur was not authorised to transfer the applicant. Regarding the contention of the applicant that that the said transfer is malafide, the applicant in the application has pointed out that he has made certain complaints against Inspector of Customs Shri R.P. Ram who was encouraging smuggling activities. The applicant sent a Telegram dt.27.1.90,

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has filed this letter which reads as follows:

"Subject: Complaint against the Customs Sepoy C/R

Please refer to your letter C. No. II (8) 4-Confl/90/41 dated 30th January, 1990 vide which the complaint made by the Superintendent Customs, Nautanwa has been forwarded and also Supdt. Customs, Nautanwa forwarded the complaint of Shri P.P. Ram Inspector, Customs, Nautanwa regarding the complaint of Shri T.R. Dubey Sepoy, Nautanwa, you may transfer Shri T.R. Dubey Sepoy to any non-sensitive place and take disciplinary action you may deem fit against him."

4. The respondents have further contended that after this transfer order was served on the applicant he was relieved from his duty but the applicant did not join at his new place of posting. The respondents admitted that as funds were not available in the last financial year, T.A. advance could not be given to the applicant. That the said transfer order was made in administrative exigency in public interest under the direction of Additional Collector Customs, Lucknow and the relevant confidential official record in this regard may be placed before the Tribunal. It is admitted by the respondents that the transfer order passed in the cases of Shri Ganga Sagar Singh and Shri Jagdish Prasad^{...who} were also transferred out of Nautanwa have not yet been complied with by these officials as these transfers were not on administrative grounds. It is further said that the Assistant Collector, Customs is competent to transfer a Sepoy within the jurisdiction within the division. It is said that the respondents are not aware about the alleged ailment of the applicant, nor the applicant is being harassed unnecessarily and transfer has been effected not against any policy or decision of the Government.

5. The applicant has filed the rejoinder affidavit reiterating the points raised in the application that the transfer has been effected in a malafide manner to harass the applicant.

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the contents of which have been filed at page No. 26 of the Original Application (Annexure A-4), though it has no date, but the learned counsel at the time of arguments, within the notice of the respondents' counsel, has shown the postal receipt of sending the telegram on 27.01.90. The applicant has also sent a complaint dated 31.01.90 against certain smuggling activities (A-5). In the letter dated 31.01.90, which has been quoted above, it is made out that certain complaints were made by Superintendent (Customs), Nautanwa, as well as by Inspector R.P. Ram and also the complaint by the applicant, ^{so} Sepoy T.R. Dubey may be transferred to any non sensitive place and take disciplinary action whatever deemed fit against him. This letter completely unlocks the motive behind the transfer, and such a transfer / ~~said to be~~ ^{order cannot be} in public interest or in administrative ~~exigency~~ ^{not it} otherwise has not been convassed successfully/by the learned counsel for the respondents. The applicant joined in January, 90 and soon after joining he made certain complaints against the staff posted with him in the said customs outpost on Indo-Nepal Boarder and specifically cited instances of certain smuggling activities with the connivance of Inspector Ram and other Sepoys. / ^{and soon after the impugned order was passed} Thus, there appears to be a motivated reason which prompted the respondent No. 3 to shift the applicant to other place and without holding the enquiry he obtained the consent for transfer of Additional Collector, Lucknow. The Additional Collector, Customs also did not like to get clear facts and advised the Assistant Collector (Customs) 'P' Division Gorakhpur to transfer the applicant to some non sensitive place. The facts are similar to as reported in the authority of Alok Kumar Das vs. Union of India reported in 1990 U.P.E.B.E.C, Volume I, page 22. In this reported case the Allahabad Bench of the Central Administrative Tribunal observed: that if the order of transfer has been passed in colourable exercise of power with a motive other than the purpose for which it is conferred then it amounts to malice in law, as it

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is supported by a motive which has arisen according to conduct of the applicant in the course of employment, vis-a-vis the respondents^u. In the present case also it was information given by the applicant to the respondents regarding undesirable activities of certain colleagues posted at Nautanwa outpost. The learned counsel for the applicant also placed reliance on the authority of Umesh Chandra Tiwari vs. State (1988 L.I.C. page 668) where in the Hon'ble High Court of Allahabad has held that if orders are passed at the direction of other authority without resorting to the disciplinary ^{action} then such a direction was unjust and the transfer orders so passed, cannot be sustained.

8. Of course, the authorities can pass an order of transfer from one place to another in the interest of public service or it may be due to exigencies of service or also on account of administrative reasons. The courts cannot normally interfere in such matters and the learned counsel for the respondents referred to the authority of Shanti Kumar vs. Regional Deputy Director reported in AIR 1981 S.C. page 1577 but there is no question of going back from the established law, ^{however,} ~~nothing~~ ^{transfer order of} ~~in~~ ^{the present} case. Just by saying that the transfer has been made in the interest of public, in the same division, does not take the malafide out of the order. In the present case, the applicant was made to join at Nautanwa in January, 1990 and on the 2nd Fenruary, 1990 on the directions of the Additional Collector, Customs, he was ordered to be transferred by Assistant Collector, Customs P&T division G orakhpur. In the reply filed by the respondents, in this case, the only reason given out is that the transfer has been in the public interest. In the letter referred to above, there is a punitive basis of transfer. Further, in the counter affidavit administrative exigency or public interest has not been discussed. It is said by the respondents that the confidential record shall be placed be-

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fore the Tribunal, but as it was not to be shown to the other side it was ~~xxxxxx~~ the respondents with held, ~~the same~~.

In fact, what prompted the respondents to transfer the applicant ~~was~~ ^{ought} assumed to have been made out clearly, ^{and that} should come within the purview of the interest of the public service. The learned counsel for the respondents also referred to AIR 1979 Supreme Court page 1136 K.B. Shukla vs. Union of India. In the aforesaid authority, it is held that the responsibility for good administration is of the government. The maintenance of an efficient, honest and experienced administrative service is must for the due discharge of that responsibility. Therefore, the Govt. alone is the best ~~to~~ judge as to the existence of exigencies of such a service requiring the appointments by transfer. The matter has been analysed in the context of the above authority. In the present case, the posting of a Sepoy at a particular place, who is a Class IV employee, and one month after at the other place in the middle of the session should have been made only on extreme necessity, either because the person to be transferred was a misfit or he could have been utilised elsewhere in efficient manner. The aforesaid letter of the Additional Collector of Customs, Lucknow shows that he was ordered to be posted in a non sensitive area.

While the applicant has ^{stated} ~~stated~~ in the application that he had made complaints of corruption against the Inspector Ram and other ~~sepoys~~ who were posted alongwith him at Nautanwa. The reference of complaints is also clear in the letter referred to above of Additional Collector ~~xxxxxx~~ directing the shifting of the applicant to some other place. The transfer is an incidence of service and the order of transfer does not result in alteration of any condition of service to disadvantage of transfere. In any case, there should be no colourable exercise of power which may give rise to inference of mala-fide.

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9. The learned counsel for the respondents has referred to Ram Das Pandey vs. State of West Bengal reported in 1977 (1) SLR 225, when there is a challenge of any order on the ground of malafide, then malafides must be alleged and proved. In the present case, the applicant has clearly alleged malafide nature of the order of transfer as well as arbitrary exercise of the power by the respondents. The malafide is that which is not based on bonafide intentions i.e. not in good faith and something to do with bad faith, ~~although in~~ Swarnlata vs. Union of India reported in 1979, volume II, S.C.C. page 165 it has been held that the burden lies to prove malafides on the person who alleges it. In the reported case, no malafides as such were imputed against the Union Public Service Commission. However, in the present case, it is clearly alleged by the applicant that the Superintendent of Customs and the other employees, ~~are~~ in ~~the~~ collusion encouraging smuggling for their own gains and the applicant has taken risk of making a complaint against a public servant and specifically cited the instances which needed proper investigation before condemning the applicant unheard.

10. We have analysed the order and there is a motive behind this order for shifting the applicant from the present place of posting. As such the applicant has made out a case that the transfer has been made with ulterior motives arbitrarily and not in the exigencies of service or in the interest of public service.

11. The transfer order also has been challenged on the ground that the applicant was not keeping good health and the family is to be disturbed which has only settled a month before. It is because of this that certain norms have been prescribed in effecting the transfer of the public servant. Not only this, it is always deemed proper to effect transfer after the close of Academic Session. It is also an established norm that transfer does not serve the public purpose if

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the person is/ from one place to another after a short interval. Delinquency of an official cannot be corrected by an order of transfer, if a person is not good at a particular station, he will not be good too at the transferred station. It is not the case that the transfer was required immediately or that the applicant had indulged in such activities which may make the administration beyond control at the particular place of posting.

12. We are, therefore, of the opinion that the impugned order of transfer dated 02.02.90 is not passed in the interest of the public and is quashed. The parties shall bear their own costs. However, this order will not bar any other subsequent order for transfer on valid and bonafide reasons.


J. P. Sharma

(J.P. SHARMA)
JUDL.MEMBER. 11/6/90

P.C. Jain
(P.C. JAIN)
ADM.MEMBER 11/6/90

*Received copy
of judgment for
applicant
K.C. Singh
18/6/90*

*Received copy
H.N. Narain Singh
20/6/90*

L Deputy F


In the Central Administrative Tribunal Circuit Bench,
L u c k n o w.

Original Application No. 89 of 1990 (L)

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNALS ACT, 1985

T. R. DUBEY APPLICANT
V e r s u s
UNION OF INDIA & OTHERS RESPONDENTS

I N D E X

Sl.No.	Descriptions of documents Relied upon	Page No.
1.	Application	1 to 14
2.	<u>Annexure No. A-1</u> 030303 A Photostat copy of impugned transfer order dated 2.2.1990.	15
3.	Vakalatnama.	16
<u>Other documents</u>		
4.	<u>Annexure No. A-2</u> A Photostat copy of order dated 6.11.1989.	17 to 24
5.	<u>Annexure No. A-3.</u> A true copy of joining report dated 2.1.1990.	25
6.	<u>Annexure No. A-4</u> A true copy of the telegram dated 27.1.1990.	26
7.	<u>Annexure No. A-5</u> A true copy of the application dated 31.1.1990.	27
8.	<u>Annexure No. A-6</u> A Photostat copy of the transfer order dated 31.1.1990.	28 to 29

Noted for
9/4/90
Arya
Adv.



Filed + signed
26/3/90

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- 9. Annexure No. A-7 30 to 31
A Photostat copy of letter dated 14.2.1990.
- 10. Annexure No. A-8 32
A true copy of telegram dated 14.2.1990.
- 11. Annexure No. A-9 33
A Photostat copy of relieving order dated 15.2.1990.
- 12. Annexure No. A-10 34
A true copy of the application dated 16.2.1990.
- 13. Annexure No. A-11. 35
A Photostat copy of wireless message dated 19.2.1990.
- 14. Annexure No. A-12 36
A Photostat copy of relieving order dated 19.2.1990.
- 15. Annexure No. A-13 (a) 37
A Photostat copy of prescription.
- 16. Annexure No. A-13(b) 38
A Photostat copy of prescription.
- 17. Annexure No. A-13(c) 39
A Photostat copy of scanning report.

For use in Tribunal's Office.

Rathby

Signature of the Applicant.

Date of filing
or
Date of receipt by post
Registration No.

Signature for Registrar.

26.3.80 (13)

In the Central Administrative Tribunal, Circuit Bench,

L u c k n o w .

Original Application No. 019 of 1990 (1)

Sri T. R. Dubey, aged about 45 years,
son of Late Sri Jas Karan Dubey, resident
of Village Haindana Kala, P.O. Baldirai,
District Sultanpur (employed as Sepoy in
Customs Preventive Circle, Nautanwa, Distt.
Mahrajganj).

....

Applicant

V e r s u s

1. Union of India, through the Secretary
Ministry of Finance, New Delhi.
2. Additional Collector Customs, 3/40,
Wazir Hasan, Road, Lucknow.
3. Assistant Collector Customs, Gorakhpur.
4. Superintendent Customs, Nautanwa, District
Mahrajganj.

(Signature)

Contd.. 2/-

5. Sri B. S. Sandhu, I. R. S., Assistant Collector
of Customs, Gorakhpur.

.... Respondents.

DETAILS OF APPLICATION

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

Order passed by Assistant Collector,
Customs Preventive Division, Gorakhpur vide No.
11(3)-6-7770/89/808 dated 2.2.1990 transferring
the applicant from Customs Preventive Circle, Nau-
tanwa to Customs (P and I), Varanasi, with immediate
effect.

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 as prescribed in section 21 of the Administrative Tribunals Act, 1985.

4. Facts of the Case:

(A) That this application is being filed against the impugned order of transfer of the applicant, passed

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by the Respondent No.3 vide his letter No.11(3)-6-
स्था० /89/808 dated 2.2.1990 illegally, arbitrarily
and without jurisdiction. A Photostat copy of the
impugned order of transfer dated 2.2.1990 is being
annexed as Annexure No.A-1 to this application.

(B) That the applicant was appointed as
Sepoy in the Customs Department in a vacancy
reserved for ex-serviceman w.e.f. 10.12.1979.
It may be stated here that the applicant has
served in the Army (RAJPUTANA RIFLES) and retired
after 20 years of service. Being an ex-serviceman,
he was exempt from undergoing training in the
Customs Department. The record of transfers of
the applicant since the date of appointment is
given below:-

<u>Sl. No.</u>	<u>Place</u>	<u>Transfer In</u>	<u>Transferred out</u>
1.	Ahmadabad	December 1979	December 1980
2.	Meerut	December 1990	January 1982
3.	Mirzapur	January 1982	May 1984
4.	Naugarh (Basti)	May 1984	May 1985.
5.	Balrampur (Gonda)	May 1985	September 1986
6.	Faizabad	September 1986	December 1987
7.	Fithoragarh	December 1987	September 1988
8.	Lucknow	September 1988	December 1989
* 9.	Nautanwa	January 1990	February 1990
*10.	Varanasi		

* Under Challenge in this application.

Arubey



(c) That the applicant was transferred from the office of the Assistant Collector, Customs Preventive Division, Lucknow to the Customs Preventive Circle, Nautanwa vide Order No.6/1989 dated 6.11.1989 passed by the Additional Collector, Customs Preventive Division, Indo-Nepal Border, Lucknow. As apparent from sub-para (B) above, the applicant was posted to Lucknow during September 1988 and he was posted out to Nautanwa after a period of one year 3 months. A Photostat copy of the transfer order dated 6.11.1989 is being annexed as Annexure No. A-2 to this application. The name of the applicant is at Serial No.130 of the transfer order. Vide this transfer order Sri Ganga Sagar Singh and Sri Jagdish Prasad (Serial No. 5 and 8) were transferred out from Nautanwa, but they have still not been relieved.

-d.

(D) That the applicant was relieved from Customs Preventive Division, Lucknow on 29.12.1989 and submitted his joining at Nautanwa on 2.1.1990. However, the joining report was accepted on 4.1.1990. A true copy of the joining report submitted by the applicant is being annexed as Annexure No. A-3 to this Application.

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(E) That the Additional Collector Customs, Preventive, Division, Lucknow is the competent authority to order transfer of the applicant and other employees of his category and class and Assistant Collector Customs is not competent to pass transfer orders.

P. R. B. Singh

Handwritten initials in a circle, possibly 'R.P.R.' or similar.

(F) That during the last week of January 1990, the applicant came to know that one Sri R.P. Ram, Inspector Customs was encouraging smuggling activities. The matter was reported to the Respondent No.3 and 4, but no action was taken by them. The applicant, therefore, sent a telegram on 27.1.1990 to the Respondent No.2 in this regard. Due to this the Respondent 3 and 4 become highly annoyed and prejudiced against the applicant. A true copy of the telegram sent by the Applicant to the Respondent No.2 on 27.1.1990 is being annexed as Annexure No. A-4 to this application. The applicant also submitted an application to the Respondent No.2, through proper channels, on 31.1.1990 in this regard enclosing a copy of the telegram dated 27.1.1990. A true copy of the application dated 31.1.1990 is being annexed as Annexure No. A-5 to this application. On receipt of the application dated 31.1.1990, the Respondent No. 3 was highly annoyed and irritated. The deponent has reason to believe that understand the reasons of annoyance and the possibility of complicity of the Respondent No.3 in the illegal activities of the customs Inspector Sri R.P. Ram & others cannot be ruled out.

(G) That the Respondent No.2 also issued a transfer order in respect of Sri B.B. Singh, Driver vide Office Order No.2/90 dated 31.1.1990 from Nautanwa to Varanasi but ~~that~~ he has not yet been relieved. It may be stated here that the said Sri B.B. Singh, Driver was also involved in encouraging smuggling activities. A Photostat copy of the transfer order dated 31.1.1990 is being annexed as Annexure No.6, which also shows that

Handwritten signature, possibly 'Rambey'.

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only Respondent No.2 is competent to issue transfer orders.

(H) That as already stated, the Respondents Nos. 3 and 4 ^{were} ~~was~~ highly prejudiced and annoyed with the applicant due to his complaint against Sri R.P.Ram, Inspector and they realised that they may also get exposed. Instead of taking any action to investigate the activities of Sri R.P.Ram, Inspector Customs, the Respondent No.3 issued transfer order dated 2.2.1990 (Annexure A-1) transferring the applicant from Nautan-
-wa . The transfer order has been passed without juris-
-diction, arbitrary and malafide and to chastise the applicant for his honest report against the illegal activities of Customs Inspector Sri R.P.Ram. The deponent is advised to state that the impugned trans-
-fer is violative of Article 14 of the Constitution.

(I) That the Respondent No.2 issued the transfer order of Sri R.P.Ram, Inspector Customs Nautanwa to Gonda vide Wireless Message dated 12.2.1990 and asked the Respondent No.4 to relieve him immediately, but he has not yet been relieved for the reasons known to the respondents No. 3 and 4 .

(J) That while on duty on 12.2.1990, the applicant came to know about smuggling of foreign clove from Nepal. On apprehending the smuggler, he revealed ~~the~~

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the story that he had managed the smuggling by paying Rs. 500.00 to the Inspector Sri R.P. Ram and Driver Sfi B.B. Singh. He also revealed that just a week ago he had paid Rs. 500.00 to another Inspector Sri A.K. Srivastava and Driver Sri B.B. Singh. A written statement was prepared, which was signed by all the Sepoys of Customs present on duty on the same day, i.e., 12.2.1990 and the matter was reported to the Respondent No.2 on telephone. Later the statement was forwarded to the Respondent No.2 under letter dated 14.2.1990, a photostat copy of which is being annexed as Annexure No. A-7 to this application. The contravand was seized under the orders of the Respondent No.2 on 12.2.1990 and the applicant sent a telegram to the Respondent No.2 on 14.2.1990 to stay the transfer of the applicant till the enquiry. A true copy of the telegram dated 14.2.1990 is being annexed as Annexure No. A-8 to this application.

(K) That it may be stated that for transfer from Lucknow to Nautanwa, the applicant was paid an advance of Transfer T.A. of Rs. 500.00 only, whereas for his move alongwith family, the total entitlement and expenditure was of Rs. 2,164.00. The claim for balance of Rs. 1664.00 was submitted by the applicant on 12.2.1990, but the same has not yet been paid to him.

(L) That due to seizure effected by the applicant on 12.2.1990, the Respondent No.4 & relieved the

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applicant on 15.2.1990 vide order No.II(3)ESTT/17/89-90/224 dated 15.2.1990, without prior information. The applicant was on duty and neither he was ^{given} information of being relieved nor given the copy of the relieving order on 15.2.1990. A Photostat copy of the relieving order dated 15.2.1990 is being annexed as Annexure No. A-9 to this application.

(M) That the applicant submitted an application to the Collector Customs Central Excise and Customs, Allahabad and Patna on 16.2.1990 and prayed for the grant of advance of T.T.A. and pay of February 1990 to enable him to move on transfer. A true copy of the application dated 16.2.1990, is being annexed as Annexure No. A-10 to this application. 4 copies of this application were handed over in the office of the Respondent No.4 on 16.2.1990 which were forwarded to the addressee and Respondents Nos. 2 and 3 by the Respondent No.4 on the same day.

(N) That on 19.2.1990, a wireless message was received from the Respondent No.3 stating that due to non-availability of funds the T.T.A. advance cannot be sanctioned to the applicant and the applicant was directed to take pay advance from Gorakhpur. It was also stated that the applicant will be treated relieved from the date of issue of relieving order by the Respondent No.4. A Photostat copy of the wireless message dated 19.2.1990 is being annexed as Annexure No. A-11. Neither the enquiry into the seizure made by the applicant was ordered nor T.T.A. advance was

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paid to the applicant, but the Respondent No.4 modified his earlier relieving order dated 15.2.1990 (Annexure No.A-9) and relieved the applicant w.e.f. 19.2.1990 vide order No.II(3)ESTT./17/89-90/414 dated 19.2.1990, a photostat copy of which is being annexed as Annexure No.A-12 to this application.

✓(O) That the applicant is suffering from the trouble of Gall Bladder stone and he was under treatment of Dr. D.K.Srivastava at Gorakhpur. The applicant, therefore, applied for medical leave. During medical leave, he was examined by Dr. R.D.Singh Chauhan District Hospital Faizabad who has advised operation. The scanning done on 8.3.1990 has revealed a stone stuck at the neck of Gall Bladder. The applicant is, therefore, not yet fit to join the duty. The photostat copies of the prescriptions and scanning report are being annexed as Annexure No. A-13 to this Application.

(P) That under the rules, the transfer should not be ordered before completion of 2 years service at the place of posting. However, as obvious from sub-para (B) above, the applicant is being subjected to frequent transfers and this time he has been transferred within a month. This is nothing but harassment to the applicant for his devotion to duty and honesty, besides causing unnecessary loss to the public exchequer by way T.T.A./D.A. etc.

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(Q) That to the knowledge of the applicant, the Government has issued policy decision not to order transfers during mid-session of the schools. It may be stated that the children of the applicant were shifted from Lucknow due to transfer in January 1990 and the present transfer will again involve shifting of the school going children to Varanasi. This will adversely affected their studies.

5. Grounds for relief with legal provisions:-

(A) Because the impugned transfer order has been passed without jurisdiction and in a very high handed manner.

(B) Because the impugned transfer order is arbitrary, malafide and has been passed to chastise the applicant for his honesty and due diligence, which is violative of Article 14 of the Constitution.

(C) Because the persons transferred by the Competent authority during November 1989 have still not been relieved by the Respondent No.4, so far, but the applicant has been relieved with undue haste, which is discriminatory.

(D) Because the persons having dubious and suspicious activities who have been transferred by the competent authority are not being relieved for ~~the~~ oblique motives.

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- (E) Because the advance of T.T.A. has not been paid to the applicant.
- (F) Because the impugned order of transfer is illegal being contrary to the policy of the Government on the subject of transfer.
- (G) Because the applicant has been relieved malafide, arbitrarily and in high handedness to harass him and to cause a loss to the public exchequer.

6. Details of remedies exhausted;

The applicant declares that he has availed of all the remedies available to him under the relevant Service Rules etc..

- (a) The applicant requested the Respondent No. 2 to stay the transfer vide telegram dt. 14.2.1990 (Annexure No.A-8), but no action has been taken so far nor reply received.
- (b) The applicant has requested for payment of T.T.A. advance vide his application dated 16.2.1990 (Annexure No.A-10), but it has been refused on the ground of non-availability of funds.

7. Matters not previously filed or pending with any other Court.

The applicant further declares that he had not previously filed any application, writ petition or suit, regarding the matter in respect of which this application has been made, before any Court or any other authority or any other Bench of the

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Trinunal nor any such application, writ petition or suit is pending before any of them.

8. Reliefs sought:

In view of the facts mentioned in para 4 above, the applicant prays for the following relief (s):-

(a) issue a writ, order or direction in the nature of CERTIORARI quashing the impugned order of transfer dated 2.2.1990 contained in Annexure No.A-1 to this application.

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

(c) allow this application with cost.

9. Interim order, if any prayed for:-

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

The imputned order of transfer dated 2.2.1990 (Contained in Annexure No.A-1) and the relieving order dated 19.2.1990 (Contained in Annexure No.A-12) may kindly be stayed.

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

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regarding the date of hearing could be sent to him.

The counsel for the applicant shall appear at the hearing of the case.

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

High Court Lucknow, Post Office IPO. No.8-02-409886 dated 22.3.1990 for Rs.50.00 only.

12. List of enclosures:

1. Annexure A-1: Impunged transfer order dated 2.2.1990.
2. Annexure A-2: A Photostat copy of the transfer order dated 6.11.1989.
3. Annexure A-3: A true copy of joining report dated 2.1.1990.
4. Annexure A-4: A true copy of telegram dated 27.1.1990.
5. Annexure A-5: A true copy of application dated 31.1.1990.
6. Annexure No.A-6: A photostat copy of the order transfer/dated 31.1.1990.
7. Annexure A-7: A Photostat copy of letter dated 14.2.1990.
8. Annexure A-8: A true copy of telegram dated 14.2.1990.
9. Annexure A-9: A Photostat copy of the relieving order dated 15.2.90.
10. Annexure A-10: A true copy of application dated 16.2.1990.

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11. Annexure A-11: A Photostat copy of wireless message dated 19.2.1990.
12. Annexure A-12: A Photostat copy of relieving order dated 19.2.1990.
13. Annexure A-13: A Photostat copies of the prescriptions and scanning report.

Lucknow
Dated: March 26th, 1990

Roubed
Signature of the
Applicant.

VERIFICATION

I, T. R. Dubey, son of late Sri Jas Karan Dubey, aged about 45 years, working, as Sepoy in the office of Superintendent Customs Preventive Circle, Nautanwa, District Mahrajganj, resident of Village Haindana Kala, P.O. Baldirai, District Sultanpur, do hereby verify that the contents of paras 1, 4(A), (B), (C), (D), (E), (F), (G), (H) (Partly), (I), (J), (K), (L), (M), (N), (O), (P), (Q), 6, 7, 8, 9, 10, 11, 12 are true to my personal knowledge and paras 2, 3, 4 (H)(partly) and 5 believed to be true on legal advice and that I have not suppressed any material fact.

Dated: 26 March 1990
Place: Lucknow

Roubed
Signature of the Applicant.

To,
The Registrar,
Central Administrative Tribunal,
Circuit Bench, Lucknow.

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In the Central Administrative Tribunal Circuit Bench,

L u c k n o w

O. A. No. of 1990

T.R. Dubey Versus Union of India & others

Annexure A-1

(12)

कार्यालय सहायक समाहर्ता, सीमा शुल्क निवारक मण्डल :: गोरखपुर ।

आदेश :-
=====

श्री टी० आर० दूबे, सिपाही को सीमा शुल्क परिमण्डल, नौतनवाँ से सीमा शुल्क (पी०एण्ड० आई०) वाराणसी स्थानान्तरित किया जाता है । यह आदेश तत्काल प्रभावी होगा ।

सहायक समाहर्ता
सीमा शुल्क मण्डल, गोरखपुर ।

पत्रांक-11(3)-स्था/89/808

दिनांक 2-2-1990

प्रतिलिपि निम्नलिखित को सूचनार्थ संव आवश्यक कार्यवाही हेतु प्रेषित
=====

- 1- श्री टी० आर० दूबे, सिपाही, सीमा शुल्क निवारक परिमण्डल, नौतनवाँ
- 2- अधीक्षक, सीमा शुल्क परिमण्डल नौतनवाँ ।
- 3- सहायक समाहर्ता, सीमा शुल्क (पी०एण्ड० आई०) वाराणसी ।
- 4- अपर समाहर्ता, सीमा शुल्क निवारक, लखनऊ ।
- 5- समाहर्ता, सीमा शुल्क निवारक समाहर्तालय, पटना ।
- 6- इन्चार्ज गोपनीय अनुभाग, मण्डल कार्यालय, गोरखपुर ।

Received

/धुव 2290/

T.C.
Resig
Adv.

सहायक समाहर्ता
सीमा शुल्क मण्डल, गोरखपुर ।

2/2/90

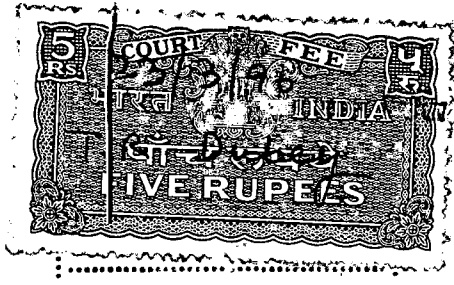
In the Central Administrative Tribunal, Circuit Bench,
Lucknow

व अदालत भीमान
[वादी अपीलान्ट]
प्रतिवादी [रेस्पाडेन्ट]

T.R. Dubey

का वकालतनामा
O. A. No. 89 of 1990 (L)

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T.R. Dubey

Union of India and others.

प्रतिवादी (रेस्पाडेन्ट)

नं० मुकद्दमा O.A. No. 89 of 1990 पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री R.C. Singh, Advocate (Regn. No. 2388 of 1987)

व Ajay Pratap Singh, Advocate (Regn. No. 681 of 1990) वकील महोदय एडवोकेट

नाम अदालत
मुकद्दमा नं०
नाम फरीकत

को अपना वकील नियुक्त करके प्रतिज्ञा (इकराद) फरता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा द्यो फुछ पंरबी व जबाबदेही व प्रश्नोत्तर करें या फोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया लसूब करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल फरें और तसदीक करे मुकद्दमा उठावे वा कोई रुपया जमा करे या हारी बिपक्षी (फरीकसानी) का दाखिल फिया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (वस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई यह सब कार्यवाही हमको सर्वथा स्वीकार है और होषा मैं यह भी स्वीकार फरता हूं कि हर पेशी पर स्वयं या किसी अपने पंरोकार को भेद्यता रहूंगा अगर मुकद्दमा अदल पंरबी में एफ तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आने ।

Signature

हस्ताक्षर

साक्षी (गवाह) ... साक्षी (गवाह) ...

दिनांक ... 23rd ... महीना March ... सन् १९९० ई०

स्पीकृत
R.C. Singh Adv.
Asmgh Adv.

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

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C. M. Application No. _____ of 1990.

Union of India and Others Applicants.

Court fee remitted vide Notification No. M-1015/1-602(1)
Dated August 9, 1943 published in U. P. Gazette
Dated August 10, 1943, Part 1, page 277.

In re. :

O. A. No. 89 of 1990

T. R. Dubey Applicant.

Versus.

Union of India and others Respondents.

APPLICATION FOR VACATION OF INTERIM STAY ORDER

The Applicants above-named respectfully
submit as under :-

That for the facts and reasons given in the
accompanying Counter Affidavit, it is expedient in
the interest of justice to vacate the interim stay
order dated 9.4.90 passed in the above noted case.

Wherefore, it is humbly prayed that the
interim stay order dated 9.4.90 may kindly be
vacated.

Lucknow ;

Dated : 24.5.1990

(D. S. RANDHAWA)
Advocate,
Senior Standing Counsel,
Central Government,
Counsel for the Applicants,
(Respondents)

D. S. RANDHAWA
SENIOR STANDING COUNSEL,
CENTRAL GOVT.
ALLAHABAD HIGH COURT
LUCKNOW BENCH,

In the Hon'ble Central Tribunal, Circuit Bench,

L u c k n o w.

G. A. No. 89 of 1990

T. R. Dubey Applicant

Versus.

Union of India, through the
Secretary Ministry of Finance
& Others.

Respondents.

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS.

I, B. N. Singh, aged about 53 years S/o
Late Shri Ram Nandan Singh, resident of Nautanwa,
Distt. Maharajganj, hereinafter described as the
Deponant, do hereby solemnly affirm and state as
under :-

1. That the Deponant is Superintendent, Customs,
Preventive Circle, at Nautanwa, Distt. Maharajganj
and he is Respondent No. 4 in the present Claim
Application. He has been authorised to affirm this
Affidavit on behalf of Respondents 1 to 3 also.

2. That the Deponant has understood the contents
of this claim Application and he well convergant
with the case, ^{with the facts of} deposited hereinafter.

3. That before giving parawise replies it is
necesszry to state the following facts by way of
brief background of the case :-

(1) That the order transferring the applicant,
a Sepoy in the Custom Department, from Nautanwa
Distt. Mahrajganj to Varanasi, in the same Custom
Division was issued on 2.2.1990 by the Asstt.

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Collector (Custom Division), Gorakhpur, as directed by the Addl. Collector, Customs, Lucknow vide his letter No. II(8)6-Confl./90/133 dated 31.12.1990, in public interest and in administrative exigency

(ii) That the above mentioned transfer order was sent to the applicant and a copy of the same to the Superintendent, Customs, Nautanwa on the same date, 2.2.1990. Thereafter, in pursuance of the aforesaid transfer order, the applicant was relieved from his duty in Nautanwa by the Superintendent of Customs on 19.2.1990 but the applicant after being relieved and accepting the relieving order did not join at new place of posting, Varanasi.

(iii) That instead of joining the Custom office at Varanasi to which he had been transferred, he managed to file the present Application before the Hon'ble Tribunal and obtained stay order dated 9.4.90 for a fortnight which has been subsequently extended.

(iv) That in the mean time the applicant requested for one month pay and T.T.A. advance. So, one month advance pay was got encashed so as to make the payment to the applicant, but he did not turn up to receive the same. Accordingly, that amount of pay - one month advance was sent to the new place of posting, Varanasi. However, due to non-availability of funds under the Head - T.T.A. Advance, during the last financial year, Feb. being the fag end of Financial year, T.T.A. advance could not be paid to him at that time.

(v) That now the T.T.A. advance of the applicant Shri Dubey has been sanctioned during the current financial year, but the applicant has refused to receive the payment on the ground that the order of transfer has been stayed. But the Respondents are

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ready to pay the T.T.A. advance at any time.

4. That the contents of paras 1 to 3 of the Application need no reply.
5. That the contentions raised in Para 4 (A) of the application are emphatically denied and it is submitted that there is nothing illegal, arbitrary and without jurisdiction. It is submitted that the impugned transfer was made in administrative exigencies in public interest, under the

/the Hon'ble Tribunal for their kind perusal as and when required.

6. That the contents of para 4 (B) of the Application are denied. However, the records of transfer as indicated by the applicant speak of his way of working which he might have adopted during all these years.

7. That the contents of paras 4 (C) needs no reply excepting the contention of the applicant that Shri Ganga Sagar Singh & Shri Jagdish Prasad were also transferred out from Nautanwa but they have still not been relieved. In this connection it is submitted that the transfers of S/Shri Ganga Sagar Singh & Jagdish Prasad were not on administrative grounds. Shri Ganga Sagar - Sepoy requested for his stay at Nautanwa vide his application dated 12.12.89 for some time on the ground of his family circumstances. His application has been forwarded to the Addl. Collector, Customs, Lucknow for consideration. Shri Jagdish Prasad - Sepoy has been relieved from Nautanwa from 20.3.90.



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8. That the contents of para 4 (D) as stated are not admitted. and it is submitted that the joining report as submitted on 2.1.90 was accepted the same day by the Superintendent, Customs, Nautanwa - Respondent No. 4. However, the joining report after its acceptance of the Superintendent Customs, Nautanwa, ~~it~~ was forwarded to the Assistant Collector, Custom Division, Gorakhpur for information and necessary action.

9. That the contents ^{of} raised in Para 4 (E) of the applicant is emphatically denied and it is submitted that the impugned transfer was made by the Assistant Collector, Customs, Gorakhpur within the Division which is within his territorial jurisdiction on the direction of the Addl. Collector, Customs, Lucknow vide their office letter C. No. II(8) 6/ Confl./80/133 dated 31.1.90. However, the fact^s remains that the Assistant Collector is competent to transfer a sepoy within his jurisdiction, within the Division.

10. That the allegations as contained in paras 4 (F) to 4 (J) regarding Shri R.P. Ram, Inspector, Shri A.K. Srivastava - Inspector, and Shri V.B. Singh Driver, are denied. The applicant unnecessarily wants to side-track the issue but it is emphatically asserted that there is nothing punitive, malafide, discriminatory and arbitrary in the impugned transfer of the applicant.

11. That the contents of Para 4 (K) are not admitted and it is submitted that the T.T.A. claim for transfer from Lucknow to Nautanwa has already been paid to him in April, 1990.



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12. That the contents of ²para 4 (L) are not admitted and it is submitted that the transfer order was issued by the Assistant Collector, Custom, Gorakhpur on 2.2.90 and was communicated to the applicant as well as the Superintendent, Nautanwa on the same day. In pursuance the aforesaid transfer order the Superintendent wanted to serve the relieving order on the applicant on 15.2.90 but he refused to take up. Accordingly, the Superintendent through a wireless informed the Assistant Collector. Ultimately, the relieving order was served on the applicant on 19.2.90 and he was relieved w.e.f. that date. It may be emphatically stated that the incident of seizure that had taken place on 12.2.90 had nothing to do with the impugned transfer.

13. That in reply to the contents of paras 4 (M) it is submitted that due to paucity of funds under the Heads TA/TTA, the T.T.A. advance could not be paid to him at that time. However, one months pay advance for the month of Feb., 90 was duly sanctioned and then the amount was sent to his new place of posting at Varanasi, but he did not turn up to receive the amount.

14. That with reference to contents of para 4 (N) it is submitted that the correct position has already been explained above in this Counter Affidavit.

15. That the contents of para 4 (O) are not admitted. The respondents are not aware of any such ailment. However, the fact remains



B. N. Singh

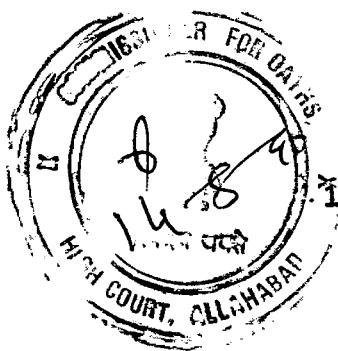
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15. that better medical facilities are available at Varanasi, the new place of his posting.

16. That the contentions raised in para 4 (P) and (Q) are denied and it is submitted that the transfer has been according to the exigencies of service ^{Administration} in public interest. There is no question of any harassment and there is nothing against any policy, decision of the Government.

17. That the contents of para 5 and the contentions raised therein are denied. The impugned order of transfer is perfectly legal, just and proper. There is absolutely no contravention of any provision of law and the Constitution. There is no malafide, no discrimination, no arbitrariness, no high-handedness ^{and} no oblique motive. Further, there is nothing against the policy of the Government. But the fact remains that this transfer has been made according to administrative exigencies in public interest. The T.T.A. advance has been offered to the applicant, but he has refused to receive it. The Respondents are still ready to pay the T.T.A. advance to the applicant any time.

18. That in reply to the contents of para 6 of the Claim Application, it is submitted that it is not expedient in the interest of justice to stay the transfer, which has been made according to Administrative exigencies in public interest. Further, the facts in regard to payment of T.T.A. advance ^{has} already been explained above in this Counter Affidavit. However, it is submitted that

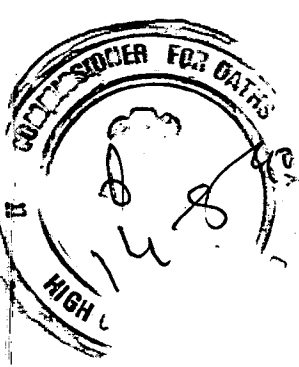


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..since then, the T.T.A. advance has been offered to the Applicant, but he has refused to receive it.. The Respondents are still ready to pay the T.T.A. advance at any time.

19. That the contents of para 7 of the application need no reply.
20. That in reply to the contents of Paras 8 and 9 it is submitted that in view of the position stated above in this Counter Affidavit, the applicant is not entitled to any relief sought in the present Claim Application. Further, there being no prima-facie case in favour of the applicant, he is not entitled to interim reliefs and, as such the interim stay order granted and thereafter extended is liable to be vacated.
21. That the contents of paras 10 to 12 need no reply.
22. That the deponent has been advised to state that in view of the position stated in this Counter Affidavit, the Applicant is not entitled to any relief ~~prayed for~~ ^{of} in this present Claim Application, which is ~~meritless~~ devoid of any merit and is liable to be dismissed with costs.



Lucknow,

Dated 14th May 14, 1990.

S. N. Singh
Deponent.

Verification

I, the above named deponent, do hereby verify

contd. ...

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that the contents of Paras 1 and 2 of the Affidavit are true to my own knowledge, the contents of paras 3 to ²¹ ~~21~~ ²² ~~22~~ are true to my knowledge derived from the official records and the contents of Paras ²² ~~22~~ are believed by me to be true on the basis of legal advice. No part of this Affidavit is false and nothing material has been concealed, so help me God.

Lucknow :

Dated : 14-8-90

B. N. Singh

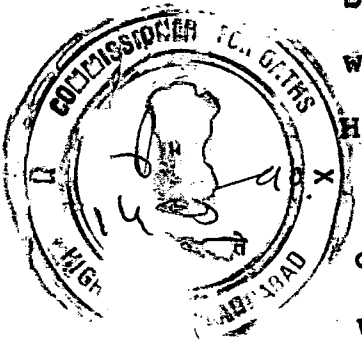
Deponent.

I identify the deponent who has signed before me and is personally known to me.

D. S. Raudh
Advocate.

Solemnly affirmed by the deponent on 14-8-90 at 8-15 a.m./p.m. who has been identified by ² *Sr. B. N. Singh* ^R *D. S. Raudh* Advocate, High Court, Lucknow Bench.

I ~~have~~ have satisfied myself by examining the deponent who understands the contents of this affidavit which has ² ~~been~~ read over and explained by me.

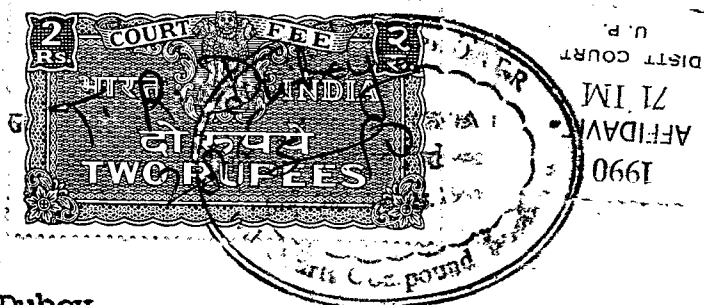


D. S. Raudh
D. S. RAUDH
OATH COMMISSIONER
High Court Lucknow Bench L.
No. 14-8-90

A7

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

O.A. No. 89 of 1990



T.R. Dubey

..Applicant

Versus

Union of India and others

..Respondents

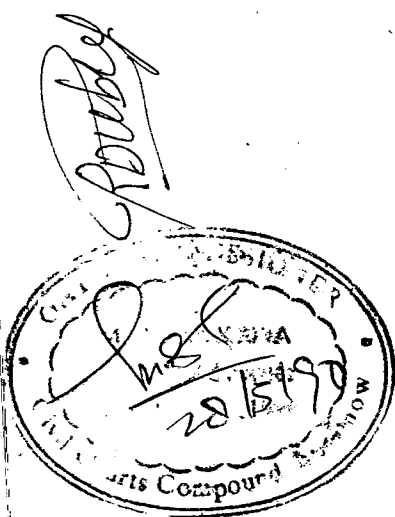
REJOINDER AFFIDAVIT

I, T.R. Dubey, aged about 45 years son of Late Sri Jas Karan Dubey, resident of Village Haindana Kala, Post Baldirai, District Sultanpur (employed as Sepoy in Customs Preventive Circle, Nautanwa, District Maharajganj), the deponent, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the applicant in the above described O.A. and as such he is fully acquainted with the facts and circumstances of the case. The deponent has been read over and explained the contents of the counter affidavit filed on behalf of the Respondents 1 to 4 and its rejoinder affidavit is being filed hereunder.

2. That the contents of para 1 of the counter affidavit need no reply. It is, however,

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stated that the impugned order was passed by the then Assistant Collector(Customs), Gorakhpur who has been arrayed as Respondent No.5 by name but no counter affidavit has been filed by the Respondent No.5.

3. That the contents of para 2 of the counter affidavit need no reply.

4. That the contents of para 3(i) of the Counter affidavit are denied. It is specifically stated that the transfer of the deponent has not been ordered in public interest and in administrative exigency as alleged. The respondents have also not annexed the alleged direction issued by the Addl. Collector Customs, Lucknow vide alleged letter No. II(8)-6-Confl/90/133 dated 31.1.1990, hence the same is denied. It is reiterated that the Asstt. Collector(Customs Division)Gorakhpur had no authority or power to issue the transfer order of the deponent.

5. That the contents of para 3 (ii) of the counter affidavit need no reply, except that the deponent had preferred the representation against the impugned transfer. Due to sickness he was not in a position to join. Moreover, the deponent was relieved without provision of advance of T.T.A. and even one month pay advance was not paid prior to relieving which ipsofacto speaks of the high handedness of the Respondents No.4 and 5.



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order was passed in an arbitrary and unreasonable manner only to shield the corrupt officials. This Hon'ble Tribunal may be pleased to summon the relevant records for just and proper decision in the case.

11. That the contents of para 6 of the counter affidavit are denied and those of para 4(B) of the O.A. are reiterated. The work and conduct of the deponent has all along been excellent, which is apparent from his unblemished record of service. The deponent, who is a sincere, dedicated and honest employee has been complying with the orders of transfer issued from time to time.

12. That the contents of para 7 of the counter affidavit are denied and those of para 4 (C) of the O.A. are reiterated. It may further be stated here that the transfer orders of S/Sri Ganga Sagar Singh and Jagdish Prasad were issued on 6.11.1989, but Sri Jagdish Prasad has been relieved on 20.3.1990 and Sri Ganga Sagar Singh is still allowed to continue on the ground that his application has been forwarded to the respondent No.2 whereas the deponent was relieved on 19.2.1990 though his transfer order was issued on 2.2.1990 and his request/representation for cancellation of the transfer order was still pending before the respondent No.2. This shows high-headedness and prejudice of the respondent Nos.4 and 5 and discriminatory treatment meted out to the deponent. It may be stated here that the Government of India

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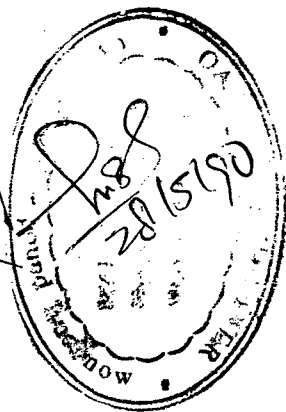
GA
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Ministry of Finance(Kendrya Utpadan Shulk tatha Seema Shulk Board,New Delhi) vide letter No. A-32022/39/89/Prasha/3-Ka dated 12.3.1990 has issued instructions for deciding the representation of the employees by a speaking order whereas the representation of the deponent has not yet been decided. A photostat copy of the above order is being annexed as Annexure No.R-1 to this affidavit.

13. That the contents of para 8 of the counter affidavit are denied and those of the para 4(D) of the O.A. are reiterated.

14. That the contents of para 9 of the counter affidavit are denied and those of para 4(E) of the O.A. are reiterated. The answering respondents have not annexed any order/letter which empowers the respondent No.3 to issue the transfer order within his territorial jurisdiction. It may not ^{be} out of place to mention that a perusal of transfer orders issued by the respondent No.2 vide letter dated 6.11.1989(Annexure A-2) reveals that all such transfers have been issued by the respondent No.2. This belies the contention of the respondents.

Ronby



15. That the contents of para 10 of the counter affidavit are denied and those of paras 4(F) to 4(J) of the O.A. are reiterated. The averments of para 4(F) to 4(J) of the O.A. are very much relevant, as it is root cause of the annoyance

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and prejudice against the deponent. If this Hon'ble Tribunal is pleased to summon the record of the seizure at Customs Nautanwa during January 1990 and onwards and previous months, a true picture of deponent's performance will emerge. The impugned transfer order has been passed malafide, discriminatory, arbitrary and high-handedness way.

16. That the contents of para 11 of the counter affidavit need no reply. However, the T.T.A.Claim for transfer from Lucknow to Nautanwa has been paid in April 1990, i.e.after issue of transfer order by the respondent No.3.

17. That the contents of para 12 of the counter affidavit are denied and those of para 4 (L) of the O.A. are reiterated. It is specifically stated that the deponent was relieved hurriedly due to seizure effected by the deponent on 12.2.1990 as it has exposed the corrupt officials.

18. That the contents of para 13 of the counter affidavit are irrelevant now. It may however be stated that one month pay advance and advance of T.T.A. was not paid ^{2 prior} to relieving the deponent.

19. That the contents of para 14 of the counter affidavit need no reply in view of averments made above. It is specifically stated that the transfer of the deponent was issued by Respondent No.3 arbitrarily,without jurisdiction, malafide and discriminatory.

Handwritten signature
28/5/90
MOR...

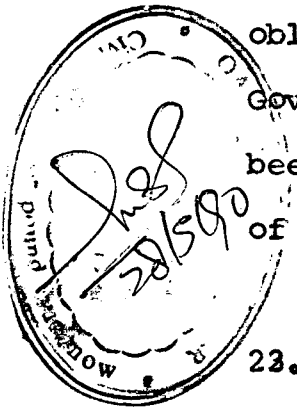
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20. That the contents of para 15 of the counter affidavit are denied and para 4(O) of the O.A. are reiterated.

21. That the contents of para 16 of the counter affidavit are denied and those of Paras 4(P) and 4(Q) of the O.A. are reiterated. It is specifically stated that the impugned transfer order has not been passed in public interest due to exigency of service. The Respondents have made vague averments and have not stated what exigency of service arose within a period of one month of the joining of duty by the deponent. The impugned transfer order does cause harassment not only to the deponent but to the whole family of the deponent and the same is against the transfer policy of the Government.

22. That the contents of para 17 of the counter affidavit are denied and those of para 5 of the O.A. are reiterated. It is specifically stated that the impugned order of transfer is illegal, unjust, malafide, discriminatory, arbitrary and has been passed in a high handedness and for oblique motives and is against the policy of Government. It is also denied that the same has been passed according to administrative exigencies of service and in public interest.

Ranby



23. That the contents of para 18 of the counter affidavit are denied and those of para 6 of the O.A. are reiterated.

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24. That the contents of para 19 of the counter affidavit need no reply.

25. That the contents of para 20 of the counter affidavit are denied as wrong and misconceived and contents of paras 8 and 9 of the O.A. are reiterated. In view of the facts stated above the ad-interim order dated 9.4.1990 is liable to be confirmed and O.A. is liable to be allowed with cost.

26. That the contents of para 21 of the counter affidavit need no reply.

27. That the contents of para 22 of the counter affidavit are denied as wrong and misconceived. The O.A. is liable to be allowed with cost on merit and the relief claimed may be granted to the deponent.

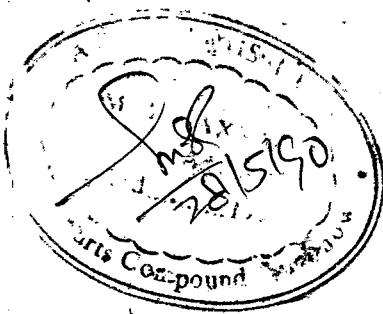
Lucknow;

Raubey
Deponent

Dated: May 28, 1990.

VERIFICATION.

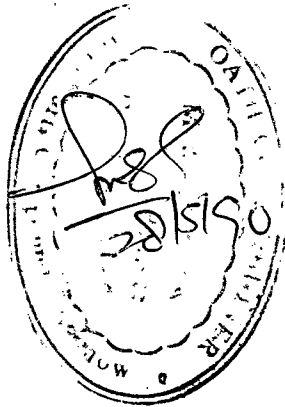
I, T.R.Dubey, son of late Sri Jas Karan Dubey, aged about 45 years, working as Sepoy in the Office of Superintendent Customs Preventive Circle, Nautanwa, District Maharajganj, resident of Village Haindana Kala, district Sultanpur, do hereby that the contents of paras 1 to 9, 10 (partly), 11 to 18, 19 (partly), 20 to 24, 25 (partly), 26 and 27 (partly)



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are true to my personal knowledge and those of
paras 10 (partly), 19 (partly), 22, 25 (partly) and 27 (partly)

are believed to be true on legal advice and that
I have not suppressed any material fact.



Rouby
Signature of the Deponent

Lucknow:

Dated: May 28, 1990.

IDENTIFICATION

I identify the deponent who has

signed before me.

71/11
10-15 AM T. R. Dubey
R. C. Singh
Advocate

R. C. Singh Adv.
Advocate.

M. S. ...
Oath Commission
Civil Courts Lucknow
28/5/90

T.R. Dubey

vs.

Union of India and others

--- Applicant

--- Respondents

ANNEXURE R-1

प्रति लिपि, गोपनीय

पत्र सं. ए-32022/39/69-प्रशा.3-1

भारत सरकार

वित्त मंत्रालय

राजस्व विभाग

केन्द्रीय उत्पादन शुल्क तथा सीमा शुल्क बोर्ड

.....

नई दिल्ली, दिनांक 12 मार्च, 1990

सेवा में,

केन्द्रीय उत्पादन शुल्क तथा सीमा शुल्क बोर्ड
के तहत सभी विभागों के अधिकारियों को सूचित करने के लिए

विषय :- स्थापना- सेवा संबंधी मामलों में अभ्यावेदनों/अपीलों/वाचिकाओं पर
सकारण आदेश पारित करने के संबंध में ।

.....

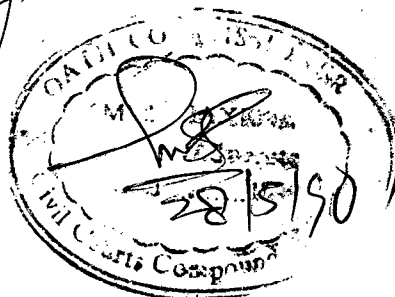
महोदय,

मुझे यह कहने का आदेश हुआ है कि बोर्ड द्वारा यह पता चला गया है कि
कार्मिकों द्वारा सेवा संबंधी मामलों में दायर किये गये आवेदन पत्रों को न्यायालय/
केन्द्रीय प्रशासनिक अधिकरण इस आधार पर अनुमति देते रहते हैं कि सरकारी
कर्मचारियों द्वारा दायर किये गये अभ्यावेदनों आदि को नामंजूर करते समय संबंधित
प्रशासनिक प्राधिकारियों द्वारा सकारण आदेश पारित नहीं किये जाते हैं । उन्होंने
इस बात की पुष्टि की है कि यदि अभ्यावेदनों को नामंजूर करने के लिए कारण
नहीं दिये जाते हैं तो इससे यह पता चलता है कि उन पर सहिष्णुता से विचार
नहीं किया गया है और इसलिए ये आदेश त्रुटिपूर्ण हैं ।

अतः यह अनुरोध किया जाता है कि उन मामलों में जहां सरकारी
कर्मचारियों द्वारा अपने सेवा मामलों के बारे में अभ्यावेदन आदि किये जाते
हैं किन्तु उनमें कोई शुणांशुण नहीं पाये जाते हैं, तो उनके विभिन्न विवादों को
स्वीकार नहीं करने तथा अभ्यावेदनों को नामंजूर करने के कारण बताते हुए सकारण
आदेश पारित किये जायें ।

पृष्ठ 2/-

Rubey





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3. यह अनुरोध है कि इस अपेक्षा को सभी संबंधितों के ध्यान में ला दिया जाए ।

4. इस पत्र की पावती भेजने का कष्ट करें ।

भवदीय
ह0/-
पी. वंगर
सचिव

केन्द्रीय उत्पादन शुल्क तथा सीमा शुल्क बोर्ड

प्रतिलिपि निम्नलिखित को प्रेषित:-

प्रशासन 382/प्रशा. 4/प्रशा. 4क/प्रशासन 2/प्रशा. 7क/प्रशासन 23/प्रशा. 5/
अनुभागों को प्रेषित ।

केन्द्रीय उत्पाद शुल्क समाहर्तालय : कानपुर

पत्र सं० 11/29/45-स्था०/नीति/90/ 326 दिनांक : 28.3.90

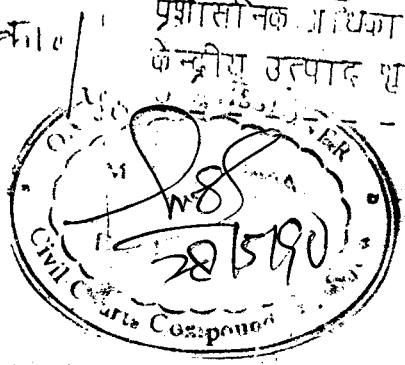
प्रतिलिपि निम्नलिखित को आवश्यक कार्यवाही एवं सूचनार्थ प्रेषित :-

1. अपर समाहर्ता, 1/11/एम/सीमा शुल्क, केन्द्रीय उत्पाद शुल्क, कानपुर ।
2. सहायक समाहर्ता, केन्द्रीय उत्पाद शुल्क, मण्डल ----- सभरी ।
3. समाहर्ता के वैयक्तिक सहायक, केन्द्रीय उत्पाद शुल्क, कानपुर ।
4. प्राचा प्रभारी, केन्द्रीय उत्पाद शुल्क, सुधेनालय, कानपुर ।
5. नोटिस बोर्ड/गार्ड फाइल ।

मी. एन. एन. 27/28/7/90
प्रशासनिक अधिकारी, स्थापना
केन्द्रीय उत्पाद शुल्क, कानपुर ।

टाइप किया - ह.द.उप्रेती

Rouby



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In the Central Administrative Tribunal Circuit Bench,

L u c k n o w

Q. A. No. 89 of 1990 (L)
T.R. Dubey Versus Union of India & others

Annexure A-2

भारत सरकार

आयुक्त: अर संपाहर्ता; सीमा सुकानिगारक 1 पडत, भारत मैफाल सीमा 3/40
करीर डगन रोड, लखनऊ

स्थापना आदेश सं 6/1989
दिनांक: 6. नवम्बर 1989

निम्नलिखित सिपाहियों के स्थानान्तरण एवं पदस्थापना आदेश जारी किये जाते हैं, जो तत्काल प्रभावी होंगे:-

क्रमांक	नाम	जहाँ से	जहाँ को
	श्री श्री		
1-	मंजर प्रताप	सी०यू० मुनौली	सी०यू० गोरखपुर
2-	सी०रत०गिरि	-तैव-	सी०यू० अस्ती
3-	राज रातन	-तैव-	सी०यू० गोडा
4-	हरदय नारायण	-तैव-	सी०यू० लखीमपुर
5-	गंगा सागर सिंह	सी०यू० नौतनवा	सी०यू० नौगढ़
6-	राम नरेण धार्य	-तैव-	सी०यू० हराय्य
7-	हेन्दु कुमार श्रीवास्तव	-तैव-	के०उ०यू० अकाला
8-	अदीन प्रताप	-तैव-	-तैव-
9-	मरफराज अहमद	-तैव-	-तैव-
10-	गुनु लाल	-तैव-	-तैव-
11-	हाजिर खान	-तैव-	-तैव-
12-	बिष्णु गुप्ता	-तैव-	सी०यू० नसीमपुर
13-	अर०डी० विहारी	-तैव-	सी०यू० अस्ती
14-	मन्ताकर रफी	-तैव-	सी०यू० वाराणसी
			सी०यू० लखनऊ
15-	मन्त केसर सिद्धा	सी०यू० निचलील	अर संपाहर्ता के०उ०यू०
16-	मुलाय चन्द राम	-तैव-	-तैव-
17-	राजेन्द्र प्रताप	सी०यू० मुनौली	सी०यू० हराय्य
18-	मन्ता प्रताप सिद्धा	सी०यू० अस्ती	सी०यू० गोरखपुर
19-	गारदा नन्द साहू	सी०यू० अस्ती	के०उ०यू०
20-	मो०रतीम खान	-तैव-	-तैव-
21-	श्री नारायण सिंह	-तैव-	सी०यू० आजमगढ़
22-	विजय मंजर प्रताप	सी०यू० नौगढ़	के०उ०यू० -तैव-

Te.
A Singh
ADU

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23-	राम शंकर	सी०शु०नौगढ़	के०उ०ग०
24-	गोवर्धन दुगे	-तदैव-	सी०शु०लखीमपुर
25-	शिव शंकर गुप्ता	सी०शु०खुनवा	सी०शु०गोरखपुर
26-	राम मूरत यादव	-तदैव-	-तदैव-
27-	सतवीर सिंह	सी०शु०मलरामपुर	के०उ०शु०
28-	मोहम्मद बस्लाम	-तदैव-	-तदैव-
29-	अशोक कुमार	सी०शु०गोण्डा	-तदैव-
	शुभ्र शिव ज्ञान सिंह		
30-	फरीद मोहम्मद	-तदैव-	-तदैव-
31-	राज नाथ प्रसाद	सी०शु०जरवा	के०उ०शु०
32-	शिव मोहन सक्सेना	-तदैव-	सी०शु०गोरखपुर
33-	लाल प्रताप	-तदैव-	-तदैव-
34-	रीजवान खान	सी०शु०आजमगढ़	के०उ०शु०
35-	रंजीत सिंह	-तदैव-	-तदैव-
36-	अर्जुन कुमार मौर्य	-तदैव-	-तदैव-
37-	अश्लेष कुमार यादव	सी०शु०वाराणसी	-तदैव-
38-	रघु०रत्न०मालविया	-तदैव-	-तदैव-
39-	चुन्नीराम	-तदैव-	-तदैव-
40-	आनन्द भगवान	मायतपुर हवार्न अड़डा	-तदैव-
41-	राम कृष्ण	-तदैव-	सी०शु०गोरखपुर
42-	नरेन्द्र सिंह	-तदैव-	के०उ०शु०
43-	शाहीद अहमद	सी०शु०गोरखपुर	-तदैव-
44-	मिताम्बर प्रसाद	-तदैव-	-तदैव-
45-	हित लाल	-तदैव-	-तदैव-
46-	राम कृष्ण जयसवाल	-तदैव-	-तदैव-
47-	कबिलास राम	-तदैव-	-तदैव-
48-	नन्द लाल	-तदैव-	सी०शु०जरवा
49-	शु०पी०दुगे	-तदैव-	सी०शु०नौली
50-	मोहम्मद रफीक	-तदैव-	सी०शु०नौतनवा
51-	राम कोकिल प्रसाद	-तदैव-	-तदैव-

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Sl. No.	Name	Address	Address
52-	पिठू राम	सी०शु०गोरखपुर	सी०शु०वाराणसी
53-	अशोक कुमार शुक्ला	-तदैव-	सी०शु०नैपालगंज रोड
54-	हरीश चन्द्र	-तदैव-	सी०शु०लखनऊ अपर भाहता
55-	अमर सिंह हलदार	-तदैव-	सी०शु०पलिया
56-	रतय नारायण यादव	-तदैव-	सी०शु०नौतनवा
57-	हरीश चन्द्र प्यारे लाल	-तदैव-	सी०शु०गोमडा
58-	ष्याम विहारी राम	सी०शु०वाराणसी	सी०शु०सुनौली
59-	राम जीवन	सी०शु०गोरखपुर	सी०शु०जलरामपुर
60-	जफर अल्पास	के०उ०शु०लखनऊ	सी०शु०पनपसा
61-	उमेश शंकर दिक्षित	के०उ०शु०इलाहाबाद	सी०शु०खटीआ
62-	ओ०पी०सिंह	-तदैव-	सी०शु०नौतनवा
63-	शक्ति राज	-तदैव-	सी०शु०गोरखपुर
64-	मो० जावेद	-तदैव-	सी०शु०खटीआ
65-	सुरेश चन्द्र श्रीवास्तव	-तदैव-	सी०शु०सुनौली
66-	अशोक गांधी	-तदैव- लखनऊ	सी०शु०पहराड्य
67-	अशोक कुमार शर्मा	-तदैव-	सी०शु०पीलीभीत
68-	दीवारी लाल	के०उ०शु०इलाहाबाद	सी०शु०धारचुला
69-	अशरफ अली	-तदैव-	सी०शु०गोरखपुर
70-	अशोक कुमार तिनकर	-तदैव-	सी०शु०बदनी
71-	अशोक कुमार सिंह	-तदैव-	सी०शु०झूलाघाट
72-	हरी लाल	सी०शु०लखनऊ	के०उ०शु०
73-	आनंद्या प्रसाद सिंह	सी०शु०लखीमपुर	सी०शु०नैपालगंज रोड
74-	दवेन्द्र प्रताप सिंह	के०उ०शु०इलाहाबाद	सी०शु०फैजाबाद
75-	पजरंग लाल	सी०शु०लखनऊ	सी०शु०फैजाबाद
76-	विजय कुमार	के०उ०शु०इलाहाबाद	सी०शु०वाराणसी
77-	अशोक कुमार पुत्र राम नाथ	-तदैव-	सी०शु०गोरखपुर
78-	राजेन्द्र कुमार श्रीवास्तव	-तदैव-	सी०शु०बदनी
79-	इकलाख अहमद अन्सारी	-तदैव-	सी०शु०जलरामपुर
80-	हीच लाल	-तदैव-	सी०शु०लखनऊ

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81-	राम केवल यादव	के0उ0शु0इलाहाबाद	सी0शु0लखनऊ
82-	अशोक कुमार	-तदैव-	सी0शु0खुनवा
83-	सुरेश चन्द्र भारतीय	-तदैव-	सी0शु0गोरखपुर
84-	जगदीश प्रसाद	-तदैव-	सी0शु0पीलीभीत
85-	जगत नारायण	-तदैव-	सी0शु0जरवा
86-	शोभ नाथ	-तदैव-	सी0शु0लखनऊ
87-	अशोक कुमार पुत्र अजर सिंह	-तदैव-	-तदैव-
88-	जमाल अहमद	-तदैव-	सी0शु0निचलौल
89-	छोटे लाल	-तदैव-	सी0शु0पलरामपुर
90-	बाहु देव	-तदैव-	सी0शु0वस्ती
91-	कन्हैया सिंह	-तदैव-	सी0शु0खटीया
92-	लाल पिहारी पाण्डेय	-तदैव-	सी0शु0वाराणसी
93-	सुरेश चन्द्र राय	-तदैव-	सी0शु0 लखनऊ
94-	सतीश कुमार सिंह	-तदैव-	सी0शु0नानपारा
95-	मो0अजीज खान	-तदैव-	सी0शु0गोरखपुर
96-	शमशुद्दीन	-तदैव-	-तदैव-
97-	राम सिंगार पाण्डेय	-तदैव-	सी0शु0निचलौल
98-	राम टुलारे	-तदैव-	सी0शु0नौतनवा
99-	राम नाथ पुत्र त्रिलोकी	-तदैव-	सी0शु0कतरनियाघाट
100-	चन्द्र देव	-तदैव-	सी0शु0नानपारा
101-	योगेन्द्र पाल विज	-तदैव-	सी0शु0 पीलीभीत
102-	मूल चन्द्र	-तदैव-	सी0शु0 खुनवा
103-	आर0सी0पाण्डेय	-तदैव-	सी0शु0पलिया
104-	छोटे लाल सागर	-तदैव-	सी0शु0नानपारा
105-	धर्मपाल सिंह	-तदैव-	सी0शु0लखनऊ
106-	एस0वी0सिंह	सी0शु0लखनऊ	के0उ0शु0
107-	मोती लाल श्रीवास्तव	-तदैव-	-तदैव-
108-	श्याम प्रकाश त्रिपाठी	-तदैव-	-तदैव-
109-	अदान सिंह	सी0शु0नानपारा	-तदैव-

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110-	लाल चन्द्र	ती०शु० नानपारा	के०र०शु०
111-	रमेश चन्द्र	ती०शु० पलिया	-तदैव-
112-	राम चन्द्र	ती०शु०पीलीभीत	-तदैव-
113-	जमुना प्रसाद	-तदैव-	-तदैव-
114-	आर०रस०तिवारी	ती०शु०खटीगा	-तदैव-
115-	जय मंगल सिंह	ती०शु०पनपता	-तदैव-
116-	इन्द्रजीत तिवारी	ती०शु०पिथोरगढ़	-तदैव-
117-	प्रेम सिंह पोरा	-तदैव-	-तदैव-
118-	ओम प्रसाद पुत्र राम सुरणा	ती०शु०नानपारा	-तदैव-
119-	तुलसी राम	ती०शु०लखनऊ	ती०शु०पीलीभीत
120-	जी०पी०मिश्रा	-तदैव-	ती०शु०निचलौल
121-	अमेश चन्द्र मिश्रा	-तदैव-	ती०शु०पीलीभीत
122-	सोहन सिंह	-तदैव-	ती०शु०खटीगा
123-	हरि शंकर	-तदैव-	ती०शु०नौतनवा
124-	रस०पी०सिंह	-तदैव-	ती०शु०नेपालगंज दोड
125-	राम राम प्रसाद	-तदैव-	ती०शु०पुनौली
126-	चन्द्रिका राम	-तदैव-	ती०शु०आजमगढ़
127-	कल्लन खान	-तदैव-	ती०शु०निचलौल
128-	सोहन लाल	-तदैव-	ती०शु०पदनी
129-	जहीर उल्ला	-तदैव-	ती०शु०नेपालगंज रोड
130-	टी०आर०दुपे	-तदैव-	ती०शु०नौतनवा
131-	रघ०रस०तिवारी	-तदैव-	ती०शु०खटीगा
132-	पी०डी०दुपे	ती०शु०पहराद्वय	ती०शु०लखनऊ
133-	आर०के०पाण्डेय	ती०शु०नानपारा	ती०शु०पदनी
134-	जियालाल	ती०शु०पहराद्वय	ती०शु०लखनऊ अपर भाग हर्ता
135-	राम आसरे	ती०शु०लखनऊ	ती०शु०पनपता
136-	सुरेश प्रताप सिंह	ती०शु०पहराद्वय	ती०शु०लखनऊ
137-	ललन खान	ती०शु०लखनऊ	ती०शु०नौतनवा
138-	भानु वीर सिंह	ती०शु०लखनऊ	ती०शु०गौरीफन्टा

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132- नरेन्द्र प्रसाद सिंह	सी 0शु0नेपालगंज रोड	सी 0शु0गोरखपुर
133- नरेण कुमार	-तदैव-	सी 0शु0लखीमपुर
14- रामजीवन	-तदैव-	सी 0शु0नानपारा
141- गगनराज	-तदैव-	सी 0शु0लखनऊ
142- रतनप्रसाद	-तदैव-	सी 0शु0पीलीभीत
143- किशोरप्रसाद	सी 0शु0लखीमपुर	सी 0शु0बहराइच
144- के.एन. पाण्डेय	सी 0शु0बहराइच	सी 0शु0पीलीभीत
145- भगवानदीन	-तदैव-	सी 0शु0पालिया
146- जितेन्द्र पाण्डेय	सी 0शु0नानपारा	सी 0शु0लखनऊ
147- युद्धलाल	सी 0शु0बहराइच	-तदैव-
148- सुनन्द अली	सी 0शु0नानपारा	सी 0शु0लखीमपुर
149- नरेंद्र प्रसाद सिंह	सी 0शु0लखीमपुर	सी 0शु0लखनऊ
150- पुत्तू लाल	-तदैव-	सी 0शु0खटीगा
151- होरी लाल	-तदैव-	सह 0शु0लखनऊ
152- राम नाथ	-तदैव-	सी 0शु0तिकोनिया
153- हरी राम	-तदैव-	सी 0शु0खटीगा
154- राम आलम	सी 0शु0तिकोनिया	सी 0शु0बहराइच
155- राम सागर	सी 0शु0गौरीफन्दा	सी 0शु0मलहासपुर
156- राम प्रकाश मिश्रा हवलदार	सी 0शु0पालिया	सी 0शु0लखनऊ
157- आर 0पी 0रावत	सी 0शु0पालिया	सी 0शु0नानपारा
158- श्री कृष्ण	-तदैव-	सी 0शु0निचलौल
159- नदी उल्ला	-तदैव-	सी 0शु0नानपारा
160- अमि प्रकाश	-तदैव-	सी 0शु0अरवा
161- आर 0जी 0शुल्ला	सी 0शु0पीलीभीत	सी 0शु0पालिया
162- होरी लाल	-तदैव-	सी 0शु0लखनऊ
163- जंग जहादुर	-तदैव-	सी 0शु0पालिया
164- सुभानन्द ह 0खान	सी 0शु0पीलीभीत	सी 0शु0नानपारा
165- दुर्गा प्रसाद	सी 0शु0खटीगा	सी 0शु0धारचूला
166- विजय कुमार	-तदैव-	सी 0शु0लखनऊ
167- आर 0पी 0सिंह	-तदैव-	-तदैव-
168- भोला हवलदार	सी 0शु0खटीगा	आर समाहर्ता सी 0शु0नौगढ़

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|------|--------------------|------|----------------|-----------------|
| 169- | डी०के०भा०डेय | 171. | ती०शु०बटीसा | ती०शु०लखनऊ |
| 170- | राम आधार सिंह | | -तदैव- | -तदैव- |
| 171- | लक्ष्मी नारायण | | -तदैव- | ती०शु०लखीमपुर |
| 172- | मानिक चन्द | | ती०शु०नमता | ती०शु०लखनऊ |
| 173- | मोहन लाल | | ती०शु०धारचूला | -तदैव- |
| 174- | साधू लाल | | त-तदैव- | ती०शु०पिथौरागढ़ |
| 175- | ओम शंकर श्रीवास्तव | | ती०शु०डूलाघाट | ती०शु०लखनऊ |
| 176- | दीना नाथ | | ती०शु०पदनी | ती०शु०नौगढ़ |
| 177- | हरदय नारायण | | -तदैव- | ती०शु०लखनऊ |
| 178- | राधा कृष्ण | | -तदैव- | ती०शु०गोरखपुर |
| 179- | राम बृक्ष राम | | -तदैव- | ती०शु०पलिया |
| 180- | पन्केज राम | | ती०शु०जौली | के०उ०शु० |
| 181- | राम जत राम | | ती०शु०नियलौल | ती०शु०गोरखपुर |
| 182- | शिव प्रताप | | -तदैव- | ती०शु०गोण्डा |
| 183- | वी०ए०शु०गिन्ना | | -तदैव- | ती०शु०पलिया |
| 184- | वसन्त लाल | | ती०शु०नौगढ़ | ती०शु०सौतनवा |
| 185- | हरिश्चन्द्र | | ती०शु०पलरामपुर | ती०शु०वाराणसी |
| 186- | नरेन्द्र कुमार | | -तदैव- | -तदैव- |
| 187- | हरि शंकर | | ती०शु०गोण्डा | ती०शु०गोरखपुर |
| 189- | सूरज नाथ सिंह | | ती०शु०नानपारा | ती०शु०पदनी |

परवीन तुलहा
 अपर लखनऊ सीमा गुल्फ
 लखनऊ

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पत्रांक सं० 1119112/स्था०/89/

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दिनांक 6.11.89

प्रतिलिपि निम्नलिखित जो सूचनाओं एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 11। तमाहता तीसा शुल्क निवारक मण्डल, भारत नेपाल तीसा सटला ।
- 12। तमाहता केन्द्रीय उत्पादन शुल्क तमाहतालय कलाहालाद।
- 13। तहायक तमाहता तीसा शुल्क मण्डल, लखनऊ/गोरखापुर/वाराणसी।
- 14। मुख्य लेखाधिकारी/वित्तन एवं लेखाधिकारी केन्द्रीय उत्पादन शुल्क कलाहालाद।
- 15। अधीक्षक/निरीक्षक
- 16। प्रशासन अधिकारी तीसा शुल्क मण्डल, लखनऊ/गोरखापुर/वाराणसी।
- 17। श्री- , सिपाही, तीसा शुल्क
- 18। व्यक्तिगत पत्रावली/गार्ड पत्रावली।

र०के०/

अपर तमाहता

तीसा शुल्क मण्डल, लखनऊ।

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बिफोर दि सेन्ट्रल रि एडीमिनिस्ट्रेटिव ट्रिब्यूनल, सर्किट बेन्च, लखनऊ ।

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आफ 1990

टी.आर. दुबे

अपलीकेट

यूनियन आफ इण्डिया एण्ड अदर्स

अपो० पार्टीज

अनेकार नं० - 73

सेवा में,

प्रशासन अधिकारी,
सीमा शुल्क निवारक मण्डल,
गोरखपुर ।

उचित माध्यम द्वारा

विषय: ज्वाइनिंग अधि समय को अर्जित अवकाश में परिवर्तित करने तथा सर्विस बुक में इन्ट्री बढ़ाने के सन्दर्भ में -

महोदय,

निवेदन है कि मैं दिनांक 29.12.89 को सीमा शुल्क मण्डल लखनऊ से अपनी छुट्टी से कार्यमुक्त होकर दिनांक 2.1.90 को आदेशानुसार सीमा शुल्क निवारक परिमण्डल नौतन्वा में अपना कार्यभार ग्रहण कर लिया ।

अतः अनुरोध है कि मुझको जो 12 दिन की ज्वाइनिंग टाइम मिलनी थी उसमें से 3 दिन घटाकर 9 दिन की ज्वाइनिंग टाइम को मेरे सर्विस बुक में अर्जित अवकाश की छुट्टी में जोड़कर इन्ट्री करने की कृपा करें ।

प्रार्थी

ए - अश्लीय

शिपाही

सीमा शुल्क निवारक परिमण्डल
नौतन्वा ।

Roubej

T.C.
Ansh
23/3 Adv.

सत्य-प्रतिनिधि

18
26

In the Central Administrative Tribunal, Circuit Bench,
L u c k n o w.

Original Application No. of 1990

T. R. Dubey Applicant

Versus

Union of India, through the Secretary
and others. Respondents.

Annexure No. A-4

PRAVEEN TALHA ADDL. COLLR CUSTOMS, 3/40 HAZIR HASSAN RD.
LKO.

R. P. Ram INSP INDULGING IN ENCOURAGING SMUGGLING
ACTIVITIES BY PROVING THREE LINERS WHOSE CASE BOOKED
BY RAFI KHAN AGAINST LINERS. INSP THREATENS THAT HE CAN
TRANSFER AY SEPOYS AND STOPS PATROLLING DUTIES. SUPDT
AND A.C. GKP HAVE BEEN INFORMED ABOUT THIS CASE.

T. R. DUBEY
CUSTOMS NAUTANMA,

T.C.
Amrgh
23/3/90

Roubey

188/11

27

बिफोर दि सेन्ट्रल एडमिनिस्ट्रेटिव ट्रिब्युनल, सर्किट बेन्च, लखनऊ ।

ओ० ए० नं०

आफ 1990

टी.आर.दुबे

----- अमलीकैसट

यूनियन आफ इण्डिया एण्ड अक्स बनारस

----- अपो० पार्टीज

अनोअर नं०-75

सेवा मे,

श्रीमान अवर समाहर्ता,
के०सीमा शूल्क मंडल कार्यालय,
लखनऊ ।

महोदय,

विषय :- परेशानियों के निवारण हेतु पत्राचार ।

प्रेषित :- उचित माध्यम ।

निवेदन यह है कि प्रार्थी ने दिनांक 27.1.90 को तार द्वारा श्रीमान जी को श्री आर.पी.राय निरीक्षक के कार्यकलापों के बारे में सूचित किया है।

यह कि पूरे स्टाफ के सामने कई समस्याओं को सुलझाने हेतु प्रार्थी ने अधीक्षक महोदय से निवेदन किया मगर अधीक्षक महोदय ने किसी प्रकार की प्रति प्रिया व्यक्त नहीं किया ।

यह कि न्तु पश्चात प्रार्थी श्रीमान सहायक समाहर्ता के०सीमा शूल्क मंडल लखनऊ से मिलकर अपनी तथा यहाँ के सिपाहियों के साथ हो रही अन्याय से अवगत कराया तो श्रीमान जी ने कहा कि छोटी-2 बाते अधीक्षक महोदय को सुलझा देना चाहिये जब प्रार्थी ने अधीक्षक महोदय से हुए वार्तालाप को विस्तार पूर्वक बताया तो श्रीमान जी मुझे श्रीमान अवर समाहर्ता से मिलकर अपनी परेशानियों सुलझाने का खुला सुझाव दिया ।

प्रार्थना पत्र के साथ 27.1.90 को श्रीमान अवर समाहर्ता को भेजा गया तार की प्रति लगी है।

Rouby

T.e.
Angh (AD)
23/3

छ-अमलीय

31.1.90

टी.आर.दुबे सिपाही
कस्टमस नौतन्वाँ ।

स ल-प्रतिनीप

भारत सरकार

कार्यालय अपर समाहर्ता: सीमा शुल्क निवारक मण्डल, भारत-नेपाल सीमा
3/40 वजीर हसन रोड, लखनऊ।

स्थापना आदेश सं० 2/90
दिनांक: 31 जनवरी 1990

निम्नलिखित हवलदारों/सिपाहियों एवं चालकों के स्थानान्तरण एवं पदस्थापना आदेश जारी किये जाते हैं, जो तत्काल प्रभावी होंगे:-

क्र.सं.	नाम	कहाँ से	कहाँ को
1.	सर्व श्री करन सिंह हवलदार	के०३०१००लखनऊ	सी०१००खटीमा
2.	दुर्गा प्रसाद	के०३०१००इलाहाबाद	सी०१००नौतनवाँ
3.	तुलसीराम हवलदार	सी०१००पीलीभीत	सी०१००बहराइच
4.	बन्दीनाथ पटेल	के०३०१००वाराणसी	सी०१००लखनऊ
5.	रमेश चन्द्र यादव	के०३०१००इलाहाबाद	सी०१००पालिया
6.	नरेन्द्र प्रसाद शुक्ला	के०३०१००वाराणसी	सी०१००गोण्डा
7.	के०एन०शर्मा	के०३०१००लखनऊ	सी०१००नेपालगंज रोड
8.	अजय सिंह	के०३०१००इलाहाबाद	सी०१००नौतनवाँ
9.	बृहम देव ओझा	-तदैव-	सी०१००नानपारा
10.	रज्जब अली	-तदैव-	सी०१००नियलौल
11.	शोभ नाथ मिश्रा	-तदैव-	सी०१००बलरामपुर
12.	अनिल कुमार शर्मा	-तदैव-	सी०१००नौतनवाँ
13.	ठाकुर प्रसाद यादव	-तदैव-	सी०१००गोरखपुर
14.	रघुवर प्रसाद	-तदैव-	सी०१००गोरखपुर
15.	राम कुमार सिंह	-तदैव-	सी०१००खटीमा
16.	रण बहादुर सिंह	-तदैव-	सी०१००गोण्डा
17.	प्रभुनाथ सिंह	के०३०१००मिर्जापुर	सी०१००लखनऊ
18.	नन्द लाल	के०३०१००गोरखपुर	सी०१००वाराणसी
19.	भुवनेश्वर प्रसाद पाण्डेय	-तदैव-	सी०१००वाराणसी
20.	राम निहोर	-तदैव-	सी०१००नियलौल
21.	प्रभु नाथ गुप्ता	-तदैव-	सी०१००लखनऊ
22.	राम कुमार पुत्र राम बहादुर	के०३०१००इलाहाबाद	सी०१००लखनऊ अपर समाहर्ता कार्यालय
23.	योगेन्द्र पाल खिज	सी०१००पीलीभीत	सी०१००गोण्डा

Ranbir

T. e.
23/13

121

24.	लाल बिहारी पाण्डेय	सी०शु०वाराणासी	सी०शु०गोरखपुर
25.	मोहन लाल	सी०शु०लखनऊ	सी०शु०पिथौरागढ़
26.	सुरेश चन्द्र राय	सी०शु०लखनऊ	सी०शु०वाराणासी
27.	पिप्लू राम	सी०शु०वाराणासी	सी०शु०गोरखपुर
28.	पी०डी०दुबे	सी०शु०लखनऊ	सी०शु०बस्ती
29.	सरजू प्रसाद	-तद्वै-	सी०शु०बहराइच
30.	धन लाल	सी०शु०गोरखपुर	सी०शु०लखीमपुर
31.	राम प्रसाद चालक	सी०शु०निचलौल	सी०शु०नौतनवा
32.	बी०बी०सिंह चालक	सी०शु०नौतनवा	सी०शु०वाराणासी
33.	नरेन्द्र प्रसाद सिंह सिपाही/चालक	सी०शु०गोरखपुर	सी०शु०निचलौल

परवीर तलहा
अपर समाहता
सीमा शुल्क लखनऊ

दिनांक: 1.2.1990

प्रतिलिपि निम्नलिखित को सूचना एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 11 समाहता सीमा शुल्क नि० भारत नेपाल सीमा पटना।
- 12 समाहता केन्द्रीय उत्पादन शुल्क समाहतालय, इलाहाबाद।
- 13 सहायक समाहता सीमा शुल्क मण्डल, लखनऊ/गोरखपुर/वाराणासी
- 14 मुख्य लेखाधिकारी/वेतन एवं लेखाधिकारी केन्द्रीय उत्पादन शुल्क, इलाहाबाद।
- 15 अधीक्षक/निरीक्षक सीमा शुल्क
- 16 प्रशासन अधिकारी, सीमा शुल्क मण्डल, लखनऊ/गोरखपुर।
- 17 श्री
- 18 सिपाही, सीमा शुल्क/उत्पादन शुल्क
व्यक्तिगत पत्रावली/गार्ड पत्रावली।

उ०ह०

T.C
23/12

अपर समाहता
सीमा शुल्क मण्डल, लखनऊ

Lucknow

C.A.No. of 1990

T.R.Dubey Versus Union of India & others

Annexure A-7

8/12

श्रीमान् आप्त ब्रह्महर्ता
क० सी० शुक्ल मेडल कार्यालय
लखनऊ

कहा गया,

निवेदन यह है कि सुप्रीम कोर्ट द्वारा शाफिस
के नाम पर जाग की पुस्तक का बंद चंग पी रहे थे
कि 9 आदमी आकर सूचना दिया की हमी जो बस
आयेगी उसमें विदेशी लोग आ रही है आप लोग
उसे चेक करने उतार जा।

① उस बस चेक किया तो 20 कि० लोग के साथ
मुल्क नाम के आदमी को पकड़ उतार लिया गया।

② मुल्क से पूछने पर पता चला कि मुल्क पहले
लोग ले जाने के वास्ते मुल्क 2000 पर तय करके लोग
के जा रहा था यह देखा गिरीशक आर.पी.शमसं
द्राचर बी.बी.सिंहके 3000 दिया था 2000 लोग
पहुंचा कर लोग के बाद फेंक कर कहा था।

③ था 6 दिन पहले मुल्क ने 5000 गिरीशक
एक के श्रीबास्त्व संव द्राचर बी.बी.सिंह को दिया
था।

④ मुल्क का बिरा वधान संव उसी वधान पर
समी शिफाहियों की सही गाना एव आपके समक्ष
प्रस्तुत है।

अतः आपसे निवेदन है कि बिना इस सब
की इन्कवासी किये बिना प्राप्ति को यहाँ से न
हटाया जाय।

Rubey

T.C.
Amul
23/3

Rubey
10/2/80
श्री. आप्त ब्रह्महर्ता
क० सी० शुक्ल मेडल कार्यालय

16
32
178
16

In the Central Administrative Tribunal, Circuit Bench,
L u c k n o w.

Original Application No. of 1990

Sri T.R. Dubey Applicant

Versus

Union of India & others ... Respondents.

Annexure No. A-8

To,
Addl. Collector, Customs (Prev).
3/40 Aziz Hasan Road, Lucknow.

Dt. 19.2.1990
Time: 11.00 hrs.

I request my transfer may be stayed till enquiry is settled. Also A.L. Cus Gkp is requested to inform me that on which ground I have been transferred from NTW where as I joined NTW on 2.1.90 and again I have been transferred to Varanasi on 2.2.90. As I have been transferred twice in within one month.

T.R. Dubey.
14.2.1990.

Name: T.R. Dubey; Sepoy.
Customs (Prev) Nautanwa

T. C.
Ampl
23/3

Rouby

17/33

128
17

In the Central Administrative Tribunal Circuit Bench,

L u c k n o w

C.A.No. of 1990
T.R.Dubey Versus Union of India & others

Annexure A 9

OFFICE OF THE SUPERINTENDENT OF CUSTOMS PREVENTIVE CIRCLE
NAUTANWA.

ORDER

In pursuance of A.C. Customs preventive Division
Gorakhpur Esstt. Order No. II(3)-6-Estt./89/809 dated 2.2.90
Shri T.R. Dubey sepoy Customs preventive circle Nautanwa
hereby relieved from his duty in the afternoon of 15.2.90. and
directed to report for duty in his new place of posting.

[Signature]
15-2-90
Superintendent
Customs(F) Circle
Nautanwa. Mahraj_gang.

C.NO. II(3)ESTT./17/89-90/

Dated 15.2.90

Copy forwarded for information and necessary action to:-

1. Shri T.R. Dubey Sepoy of Customs preventive circle nautanwa.
2. The Addl. Collector of Customs (P) Division Lucknow.
3. The Collector of customs prev. Indo-Nepal Border Patna.
4. The A.c. Customs preventive Division Gorakhpur.
5. The A.C. Customs preventive Division Varnasi.
6. The Inspector Of Customs preventive Unit Nautanwa.

[Signature]
15-2-90
Superintendent of Customs
(P) Circle Nautanwa.
Mahraj_gang.

[Signature: T.R. Dubey]

T.E.
[Signature]
23/3

18 34
18/18

बिफोर दि सेन्ट्रल एडीमिनिस्ट्रिटीव ट्रिब्यूनल, सर्विकर्ट बेन्च, लखनऊ ।

ओ० ए० नं०

आफ 1990

टी.आर. दुबे

अपलीकैट

यूनिखन आफ इण्डिया एण्ड अदर्स

बनाम

अपो० पार्टीज

अनेक्जर नं० - 410 -

सेवा में,

दिनांक 16.2.90

श्रीमान समाहर्ता,
सीमा शुल्क एवं उत्पाद शुल्क
इलाहाबाद एवं पटना ।

प्रेषित उचित माध्यम ।

महोदय,

विषय : 1500/-रु० टी.टी.ए. अडवांस एवं माह फरवरी 1990
माह का वेतन अग्रिम मिलने हेतु पराचार ।

निवेदन यह है कि प्रार्थी का स्थानान्तरण सीमा शुल्क मण्डल
लखनऊ से होने के तत्पश्चात् दिनांक 2.1.90 को सीमा शुल्क परिमण्डल
नवतनवाँ में अपना कार्यभार ग्रहण किया था ।

यह कि दिनांक 2.2.90 को पुनः स्थानान्तरण आदेशा सीमा
शुल्क बनास कर दिया गया है। प्रार्थी स्थानान्तरण टी.टी.ए. पाने
के साथ यथा शीघ्र जाने हेतु तैयार है।

अतः आप श्रीमान जी से निवेदन है यह है कि प्रार्थी को टी.टी.ए.
ए० 1500/-रु० तथा माह फरवरी 1990 का वेतन अग्रिम दिलाने का
कष्ट करें। जिससे प्रार्थी अपने नये स्थान पर कार्यभार ग्रहण कर सकें।

यह कि प्रार्थी अभी 6.2.90 को छुट्टी से वापस आया है। बगैर
पैसे के अपने बच्चों को लेकर वापस जैसे यहाँ से जायेगा इस कारण प्रार्थी
को टी.टी.ए. एवं अग्रिम पे सहास दिलाने का कष्ट करें ।

धन्यवाद ।

रिसीव्ड
4 नफीस
द०-अमलीय 16.2.90

द०-अमलीय
प्रार्थी
टी.आर.दुबे, सिपाही
लस्टम नौतनवाँ

मूलरूप से प्रतिलिपि श्रीमान समाहर्ता महोदय केन्द्रीय उत्पादन शुल्क
समीक्षाय इलाहाबाद सीमा शुल्क भारत नेपाल सीमा-पटना। अवर समाहर्ता
सी०ए० मंडल लखनऊ। सहायक समाहर्ता सी०ए० गोरखपुर को सूचनाई
सर्वम आवश्यक कार्यवाही हेतु अज्ञात रित है।

द०-अमलीय
अवर श्रेणी लिपिक
सीमा शुल्क परिमण्डल, नौतनवाँ,
महाराजगंज

सत्य-प्रतिलिपि

Rouby
T.e.
Amsh
23/3

19/35

19/19

In the Central Administrative Tribunal Circuit Bench,

L u c k n o w

O.A.No. of 1990

T.R.Dubey Versus Union of India & others

Annexure A-11

5-195038

To En. T.R. Dubey, 3604
Supt. NWS/ Addl. Collr. Lko
From AC GUP
Cns. II (3) 6 - ET/80 19290

You are treated relieved
from the date of issue of relieving
order by the Supt. You are
also directed to take pay
advance from GUP @ T.T.H.
advance can not be sanctioned
at present due to non availability
of fund @ Supt. NWS is
requested to send application
of En. Dubey for pay advance.

Rawal

T.C. Ames
23/2

WR (A22) 1640/19290

TH 160

Ames

20/36

178/20

In the Central Administrative Tribunal Circuit Bench,

L u c k n o w

O.A.No.

of 1990

T.R.Dubey

Versus

Union of India & others

Annexure A-12

~~OFFICE OF THE SUPERINTENDENT OF CUSTOMS PREVENTIVE CIRCLE NAUTANWA.~~

AMENDMENT OF RELIEVING ORDER

Refer to this ^{Office} relieving order No. even C.NO.II (3) ESTP./17/89-90/224-229 dated 15.2.90. Shri T.R.Dubey Sepoy has been relieved on 19.2.90 instead of 19/290 in the after-noon.

Pr Singh
19.2.90

Superintendent
Customs (PREV.) Circle
Nautanwa.

C.NO. II (3) ESTP./17/89-90/ 414

Dated 19.2.90

Copy forwarded for information and necessary action to:-

1. Shri T.R.Dubey Sepoy of customs prev.circle Nautanwa.
2. The Addl. Collector Customs preventive Division Lucknow.
3. The Collector Customs preventive Indo Nepal Border Patna.
4. The A.C. Customs preventive Division Gorakhpur.
5. The A.C. Customs preventive Division Varnasi.
6. The Inspector Of Customs preventive Unit Nautanwa.

Pr Singh
19.2.90

Superintendent
Customs prev. Circle
Nautanwa.

Rouby

T.e.
Amey
2/12

21
37
28
21

In the Central Administrative Tribunal Circuit Bench,

L u c k n o w

O.A.No. of 1990
T.R.Dubey versus Union of India & others

Annexure A-13(a)

Dr. D. K. Srivastava
B. Sc., M. D. D. O
Dist. No. 18062 (U. P.)
Medical Officer
STATE RANK

श्रीवास्तव क्लिनिक
सुमेर सागर
निवास - 'सुमित्रा सदन'
विन्ध्यवासिनी नगर, गोरखपुर

T. R. Dubey

Naent

① Cap. Retecol
(500mg) - 3/2

② Chymoral. tab.
- 3/2

③ - Farigyn (500mg) 2-2 (tab) - 3/2

K. S. Jaiswal
17/2/90

Dubey

T.C.
Amh
23/3

22/36

178/22

डा० आर० डी० सिंह विसैन

एम. बी. बी. एम., डी. टी. सी. डी.
सीनियर चैस्ट स्पेशलिस्ट
जिला चिकित्सालय, फंजाबाद

निवास :

१२९, आवास विकास कालोनी
अंगूरीबाग-फंजाबाद
दिनांक ०.३.९०

Rx T R Dubey.

द B lub c
stone.

Operation.

BP 124/76mm
Sh 24.2.

⇒ Ampicil TDS

⇒ Bula med TDS

⇒ Anofolu BD

⇒ Degmer m 2m TDS

By Kaplin 1m 100

3 day

Rubey

T.R. Dubey
22/3

BE

मिलने का स्थान :-

सिन्ध मेडिकल स्टोर्स

जिला अस्पताल के ठीक सामने रिकावांग - फंजाबाद

In the Central Administrative Tribunal Circuit Bench,

L u c k n o w

O.A.No.
T.R.Dubey

of 1990

Versus Union of India & others

Annexure A-13(C)

25
39

25
23

ULTRA SCANNING CENTRE

Dr. S. A. Ansari

M.B.B.S, G.I.M.S,
Formerly Employed With
The Ministry of Health (IRAN)

Address—

244 A-Shastri Nagar,
Arya Kanya Road,
Distt-Faizabad.

Name of the patient— Sir T.R.Dubey
Age 40yrs Sex Male address Sultanpur
Referred by Dr.R.D.Singh Senior Chest Specialist, D.U.Faizabad
Date of examination 8/3/90

Ultrasound Examination Report

Upper Abdomen

Liver has got uniform echopattern measuring 159 mm in size. GallBladder is grossly distended with anechoic fluid. A stone is seen stuck at the neck of gallBladder.

The G.B. size was not changed after meal.

C.B.D. and Portal Vein are normal.

Lower Abdomen

Pancreas is also normal in size and echogenicity./

Impression

Hydrops GallBladder./

T.R.Dubey

T.C.
Ansari
23/3

Dr. S.A. Ansari