

(See rule 114)

OA/TA/RA/CP/MA/PT...16/90.....of 20.....

Versus

INDEX SHEET

[illegible]

Certified that the file is complete in all respects.

Signature of S.O.

Signature of Deal. Hand

(A8)

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Lucknow this the 6th day of Dec., 94.

O.A. No. 16/90

HON. MR. V.K. SETH, MEMBER(A)

HON. MR. D.C. VERMA, MEMBER(J)

H.R. Bulbul, son of late Ratilal Bulbul,
resident of 7, Nawal Kishore Road, Lucknow.

Applicant.

For Applicant : None.

versus

1. Union of India through Secretary, Department of Personnel and Training, North Block New Delhi.
2. Director C.B.I., C.B.I. Head Office, C.G.O. Complex, Lodi Road, New Delhi.
3. Administrative officer(A),
C.B.I, C.G.O. Complex, New Delhi.

Respondents.

By Advocate Shri D.S. Randhawa.

O R D E R

HON. MR. V.K. SETH, MEMBER(A)

On 17.11.94, when the case was called out, none appeared on behalf of the applicant while Shri D.S. Randhawa, learned counsel appeared on behalf of the respondents. A perusal of record of the case shows that written pleadings have been exchanged between the parties, but on the last several dates also such as 10.1.94, 20.2.94, 27.4.94 and 27.9.94, none responded on behalf of the applicant. There was also no request for adjournment of the case on 17.11.94.

2. In view of the above position, the case is hereby dismissed for default of applicant and for non prosecution.

MEMBER(J)

Shakeel/

MEMBER(A)

15-1-80

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

(A 1)

Registration No. 16 of 1980 (U)

APPLICANT(S) Hans Raj Bulbul

RESPONDENT(S) U.S.C.

Particulars to be examined

Endorsement as to result of examination

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

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

No

A 2

Particulars to be Examined

Endorsement as to result of examination

Are the application/duplicate copy/spare copies signed ?

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

ys

a) Identical with the Original ?

b) Defective ?

c) Wanting in Annexures

Nos. _____ per Nos _____ ?

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

NO

14. Is the given address the registered address ?

ys

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

ys

16. Are the translations certified to be true or supported by an affidavit affirming that they are true ?

NA

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

ys

Concise ?

Under distinct heads ?

Numbered consecutively ?

Typed in double space on one side of the paper ?

18. Are the particulars for interim prayers for indicated with ins ?

ys

19. Are all the remedies have exhausted.

ys

minush/

(A3)

16/90⁵

4.10.90

No sitting Adj to 19.12.90.

19.12.90

No sitting Adj to 19.2.91.

19.2.91

No sitting Adj to 26.4.91.

26.4.91

Hon. Mr D.K. Pooval JM.
Hon. Mr R. Bayya. PM.

Applicant in person.

Shri D.S. Rardhwa, Senior Standing
Counsel for Oppos. parties.

Applicant's counsel is not available
as informed by him. He
learned counsel for O.P. wants
to bring certain documents on
record. For this purpose
he is to move his application
before registry to my file
it today ^{which} may be placed
on record for consideration
at the time of hearing. Copy of
application along with documents
has been moved on the applicant.
Applicant would be at liberty
to file a Supplementary Affidavit
in reply to this application within
weeks hence.

list for hearing on 23.8.91

See
J in

11. Entry of D.R. adj
do 29-6-83

(A 6)

04/16/90

5.11.93

Hon. Mr. Justice R.K. Varma v.
Shri. Mr. V. K. Sen. Am

On the request of learned
Counsel for appl. - Ctn in adj. for
do 16.12.93

Am

RKv
Ve

16.12.93

No sitting of D. bench
do 10.1.94

see

at
Counsel
for
Shri. V.K. Sen

Am

10/1/94

Hon. Mr. Justice R.K. Varma, V.C.
Hon. Mrs. Usha Sen, A.M.

Now for the Petitioner, Shri
D.S. Randhawa Senior Standing
Council of Union of India is
Present. Supplementary
affidavit has been filed today
He states ~~that~~ the fact of
compliance of the order
regarding the Finalization
of the disciplinary proceedings
& the payment of pay &
allowances for the suspension
period as well as
subsequent dues. Learned
Counsel states in view of
this this petition has become
infructuous. List this case
on 22/1/94 for hearing &
order.

Am

RKv
V.C.

Am

27.9.94

(AT)

O.A 16/30

Hon Mr. Justice B.C. Saxena, V.C.
Hon Mr V.K. Seth, A.M.

None for the parties.

but on 17.11.94 for hearing.

V.K.
A.M.

B.C.
V.C.

17/11/94

Hon. Mr. V.K. Seth, A.M.
Hon. Mr. D.C. Verma, J.M.

for applicant: None
for respondents: Sh. D.S. Ramlal

He has filed certain additional documents along with application dt. 17/11/94 enclosing herewith a notification dt. 12/11/94 which indicates the applicant has voluntarily retired from service 1/11/94. Heard the learned counsel. order reserved.

ls

J.M.

V.K.
A.M.

6.12.94

Hon. Mr. V.K. Seth, A.M.
Hon. Mr. D.C. Verma, J.M.

Judgment pronounced in open court today.

J.M.

V.K.
A.M.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD.
CIRCUIT BENCH AT LUCKNOW.

Deputy Registrar (J)

8A 16/90 (G)

HANS RAJ BULBUL

.....APPLICANT

Vs.

UNION OF INDIA &
OTHERS.

.....RESPONDENTS.

I N D E X

<u>Sl.No.</u>	<u>Description of documents relied upon.</u>	<u>Page No.</u>
1.	Application alongwith Impugned order A Vakalatnama	1615 (Compilation No.1)
2.	Annexure No.1 (copy)	142 (Compilation No.2).
3.	Annexure No.2 (Copy)	3 (Compilation No.2).
4.	Annexure No.3 (Copy)	4 (Compilation No.2)
5.	Annexure No.4 (Copy)	558 (Compilation No.2).
6.	Annexure No.5 (Copy) (Impugned order)	9 (Compilation No.2)
7.	Annexure No.6 (Copy)	105 & 11 (Compilation No.2)
8.	Annexure No.7 (Copy)	12 (Compilation No.2)
9.	Annexure No.8 (Copy)	13 (Compilation No.2)
10.	Annexure No.9 (Copy)	145 & 16 (Compilation No.2)

A10

General
Circuit
Date of Filing 15-1-90
Date of Receipt 15-1-90

(2)

Deputy Registrar

<u>Sl.No.</u>	<u>Description of documents relied upon</u>	<u>Page No.</u>
11.	Annexure No.10 (Copy)	17 (Compilation No.2).
12.	Annexure No.11(Copy)	18 to 23 (Compilation No.2).
13.	Annexure No.12 (Copy)	24 to 28 (Compilation No.2).
14.	Annexure No.13 (Copy)	29 (Compilation No.2)
15.	Annexure No.14 (Copy)	30 (Compilation No.2).
16.	Annexure No.15 (Copy)	31 to 34 (Compilation No.2).
17.	Annexure No.16 (Copy)	35 to 39 (Compilation No.2).

LUCKNOW.

DATED: 15-1-90

Signature of the applicant.

Attested
15.1.90

जायकर अधिकारी
पार्ट-1 (4). लखनऊ

ATT

Central Administrative Tribunal

Circuit Bench at Lucknow

Date of Filing 15-1-90

Date of Receipt

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD
CIRCUIT BENCH AT LUCKNOW.

SA 16/90 LG

Deputy Registrar(J)

HANS RAJ BULBUL S/o. Late Ratilal Bulbul,
aged about 52 years working as
Office Superintendent,
Central Bureau of Investigation, Govt. of India
Lucknow Region,
7, Nawal Kishore Road,
Lucknow-226 001

..... APPLICANT

Vs.

- 1) Union of India through the Secretary
to the Government of India,
Department of Personnel & Training,
North Block,
New Delhi.
- 2) Director,
Central Bureau of Investigation,
CBI Head Office,
CGO Complex, Lodhi Road,
Block No.3, New Delhi-2.
- 3) Administrative Officer (A),
Central Bureau of Investigation,
CBI Head Office,
CGO Complex, Lodhi Road,
New Delhi-3.

..... RESPONDENTS

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

Office Order No.1072/1988 (No.3/23/86-AD.V dated
14/10/88) issued by Joint Director(AE)/CBI/New Delhi.

Withholding of pay & allowances for the period from
19/10/87 to 13/10/88 & not releasing Annual increments
for the year 1988 due on 01/05/88 and for the year
1989 due on 01/05/89 arbitrary and without any reason
as also without any intimation to the applicant.

Noted for
17-1-90 (17-199)

Sanyal

(2)

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 :

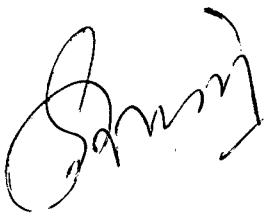
The applicant further declares that the application is within the limitation prescribed in section 21 of the Administrative Tribunals Act, 1985.

4. Facts of the case :

- a) That the applicant was appointed as LDC in Central Bureau of Investigation, Jabalpur branch Office on 1-6-1959 and thereafter he has worked in various branches of Central Bureau of Investigation as UDC, Head Clerk-cum-Accountant, Crime Assistant and Office Superintendent (G.O. Class II). On the basis of applicant's unblemish service record and performance, the department gave various promotions in the past viz :- UDC, Head Clerk-cum-Accountant, Crime Asstt. and Office Supdt. (Class II G.O.). Presently applicant is working in C.B.I., Lucknow Region, Lucknow in the same capacity on punishment.
- b) That while functioning as Office Supdt., C.F.S.L., Central Bureau of Investigation, C.G.O. Complex, Lodhi Road, New Delhi, case R.C.13/87-SCB of CBI, New Delhi was registered against the applicant and against his wife Smt. Radha Bulbul U/s. 120-B r/w. 420 r/w. 168 I.P.C. on 19-6-1987 on the false allegation of entering into criminal conspiracy



and to cheat one Smt. Neelam, K.P.O. of Coordination Division(Computer) and others and for engagement in private trade. Prior to registration of the said case, applicant was called by the Supdt. of Police, CBI, ACB, New Delhi in his office and got completed the verification. Despite discreet verification was also made by A.C.B. Delhi branch.

- c) That searches of applicant's residence and office were made by Shri O.P. Arora, I.O. alongwith his team on 19-8-87. A photo copy of the search memo in this connection is enclosed as ANNEXURE NO.1.
- d) That Mrs. Radha Bulbul wife of the applicant and other members of his family were tortured and humiliated by certain officers of Central Bureau of Investigation, Delhi Special Crime Branch treating them as criminals. In utter disregard of the principles of law and provision of Cr.P.C. (160 Cr. P.C.), wife and daughter of the applicant were called in C.B.I. Office and they were compelled to sit for days together from morning to evening without being examined i.e. from 20/8 to 25/8/87 even on Saturday (closed holiday) too the applicant had been called for interrogation.
- e) That in reply to letter of applicant's wife addressed to the Minister of State (Deptt. of Personnel & Training) and also the Director, Central Bureau of Investigation a D.O. reply from Ministry was received vide letter dated 19/11/87 intimating that C.B.I. would complete the investigation as
- 

early as possible. A copy of reply dated 19/11/87 received from the Dy. Secretary (Vig.) is enclosed as ANNEXURE NO.2.

f)

That according to instructions issued from time to time by CBI, investigation of a R.C. is required to be completed within 6 months from the date of registration. When the investigation of the instant case was going on, the Director CBI passed orders on 19/10/87 after 5 months of the registration, placing the applicant under suspension instead of issuing direction to the I.O. concerned to expeditiously complete investigation and to submit charge-sheet if the allegations were proved by investigation. A copy of aforesaid suspension order is enclosed as ANNEXURE NO.3.

g)

That the suspension order was arbitrary, without jurisdiction and based on ill advice, therefore, the applicant made an appeal against the suspension order addressed to the Secretary, Department of Personnel & Training - the appellate authority through Director, CBI vide Endorsement dated 18/11/87. A copy of appeal against suspension order is enclosed as ANNEXURE NO.4.

h)

That no reply was received or no any appellate order was passed by the appellate authority, therefore, after 3-4-months a reminder was also sent.

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- i) That on 13/10/88 the aforesaid suspension order was revoked reinstating the applicant and transferring the applicant to Lucknow on punishment. As such the applicant remained under suspension for about one year i.e. from 19/10/87 to 13/10/88. A copy of the revocation order dated 13/10/88 is enclosed as ANNEXURE NO.5.
- j) That from the preceding paragraph it is evident that the applicant was placed under suspension for about one year without any valid reason. This is against the Govt. of India Circular No.GI,C.S. (Department of Personnel), O.M.No.39/33/72-Ests. (A) dated the 16th December, 1972). This instant circular prescribed time-limits of six months for investigation and trial or departmental action in respect of suspended govt. officials. Here also the respondents have failed to adhere the circular issued by the Govt. of India only with a view to damage/harm the applicant & also to his family members.
- k) That during the month of January'89, July'89 and December'89 the applicant had submitted his request in writing addressed to the Director, Central Bureau of Investigation seeking following reliefs for which he was legally entitled which are given below:-
- [Handwritten signature]*

A 12

(6)

- i) That all arrears of pay & allowances of the applicant for suspension period may be paid to the applicant forthwith without any further delay.
 - ii) Two annual increments which had fallen due on 1/5/88 and 1/5/89 may be released & paid to the applicant.
 - iii) That the applicant may immediately be posted to New Delhi back from where the applicant was transferred after reinstatement when no allegation has been proved against the applicant.
- Photocopies of 3 written requests dated 18-1-89, 28-7-89 & 6-12-89 as said above are enclosed as ANNEXURES 6, 7 & 8.

- 1) That the applicant is not getting his annual increments although ~~he~~ he has put more than one year's service after his reinstatement i.e. from 14/10/88.
- m) That not releasing and paying the annual increments to a government servant even by putting continuous hard work by the department is denial of natural justice and against the law of the land. Matter regarding release of annual increment has also been taken up by the Hon'ble High Court of Judicature Allahabad in the case of Mrinunjai Singh Vs. State of Uttar Pradesh wherein the Hon'ble High Court decided that annual increments of govt. servant cannot be withheld in any case (AIR 1971, Allahabad). Photocopy of judgement is enclosed as ANNEXURE N

[Handwritten signature]

n)

That as far as transfer is concerned , the

i) applicant now stands transferred and posted to CBI Lucknow Regional office w.e.f.14/10/88 causing a pecuniary loss of Rs.25/- per month in emoluments.

ii) The applicant had been frequently transferred to different places in a number of times i.e. Jabalpur to Delhi, Delhi to Jammu, Jammu to Srinagar, Srinagar to Delhi and Delhi to Lucknow as per shown in ANNEXURE NO.10.

iii) That transfer of the applicant was mala fide. If he could not be placed under suspension, he was not transferred. He was placed under suspension while he was working as Office Supdt. in C.F.S.L. CBI, New Delhi. During suspension period he was getting subsistence allowance from CFSL/CBI, New Delhi from where he was placed under suspension. The interested person Mr. Chamari Ram Gupta Office Supdt. who was working in CBI Regional Office Lucknow was transferred and posted to C.F.S.L./CBI, Delhi in the place of the applicant. Thus the CBI had left the post of Office Supdt. vacant at Lucknow till the reinstatement of the applicant. Needless to mention here that there is only one post of Office Supdt in CFSL/CBI Delhi but the subsistence allowance was being paid to the applicant against one more post.

Samir

In the aforesaid matter attention of the Hon'ble Tribunal is drawn to the Judgement of CAT cases 310 Jabalpur S.K.Sharma Vs. D.G.Employees State Insurance Corporation, New Delhi and others. The court will interfere in the case of transfer with when :-

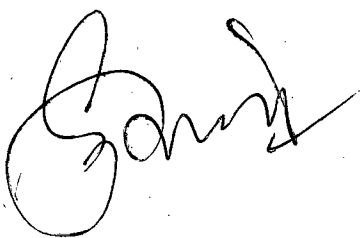
- (i) the transfer is malafide or arbitrary per-verse.
- (ii) when it adversely alters the service condition in terms of rank, pay & emoluments,
- (iii) where guidelines laid down by the department are infringed,
- (iv) when it is frequently done.

Out of above mentioned four points 3 points i.e.

(i), (ii) & (iv) are applicable to the applicant. In this connection decision taken by CAT, Jabalpur is enclosed as ANNEXURE NO.11.

o)

That in pursuance of Special directive issued by the Government of India regarding recruitment of Schedule Caste/Schedule Tribes, the application of the applicant which was to be forwarded to the Cement Corpn.of India for the post of Sr.Vigilance Officer, was not forwarded by the CBI/Hd.Office arbitrarily with the remarks that applicant is overage and do not have any vigilance experience of two years. This is contrary to what the applicant possesses. In this connection copy of application dated 09-06-89 of the applicant, forwarding letter of DIG, Regional Office Lucknow to H.O.



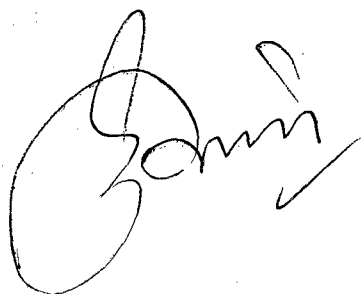
Delhi dated 09-06-89 and reply of CBI H.O. dated 27-06-89 are enclosed as ANNEXURES 12, 13 & 14 respectively. These are self-explanatory.

By refusing/not forwarding the application of the applicant who is a member of Scheduled Caste is against the provision of the Constitution as also the directive of the Govt. of India issued for filling up the vacant posts reserved for SC/ST personnel. A copy of the directive issued by the Govt. of India is enclosed herewith as ANNEXURE, 15.

p)

That the CBI/Head Office (Respondent No.3) with reference to applicant's aforesaid application for the post of Sr.Vigilance Officer in the Cement Corporation of India has observed that the applicant does not possess vigilance experience and that he is overage for the said post. In this connection it is humbly submitted before this Hon'ble Tribunal that the observation of the Respondent No.3 are based on ill advise and has misconception of rules, instructions and the same are totally incorrect.

A copy of duty & responsibility of the applicant as embodied in the C.B.I.(Crime) Manual is enclosed as ANNEXURE NO.16. From perusal it would be revealed that what the applicant has been performing in CBI is purely vigilance matter. Thus the applicant has enough vigilance experience. As regards, the applicant had already mentioned in his application addressed to the authorities of the Cement Corpn. of India that the applicant wanted to be appointed



by them on deputation basis. Moreover, appointment /selection for a particular post on deputation basis , no age limit was prescribed. There should be no occasion for the CBI Head Office (Respondent No.3) to pass such bogus, incorrect and false observations on the application instead of passing the same to its destination. This shows the arbitrary action of the CBI who have taken action only in order to damage the applicant.

5.

Grounds for relief with legal provisions :

(a) That withholding of pay & allowances for the period from 19-10-87 to 13-10-88 & not releasing annual increments for the year 1988 due on 1-5-88 and for the year 1989 due on 1-5-89 are arbitrary and without any reason. This is also against the provisions of FR.54-B. Not only this according to the decisions of Allahabad High Court in the case cited in the preceeding paragraphs government is not entitled to withhold increments in any case.

(b) Immediate transfer back to C.F.S.L./CBI/ New Delhi from where the applicant ousted without any reason putting him to suffer financial loss and other damages.

(c) Also the action of the respondents is amount to denial of constitutional benefits to a member of Scheduled Caste.

Gann

6.

Details of remedies exhausted :

The applicant has been praying/requesting the competent authorities in the department since 18-1-89 but failed to receive any reply on the subject. The respondents have failed even in acknowledging the written requests of the applicant through which remedies were sought. The respondents have become deaf and blind for the reasons best known to them.

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

8.

Relief sought :

(a) That it is, therefore, necessary in the end of justice to the applicant and respectfully prayed before this Tribunal that this Hon'ble Tribunal may be pleased to direct the respondents to pay to the applicant arrears of pay & allowances and release annual increments alongwith interest accrued there on for such delay at the rate of 9 percent per annum or the current bank rate on Fixed Deposits whichever is lower for the



period 19/10/87 to 13/10/88 (and from 1.5.88 for 1988 & from 1.5.89 for 1989 concerning increments).

(b) Responding Government may be directed to forward the application of the applicant for the post of Sr.Vigilance Officer in the Cement Corpn. of India recommending suitable recommendations/ observations because the applicant is a member of Scheduled Caste.

(c) Respondents be directed to transfer back the applicant to Delhi from where he has been brought at Lucknow putting him financial loss and other so many damages.

9.

Interim order, if any prayed for :

(a) That it is, therefore, necessary in the end of justice to the applicant and respectfully prayed before this Tribunal that this Hon'ble Tribunal may be pleased to direct the respondents to pay to the applicant arrears of pay & allowances and release annual increments alongwith interest accrued thereon for such delay at the rate of 9 percent per annum or the current bank rate on Fixed Deposits whichever is lower for the period 19/10/87 to 13/10/88 (and from 1.5.88 for 1988 & from 1.5.89 for 1989 concerning increments).

(b) Responding government may be directed to forward the application of the applicant for the post of Sr.Vigilance Officer in the Cement Corpn. of India recommending suitable recommendations/ observations because the applicant is a member of

S. Singh

Scheduled Caste.

(c) Respondents be directed to transfer back the applicant to Delhi from where he has been brought at Lucknow putting him financial loss and other so many damages.

10.

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

NIL.

11.

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

Indian Postal Order No.02 424273 of Rs.50/-

(Fifty only) issued from G.P.O. Lucknow on 11.1.90 in favour of Central Administrative Tribunal, Addl. Bench, Allahabad, Circuit Bench, Lucknow.

12.

List of enclosures :

- (1) Annexure No.1 : Search Lists.
- (2) Annexure No.2 : DO letter of Smt.C.R. Chhibber, Dy.Secy.(Vig.).
- (3) Annexure No.3 : Suspension Order.
- (4) Annexure No.4 : Appeal against suspension order..
- (5) Annexure No.5 : Revocation Order.
- (6) Annexure No.6 : Representation.
- (7) Annexure No.7 : Representation.
- (8) Annexure No.8 : Representation.
- (9) Annexure No.9 : Judgement of Allahabad High Court.

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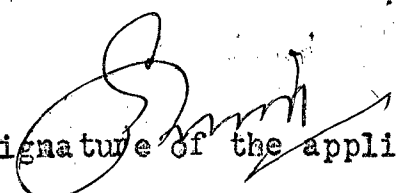
(14)

- (10) Annexure No.10 : Statement showing various transfers.
- (11) Annexure No.11 : Decision of Jabalpur, CAT.
- (12) Annexure No.12 : Application for appointment of Sr.Vigilance Officer.
- (13) Annexure No.13 : Forwarding letter of DIG, CBI, Lucknow Region, Lucknow.
- (14) Annexure No.14 : Reply from the AO(A), CBI, HO.
- (15) Annexure No.15 : Directives issued by the Govt. of India.
- (16) Annexure No.16 : Duty and responsibility of Dy.Suptd. of Police, /Office Superintendent.

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

I, Hans Raj Bulbul S/o Late Ratilal Bulbul age 52 years, working as Office Superintendent, C.B.I., Lucknow Region, Lucknow- r/o H.No.551, Natkhera Road (Govind Nagar), Lucknow-5, do hereby verify that the contents of paras 1 to 12 are true to my personal knowledge and paras 1 to 12 believed to be true on legal advice and that I have not suppressed any material fact.

Verified this the 15th Jan day of 1990 at Lucknow.


Signature of the applicant.

OFFICE OF
D.I.G./C.B.I./Lko.. Region
LUCKNOW.

Diary...

Date...

No. 3/23/86-AD.V

Central Bureau of Investigation,
Government of India,
Block-3, 4th floor, Lodhi Road,
Kendriya Karyalaya Parisar,
New Delhi.

Dated:

14-10-88

OFFICE ORDER NO. 1072/1988

Consequent upon the revocation of his suspension,
Shri Hans Raj Bulbul, Office Supdt. is posted as Office
Supdt in CBI Regional Office at Lucknow under DIG/CBI
Lucknow. Shri Bulbul should report for duty to DIG/CBI
Lucknow.

Satish Sahney

(SATISH SAHNEY)
JOINT DIRECTOR(AE)/CBI

Copies to:-

14/10/88

- REGD
- i) Shri Hans Raj Bulbul, C-15, Netaji Nagar,
New Delhi - 110023.
 - ii) Director, CFSL, CBI New Delhi. Transfer TA/ Pay Advance
applied for by Sh. Bulbul, who was working as Office
Supdt at the time of being placed under suspension
may be arranged to be paid to him.
 - iii) DIG/CBI Lucknow.
 - iv) Accounts Officer, PAO, DCPW, New Delhi.
 - v) Accounts Officer, PAO, CBI, New Delhi.
 - vi) DIG Policy Divn CBI, New Delhi.
 - vii) OS/DPC CBI.

Satish Sahney

(SATISH SAHNEY)
JOINT DIRECTOR(AE)/CBI

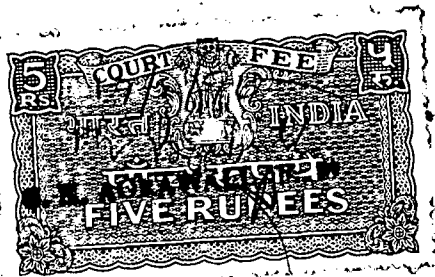
14/10/88

ब अदालत श्रीमान
[वादी अपीलान्ट]
प्रतिवादी [रेस्पाडेंट]

महोदय

वकालतनामा

Handwritten signature



वादी (अपीलान्ट)

बनाम

प्रतिवादी (रेस्पाडेंट)

Union of India & Ors

नं० मुकद्दमा

सन

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर श्री

P. K. Aggarwal

Law Room Aggarwal

वकील

महोदय

एडवोकेट

नाम अदालत	नाम फरीकन	नाम मुकद्दमा नं०	बनाम
...

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देखा हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी सा अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तसती) रसोद से लेवे या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक 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 आवे।

Accepted

P. K. Aggarwal

17/1/90

हस्ताक्षर

Handwritten signature

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

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स्वीकृत

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FORM III
(SEE RULE 8(3))

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

CIRCUIT BENCH, LUCKNOW.

MISC.APPLICATION No. 318 of 1990(L)

ORIGINAL APPLICATION NO. O.A.No.16/90(L)

HANSRAJ BULBULAPPLICANT

.VS

UNION OF INDIA & OTHERSRESPONDENTS

APPLICATION ON BEHALF OF THE APPLICATION SEEKING ON
INTERIM ORDER/DIRECTION.

1. That the applicant is a member of Scheduled Caste who has made an application under section 19 of the Administrative Tribunal Act 1985 on dated 17.1.90 in this Hon'ble Tribunal and the same is pending. That in the aforesaid original application registered as O.A.No.16/90(L). The application has assailed one of the impugned orders which is appended as Annexure No.14 to the Claim Application. Contents of this Annexure No.14 are reproduced below :-

- " i) Suitable vigilance experience of two years in the vigilance work in CVC/CBI/ Central/State Govt. Departments.
- ii) Maximum age limit of 40+5=45 yrs for SC Candidates.

Shri Bulbul does not possess the experience of vigilance work and he is more than 51 years of age. His application for the post of Sr.Vigilance Officer in the Cement Corporation of India, cannot, therefore, be forwarded!"

Filed today
8/5/90

Noted for 28/5
H. Aggarwal
10/5

3.

That the facts and grounds submitted before this Hon'ble Tribunal on this particular subject/grievances as mentioned in the application dated 15.1.90 as well as in the rejoinder dated 8.5.90 are reproduced as under :-

"4 (o) of Claim Application:

That in pursuance of Special directive issued by the Government of India regarding recruitment of Scheduled Castes/ Scheduled Tribe, the application of the applicant which was to be forwarded to the Cement Corporation of India for the post of Sr.Vigilance Officer was not forwarded by the CBI/Head Office arbitrarily with the remarks that the applicant is overage and does not have any vigilance experience of two years. This is contrary to what the applicant possesses. In this connection, copy of application dated 9.6.89 of the applicant, forwarding letter of DIG Regional Office, Lucknow to Head Office CBI, New Delhi dated 9.6.89 and reply of CBI/Head Office dated 27.6.89 are enclosed as Annexures 12, 13 & 14 respectively. These are self explanatory. By refusing/not forwarding the application of the applicant who is member of Scheduled Caste is against the provision of Constitution as also the directive of the Government of India

....3/-

issued for filling up the vacant posts reserved for SC/ST Candidates. A copy of the directive issued by the Govt. of India is enclosed herewith as Annexure 15.

4(p) That the CBI/Head Office respondent No.(3) with reference to applicant's aforesaid application for the post of Sr.Vigilance Officer in the Cement Corporation of India has observed that the applicant does not possess vigilance experience and that he is overage for the said post. In this connection it is humbly submitted before this Hon'ble Tribunal that the observations of respondent No.(3) are based on ill advice and had misconception of rules/instructions and the same are totally incorrect. A copy of duty and responsibility of the applicant as embodied in the CBI Crime Manual is enclosed as Annexure-16. From perusal it would be revealed that what the applicant is performing in CBI is purely vigilance matter. Thus, the applicant has enough vigilance experience. As regards, the applicant had already mentioned in his application addressed to the authorities of the Cement Corporation of India that the applicant wanted to be appointed by them on deputation basis. Moreover, appointment/selection for a particular post on deputation basis no age limit was prescribed. There should be no occasion for the CBI/Head Office (Respondent No.3) to pass such a bogus, incorrect and false observations on the application instead of passing the same to its destination. This

shows the arbitrary action of the CBI who have taken action only in order to damage the applicant.

9(IX) of Rejoinder:

That the contents of Para-5 (j) are denied in toto being false. Averments made in Para-4 (O&P) of the Claim Application are re-iterated to be true and the same are based on Government directives and CBI Crime Manual which have been filed as Annexures-15 & 16 to the Claim Application.

Cement Corporation of India has already mentioned in their advertisement that the persons who have some experience in vigilance can apply. There is no word of 'investigation' mentioned in the advertisement vide enclosure of Annexure 12 to Claim Application. Respondents, thus, misled the Tribunal and as such they are liable to be dealt with u/s 193 IPC as considered by the Hon'ble Tribunal.

28 of Rejoinder :

That the contents of Para-25 are denied in toto. The averments made in Para-4(o) of the Claim Application are re-iterated to be true. The pleas taken by the respondents that the petitioner did not possess the required age, qualification and experience etc. and hence application was not forwarded to the Cement Corporation of India, is unreasonable without any jurisdiction since the instant application had to be dealt by the Cement Corporation of India as well as ~~res-~~

respondents deptt. in pursuance of Govt. of India instructions contained in Office Memorandum No. 36012/13/88-Estt. (SCT) dated 22.5.89 addressed to all Ministries/Departments of the Govt. of India issued from Ministry of Personnel, Public Grievances and Pension, New Delhi. A photocopy of this Office Memorandum has already been submitted to this Hon'ble Tribunal as one of the enclosures i.e. Annexure 15 to the Claim Application. These instructions outline various measures to increase SC/ST representation in the services under the Govt. of India through direct recruitment and backlog vacancies reserved for SC/ST are filled up if required by giving special relaxation and if any rules/provisions resist, the same may be modified/deleted. Government of India have launched Special Recruitment Drive for filling up the vacancies reserved for SC/ST w.e.f. 1.6.89. In this connection, a copy of DO letter No. 36012/6/88-Estt(SCT)(Part) dated 22.5.89 from Secretary (P) to all Secretaries to Govt. of India forwarded by the CBI/HO may also kindly be perused vide Annexure-'B', to the Rejoinder.

The applicant is a member of Scheduled Caste. The applicant has got CBI experience (Crime Work) where vigilance matters are dealt.

One Mr. Joshi was a Clerk in Railway who came on deputation to CBI, Ambala, Chandigarh as R.S.O. Subsequently the responding deptt. has appointed him in CBI as Inspector of Police, who is

at present working at Chdndigarh in the same capacity. One Mr.K.N.Tiwari who was basically a Clerk in Railway and Guard and then R.S.O., was taken as Inspector of Police, CBI, Lucknow Branch. One More Shri D.D.Rastogi who came to CBI as Inspector was a Steno basically. This is a matter of question when they (Respondents) used to take Clerk from outside deptt. as Police Officers then why they discriminate the applicant's application to the Govt. Department i.e. Cement Corporation of India. In view of Annexure-16 i.e. an extract taken from CBI, Manual, the duties/responsibilities in CBI are the same for both Dy.Suptd. of Police and Office Suptd, attached to Regional Zone.

4.

That the relief has been sought on the subject concerned in the Claim Application (Para-8(b)) as well as in the Rejoinder (Para-35). Extracts of the aforesaid paragraphs are reproduced here as under :-

"Para-8(b) of Application"

Responding Govt. may be directed to forward the application of the applicant for the post of Sr. Vigilance Officer in the Cement Corporation of India recommending suitable recommendations/ observations because the applicant is a member of Scheduled Caste

"Para-35 of Rejoinder:"

That the contents of Para-32 are not admitted and emphatically denied. That Annexure-14 to the Claim Application ^{/needs} to be quashed, that the

A 33

Annexure 'D' to the Counter Affidavit needs to be declared 'null and void', action of respondent in transferring the applicant from Delhi to Lucknow needs to be declared as Punitive Transfer.

Ex
5.

That it is respectfully submitted that the applicant prayed for an interim order while making the original application on this issue. In this connection, ~~Para~~ Sub-Para 'B' of Para-9 of Claim Application is referred to wherein it was respectfully prayed that this Hon'ble Tribunal be pleased to direct the responding Govt. to forward the application of the applicant for the post of Sr.Vigilance Officer in the Cement Corporation of India recommending suitable recommendations/observations because the applicant is a member of Scheduled Caste.

6.

That the attention of Hon'ble Tribunal is drawn towards Annexure No.B to the Rejoinder, it is a copy of DO letter dated 22.5.89 issued from Secretary (P) to all Secretaries to Govt. of India containing guidelines for 'Special Reeruitment Drive' to fill up the backlog of vacancies ear-marked for SC/ST.

That it is submitted that the respondents have not dealt the application concerned of the applicant in pursuance of Annexure No.'B'. The respondents have knowingly acted against the guidelines spelt out in the Annexure No.15 to Claim Application and Annexure 'B' to Rejoinder.

ASU

They have withheld the application arbitrarily. No rules allow such withholding. Not only this they have gone out of way in not forwarding the instant application but they performed the functions of Cement Corporation of India by way of passing remarks which is detrimental to the service career of the applicant. It was open to the Cement Corporation of India only to pass such remarks or select the applicant to the post of Sr. Vigilance Officer.

That as per general and routine practice in connection with forwarding of application for recruitment matters regarding reservations and concession for SC/ST appointment of such privileged class should not be withheld or delayed. As regards forwarding of application of SC/ST employees for appointment elsewhere (The Swamy's Hand Book 1990 stipulates that the application) should be readily forwarded. A photocopy of relevant portion taken from Swamy's Hand Book 1990 is attached herewith for convenience. Although it is not relevant here in the instant case of forwarding of application, it is only brought to the notice of Hon'ble Tribunal for ready reference.

That the applicant's case of forwarding his application to the Cement Corporation of India is required to be dealt in accordance with the Annexure B to rejoinder i.e. DO letter dtd. 22-5-89.

7. That attention of this Hon'ble Tribunal is invited to Annexure No. 16 of Coaim application. This Annexure No.16 describes the functions and duties of applicant

The applicant has got specialised himself in the field of vigilance and anti-corruption work in Central Bureau of Investigation.

8. That it is brought to the notice of Hon'ble Tribunal that the post of Sr. Vigilance Officer which is one of the backlog vacancies is yet to be filled up, as learnt reliably. And the applicant feels himself fully suitable for being appointed on the post of Sr. Vigilance Officer in Cement Corporation of India in pursuance of the D.O. letter dtd. 22-5-89 contained in Annexure No. B to the rejoinder.

P R A Y E R

It is, therefore, respectfully prayed that to meet the end of justice and furtherance of service corners of the applicant the impugned order contained in Annexure No. 14 to the claim application be stayed and respondents be directed to forward the application forthwith with suitable recommendation to its destination i.e. Cement Corporation of India for consideration in pursuance of DO letter dtd. 22-5-89.

It is also prayed that Cement Corporation of India be directed to consider the appointment of the applicant as Sr. Vigilance Officer in ^{their} ~~his~~ Organisation.

Hope, this Hon'ble Tribunal will pass order accordingly.

Signature of applicant.

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VERIFICATION.

I, Hansraj Bulhuls/o late Ratilal Bulbul aged 52 years working as Office Supdt., Centrzi Bureau of Investigation, Lucknow Region, Lucknow resident of Lucknow do hereby verify that the contents of paras 1 to 8 are true on legal advice and that I have not suppressed any material fact.

PLACE: LUCKNOW

Signature of applicant.

Dated 8/5 May 1990

I identify the applicant who has signed before me.

Signature of the Advocate

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15. Reservations and Concessions for Scheduled Castes and Scheduled Tribes

[Swamy's — Reservations and Concessions for S.C. and S.T.]

1. Reservations in Recruitments and Promotions

	Percentage Fixed	
	S.C.	S.T.
(i) Direct recruitment on an All India basis:		
(a) by open competition (i.e., through the U.P.S.C. or by means of open competitive test held by any other authority) ...	15%	7½%
(b) Otherwise than at (a) above ...	16⅔%	7½%
(ii) Direct recruitment to Group 'C' and Group 'D' posts normally attracting candidates from a locality or a region.	In proportion to the population of S.C. and S.T. in the respective States/Territories	
(iii) Posts filled by promotion in grades or services in which the element of direct recruitment, if any, does not exceed 75%		
(a) through limited departmental competitive examination in Groups 'B', 'C' and 'D' ...	15%	7½%
(b) by selection from Group 'B' to the lowest rung or category in Group 'A' and in Groups 'B', 'C' and 'D' ...	15%	7½%
(c) on the basis of seniority subject to fitness in Groups 'A', 'B', 'C' and 'D' ...	15%	7½%

Posts classified as 'Scientific' or 'Technical' above the lowest grade in Group 'A' for conducting research or for organising, guiding and directing research are exempted from reservation orders.

2. Model Rosters.—For effecting reservations correctly, following rosters have been prescribed:—

- 40 points roster with points 1, 8, 14, 22, 28 and 36 for S.Cs. and points 4, 17 and 31 for S.Ts. (S.C. 15% and S.T. 7½%).
- 40 points roster with points 1, 7, 13, 20, 25, 32 and 37 for S.Cs. and points 4, 17 and 29 for S.Ts. (S.C. 16⅔% and S.T. 7½%).

A 38

carried forward but exchanged in the same recruitment year except in the case of single vacancy which will be dealt with as in para. 6 (c) supra.

(c) *Selection in Groups 'C' and 'D'.*—Normal zone extended to five times, if necessary. A general select list as also a separate select list for S.C./S.T. will be drawn from those within the normal zone. If sufficient number of S.C./S.T. candidates are not available on the same basis of selection as others, S.C./S.T. candidates will be selected within the normal zone irrespective of merit but who are considered fit for promotion.

(d) *Seniority subject to fitness.*—Principle of zone of consideration is not applicable. Fitness of S.C./S.T. will be adjudged separately; separate select list will be drawn up; general and S.C./S.T. select lists will be merged with their *inter se* seniority.

(e) *Ad hoc promotions.*—No formal reservation for S.C./S.T. but eligible officers in the field should be considered.

(f) *Promotion to Selection Grade.*—Reservation applies to these appointments according as such appointments are made on the basis of 'selection' or 'seniority-cum-fitness'.

8. *Miscellaneous.*—(a) S.C. should profess Hinduism or Sikhism whereas S.T. can profess any religion.

✓(b) Applications of S.C./S.T. employees for appointments elsewhere should be readily forwarded.

(c) While retrenching or surrendering surplus staff, it should be ensured that the reduction of S.C./S.T. does not affect the total number of reservations.

(d) Appointment of S.C./S.T. candidates should not be withheld or delayed for want of prescribed certificates due to genuine difficulties of the candidates. Appointing authorities can always verify the genuineness of the claim of S.C./S.T., if necessary, and if the claim is found to be false at a later date, services of such candidates can be terminated under relevant rules.

16. No Objection Certificate for Passport—Guidelines

[Swamy's — Manual on Establishment and Administration]

According to Passport Application Form for ordinary passports prescribed under the Passports Act, 1967, and the Passports Rules, 1980, a Government servant or an employee of a statutory body or of a public sector undertaking is required to produce "No Objection Certificate" in original from his employer.

2. The following are the guidelines prescribed for the issue of such a certificate:—

- (i) To verify whether any disciplinary proceedings are pending or contemplated against the individual.
- (ii) To verify whether any vigilance case is pending or contemplated.

Search List

ANNEXURE NO. 1

Sc 13/S/87-211

20.8.87

In pursuance of the execution of Search Warrant dt. 19.8.87 issued by the Hon'ble court of Sh. Dinesh Dayal, M.M. Patela House, New Delhi, in favour of the undersigned, I alongwith two independent witnesses and Police Team arrived at C-15, Nalaji Nagar, New Delhi. Sh. Hans Raj Bulbul and Sh. Gopal were present at home. Sh. Hans Raj was shown the Search Warrant who signed the same for having seen the searches. The searches were commenced at 7.17 am and ended at 8.45 am. Sh. Hans Raj Bulbul remained present throughout the search besides witnesses. The searches were conducted in a peaceful manner. No damage was caused to any person or property during the searches. All the legal formalities were observed during searches. The following documents were seized during the search:

S/No.

Details of Documents.

1. One Pass Book 1/11 a/c No. 101347, Graduate Bank DTC, Depot Bldg., Sangli Nagar, ND, of Sh. Hans Raj.
2. One Pass Book of Sant Radha, 1/11 a/c No. 16315, R.K. Puram, Conasa Bank, Noida.
3. One Pass Book of Sh. Hans Raj, 1/11 a/c No. 21051, Parliament Street, Noida.

Search List

(A/C)

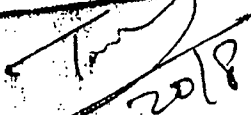
(2)

RC 12/5/87 D/L

27. 20. 87
ANNEXURE NO 1

In pursuance of the execution of search warrant of 12.5.87 issued by the Hon'ble court of Shri Dinach Dayal Mehta, District Judge, Noida in my presence along with independent witnesses, and Police team issued to go to D.S. Case, C-60 Condo Block No. 4, Loc. 1, Noida, Shri Hanu Ram Bhatnagar who also had accompanied the undersigned from Noida Nagar, Noida was signed from the search warrant. Shri Bhatnagar signed the having read the statement. The search commenced at 9.45 AM and ended at 10.20 AM. The witnesses and the accused Shri Bhatnagar remained present throughout the search. The search was conducted in a peaceful manner. No damage was caused to any person or property. All the things found there were observed during the search. Nothing was seized during the search.

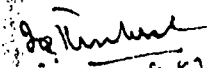
Witnesses

1) 
2018

(Tanvir Ahamed)

ATU (Vig) 1700, 712 Flr,
Palika Kondra, NDMC
Sardar Marg, Noida


2)


J.R. Thakral

04/8/87
27/8/87
(O.P. Arora)

Inspr. C-60
S-60

Attested


वायकर अधिकारी
गार्डर (4), लखनऊ



C.R. CHHIBBER (SMT.)
DY. SECRETARY (VIG.)

TEL: 3011842

AMT

भारत सरकार
कामिक और प्रशिक्षण विभाग
कामिक, लोक शिकायत तथा पेंशन मंत्रालय
नई दिल्ली

GOVERNMENT OF INDIA
DEPARTMENT OF PERSONNEL AND TRAINING
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS
NEW DELHI

ANNEXURE 2

D.O. NO. 350/59/87-AVD.III

Dated : 18.11.87

Dear Smt. Radha,

19 NOV 1987

Please refer to your letter dated
17.9.87, regarding RC.13/87-Delhi/SCB, addressed
to MOS(PP).

2. CBI will complete the investigation
as early as possible.

With best wishes

Yours sincerely,

(C.R. Chhibber)

Smt. Radha,
C-15, Netaji Nagar,
New Delhi - 110023.

MAHARAJ
Sgt
आयकर अधिकारी
पार्ट-1 (4), लखनऊ

ANNEXURE No. 3

A 42

No.3/23/86-AD.V
GOVERNMENT OF INDIA, DP&T,
CENTRAL BUREAU OF INVESTIGATION,
B.NO.3, 4TH FLOOR, CGO COMPLEX,
LODHI ROAD, NEW DELHI-110 003.

DATED : OCTOBER , 1987.

ORDER

19 OCT 1987

Whereas a case against Shri Hans Raj Bulbul, Office Superintendent, CFSL, CBI, New Delhi in respect of a criminal offence is under investigation.

Now, therefore, the undersigned in exercise of the powers conferred by sub-rule(1) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, hereby places the said Shri Hans Raj Bulbul, Office Superintendent, CFSL, CBI, New Delhi under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force, the headquarters of Shri Hans Raj Bulbul, Office Superintendent should be New Delhi and the said Shri Hans Raj Bulbul shall not leave the headquarter without obtaining the previous permission of the undersigned.

(M.G. KATRE) 16/10

DIRECTOR

CENTRAL BUREAU OF INVESTIGATION
NEW DELHI

Copy to Shri Hans Raj Bulbul, Office Superintendent, CFSL, CBI, New Delhi. Orders regarding subsistence allowance admissible to him during the period of his suspension will issue separately.

Attested

[Signature]

आयकर अधिकारी
पाई-1 (4), लखनऊ

Recd. today

[Signature]
6/11/87
at 11.00 AM

[Signature]

To

The Secretary,
Department of Personnel and Training and A.R.
Govt. of India, New Delhi.

ANNEXURE No. 1/ (5)

(A 43)

Through proper channel.

Subject:- Appeal against suspension order passed by the
Director, CBI, New Delhi vide CBI Hd. Office No.
3/23/86-ADV dated 19-10-87 (received on 6-11-87)

.....

Sir,

I have the honour to invite your kind attention to the aforesaid illegal and irregular suspension order passed by the Director, CBI, New Delhi in utter violation of all the rules, regulations and instructions issued by the Govt. time to time and without proper application of mind for favour of sympathetic consideration and passing necessary orders to set aside and revoke the same on the following amongst other ground

1. That I was appointed as L.D.C. at Jabalpur C.B.I. on 1-6-1959 and thereafter I worked in various branches of C.B.I. as U.D.C., Head Clerk and Crime Assistant. During Oct. '84 to April-May, 1986 I was attached to Coordination Division of CBI as Crime Assistant.
2. That on the basis of my unblemish service record and performance the Department gave me various promotions in the past. Lastly I was promoted as Office Superintendent (G.O.II) and posted to CFSL/CBI w.e.f. 1-8-1986. In the present capacity I have been discharging my duties most sincerely and my work has been duly appreciated by my immediate superiors including Director/CFSL.
3. That it has been learnt that the SCB Delhi Branch of CBI registered a case u/s 120-B r/w 420 r/w 168 IPC against me and my wife on the false allegation on entering into criminal conspiracy and to cheat one Smt. Neelam, K.D.O. of Coordination Divn. (Computer) and others and for engagement in private trade vide R.C.No. 13/87 dtd. 19-6-87 of S.C.B. Delhi Branch of C.B.I.
4. That in course of interrogation of my wife and myself by the Investigating Officer Shri O.P. Arora, it came to our notice that Smt. Neelam produced a blank promote containing my signature and signature of one Police Inspector Shri S.S. Lakra, as a witness.
5. That it was further alleged that my wife was carrying on the business of chit-fund. But it was nowhere alleged or indicate that my funds were involved to show that I was engaged in private trade through my wife. In case my wife is found to be engaged in a private trade after raising funds or using her own financial resources, it cannot be said by any stretch of any irregularity that I was engaged in private trade to attract application of section 168 IPC.

Ganesh

दायकर अधिकारी
पार्ट-1 (4). लखनऊ

....2.

(A 44)

7-8

Satinder Singh, D.I.G. of Police, O.P. Sharma, D.I.G.,
Kulbir Singh, OSD, Gurseem Singh, A.I.G. and others.

14. That the Investigating Officer of the aforesaid case did not examine my wife at her residence as required under Cr.P.C. but in gross violation of the provision of Cr.P.C he called her to C.B.I. office for interrogation on 20-8-87 to 25-8-87. Instead of interrogating her he confronted her with the copies of her complaints mentioned above and threatened her with dire consequence for making such complaint.
15. That he kept both of us sitting in the C.B.I. office from 9.30 A.M. to late evening hours without actually making any interrogation in order to torture us mentally and humiliate us.
16. That against the high handed illegal activities of the I.O., She made another complaint to the Minister Incharge Shri P.Chidambaran.
17. That the content of the F.I.R. itself do not indicate for having committed any criminal offence but as the officers of the CBI were prejudiced against my wife and myself as my wife has made certain allegation against the high ranking officers referred to above and due to such vengeance deliberately and purposely the Crl. case was got registered to harass my wife and myself and further to make out the grounds for placing me under suspension to attract the provisions of rule 10 of CCS(Classification Control and Appeal) Rules to make out a case for suspension, as a consequent thereof I have been placed under suspension because the officers were adamant to harass me otherwise there is no material or proprietary for my suspension, for the reasons stated below:-

- i) That with the result Shri Satinder Singh, D.I.G. of SCB got the proposal for suspension moved from his section and ultimately succeeded in getting me placed under suspension after lapse of almost 5 months from the date of registration.

अर्जित
अधिकारी
प्राप्त (4) लक्षक

- ii) That your kind attention is drawn to the book of Swamy's Compilation on Suspension and Reinstatement of 1986 edition. It has been mentioned in page 3 under the heading 5 'When should not be resorted to' that an order of suspension should not be made in a perfunctory or in a routine and casual manner without proper regard to the guiding principles and where no public interest is likely to be served. It is needless to emphasise that the power in this regard is exercised sparingly with care and caution and only when it is absolutely essential. Suspension should not be resorted to for petty offences unrelated to morality or the official duties of the Govt. servant. In my case suspension should not have been resorted to for aforesaid allegation of civil nature.

- iii) That it may be mentioned that according to guiding principles given under Col.No.6 of the aforesaid book (of page 4), there is no possibility that my continuance in office will prejudice investigation, trial or any enquiry

OFFICE OF
D.I.G. / C.B.I. / Lko. - Region
LUCKNOW.

Diary...

Date...

8646
25-10-88

ANNEXURE No. 5
No.3/23/86-AD.V

Central Bureau of Investigation,
Government of India,
Block-3, 4th floor, Lodhi Road,
Kendriya Karyalaya Parisar,
New Delhi.

Dated:

14-10-88

OFFICE ORDER NO. 1072 / 1988

Consequent upon the revocation of his suspension,
Shri Hans Raj Bulbul, Office Supdt. is posted as Office
Supdt in CBI Regional Office at Lucknow under DIG/CBI
Lucknow. Shri Bulbul should report for duty to DIG/CBI
Lucknow.

(SATISH SAHNEY)
JOINT DIRECTOR(AE)/CBI

Copies to:-

14/10/88

- REGD
- i) Shri Hans Raj Bulbul, C-15, Netaji Nagar,
New Delhi - 110023.
 - ii) Director, CFSL, CBI New Delhi. Transfer TA/Pay Advance
applied for by Sh. Bulbul, who was working as Office
Supdt at the time of being placed under suspension
may be arranged to be paid to him.
 - iii) DIG/CBI Lucknow.
 - iv) Accounts Officer, PAD, DCPW, New Delhi.
 - v) Accounts Officer, PAD, CBI, New Delhi.
 - vi) DIG Policy Divn CBI, New Delhi.
 - vii) OS/DPC CBI.

(SATISH SAHNEY)
JOINT DIRECTOR(AE)/CBI

14/10/88

Attested
Gave
आपका अधिकारी -
प्राई-7 (4). लखनऊ

The Director,
C.B.I.,
New Delhi.

A 46

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(THROUGH PROPER CHANNEL)

Subject:-Representation regarding payment of arrears and allowances for the period of my suspension and other action thereof.

* * * * *

Sir,

I may kindly be allowed to invite your kind attention to the following facts for sympathetic consideration and favourable necessary orders :-

(i) That as your honour is already aware, I remained under suspension from 19.10.87 to 13.10.88 because of certain false and frivolous allegations of criminal nature levelled against me with the result that RC-13/87-SCB was also registered. Needless to mention here had the allegations been truly, justifiably and carefully looked into during discreet verification, no case would have actually been registered against me. Besides, there were no cogent and sufficient grounds for placing me under suspension. In other words, a false case was initiated for harassing me unnecessarily and putting me into financial hardships for no fault on my part. Not only this, my wife and other family members were tortured and humiliated by the officers of Delhi SCB treating them as criminals. It would not be out of place to mention that in utter disregard of the principles of Law and Provisions of Cr.P.C., my wife and daughter were called in CBI Office and they were compelled to sit for days together from morning to evening without being examined. Even on Saturday (closed holiday) too I had been called for interrogations.

(ii) That arrears of my pay and allowances have not yet been paid, although a period of more than three months has already expired after my reinstatement.

(iii) That I have been posted at different places viz. HQ/ Branches at Delhi and outside Delhi such as Jabalpur, New Delhi, Jammu Srinagar and lastly I was posted as Office Supdt. attached to CFSL. I now stand transferred and posted in CBI/Lucknow Region w.e.f. 14.10.88 causing a pecuniary loss of Rs. 25/- p.m. I am constrained to think that, perhaps this is another punishment for me.

(iv) I beg to further submit that there are many other Office Supdts. who are enjoying a long stay at Delhi proper. Details given below are self-explanatory :-

(i)	Shri Shyam Bihari Lal,	HC/CA/OS
(ii)	" B.S. Garucharya,	-do-
(iii)	" Madan Lal,	-do-
(iv)	" O.P. Chitkara,	-do-

Heister
A. G. K.
वायकर अधिकारी
पार्ट-1 (4). लखनऊ

Ganesh

A 67

To,

The Director,
Central Bureau of Investigation,
New Delhi.

Through Proper Channel.

Sub : Representation regarding payment
of arrears and allowances for the
period of my suspension and other
action thereof.

Sir,

Kindly refer to my application dated 13.1.89
forwarded by Regional DIO vide U.O.No.315/12/1/88/
LR/LKO dated 19.1.89, on the aforesaid subject.

2- I was placed under suspension on 19.10.87
on the basis of ambiguous grounds and remained
under suspension till 13.10.88. During the period
I suffered as under:-

(i) Two annual increments which had fallen due
on 1.5.88 and 1.5.89, have not yet been sanctioned
to me.

(ii) I was transferred from New Delhi to Lucknow
causing undue financial loss of Rs.25/- per month.

(iii) Since 9 months have passed after revocation
of my suspension, no action with regard to payment
of pay and allowances appears to have been taken.
No reply has yet been received from Head Office
thereby ignoring my request altogether.

3- Since I am facing financial hardships and
mental agony, it is prayed that necessary specific
orders under Rule FR 54-B and Sl.No.3 of Appendix
VII of CCS, CCA Rules 1965 for payment of my pay
and allowances for the suspension period and with
regard to other two points (i) and (ii) of para 2
above may kindly be ordered to be issued on priority
basis in order to save me from unnecessary financial
problems and botherations.

4- For this kind favour, I shall be highly
obliged.

Yours faithfully,

(HANSRAJ BULBUL),
Office Supdt.
CBI: LKO Region,
Lucknow.

Copy in advance submitted to the Director, CBI,
New Delhi for favour of information and necess-
ary action.

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ANNEXURE No 8

13

The Director, CBI (For kind personal attention,
New Delhi)

Through: Proper Channel

Sub: Representation regarding payment of arrears
and allowances for the period of my suspension
and other action thereof.

Sir,

Kindly refer to my application dated 18.1.89
forwarded by Regional DIO vide OU No.315/12/1/88/LR/LK
dated 19.1.89 and subsequent reminder dated 28.7.89
on the subject noted above.

2. Despite my humble requests no reply has yet
been given to me. It is further to be submitted that
two annual increments already fallen due i.e. 1.5.88
and 1.5.89 has also not been granted to me so far,
probably because of my suspension. Your honour may
kindly see that I am unnecessarily being put to financial
hardship without any fault on my part.

3. I, therefore, pray your goodself kindly
to direct authority concerned to look into the
matter on priority basis and allow two annual increments
as mentioned above to me. Besides, necessary
arrears for the period of my suspension i.e. 19.10.87
to 13.10.88 may also kindly be paid to me immediately.

4. For this kindly favour I shall be highly
obliged.

Yours faithfully,

Dated: 6,12.89

(HANSRAJ BULBUL)
OFFICE SUPDT. CBI REGION
OFFICE LUCKNOW.

Copy in advance submitted to the Director,
CBI New Delhi for favour of kind information and
sympathetic orders.

[Signature]

[Signature]

जायफर बघिकारी
पार्ट-1 (4). लखनऊ

(HANSRAJ BULBUL)
[Signature]

STATEMENT SHOWING VARIOUS TRANSFERS
DURING MY SERVICE.

Sl. No.	Name of Post & Branch	From	To
1:	2:	3:	4:
01:	Lower Division Clerk, CBI/Jabalpur.	01/06/59	07/06/68
02:	Upper Division Clerk, Zone-I/CBI/Head Quarter, New Delhi.	17/06/68	17/09/77
03:	Head Clerk, CBI, Jammu.	26/09/77	09/06/78
04:	Head Clerk, CBI, Srinagar.	12/06/78	upto Jan'7
05:	Head Clerk, CBI, Cord. Division, New Delhi.	19/01/79	03/03/79
06:	Head Clerk, CBI/CIU-II, New Delhi.	03/03/79	05/04/81
07:	Crime Assistant, CBI, Central Zone/New Delhi.	05/04/81	upto June 8
08:	Crime Assistant, CBI, Zone-I/New Delhi.	June 81	Sept' 84
09:	Crime Assistant, CBI, Cord. Divn., New Delhi.	Oct' 84	26/05/86
10:	Office Supdt., CBI, Central Zone, New Delhi.	27/05/86	16/06/86
11:	Office Supdt., CBI, Zone-I/New Delhi.	17/06/86	14/07/86
12:	Office Supdt., CBI, South Zone, New Delhi.	15/07/86	31/07/86
13:	Office Supdt., CBI, CFSL/New Delhi.	01/08/86	14/10/88
14:	Office Supdt., CBI, Lucknow Region, Lucknow.	20/10/88	Till date

(Signature)
जायकर अधिकारी
पार्ट (4). नमक

(HANS RAJ BULBUL)
Office Supdt.,
CBI/Lucknow Region.
Lucknow.

ANNEXURE No. 11

AS3

(18)

[1989] 11 Administrative Tribunals Cases 310

Central Administrative Tribunal, Jabalpur

(BEFORE S.K.S. CHIB, VICE-CHAIRMAN)

S.K. SHARMA

Versus

DIRECTOR GENERAL, EMPLOYEES STATE
INSURANCE CORPORATION, NEW DELHI
AND ANOTHER

Applicant;

... Non-Applicants.

O.A. No. 338 of 1988, decided on September 30, 1988

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Attested

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आयकर अधिकारी
बार्ड-1 (4), लखनऊ

connection with the treatment of his wife. Vide representation dated 30-6-1987 (Annexure A-VIII) he requested for the cancellation of the transfer order. The applicant claimed that he was assured by non-applicant No. 2 that he should first join duties at Gwalior and his case for retransfer would be reconsidered at the appropriate time. Accordingly the applicant joined at Gwalior on 31-10-1987.

4. On 4-1-1988 he represented again for his transfer to Bhopal, vide Annexure A-IX at his own cost. However, by order dated 27-4-1988 (Annexure A-X) the applicant was transferred from Gwalior to Jabalpur. Vide the same order three other Inspectors were also transferred. Shri S.K. Sinha was transferred from Jabalpur to Raigarh and the applicant took charge from Shri S.K. Sinha on 4-5-1988. The transfer order of the other two Inspectors was modified by order dated 10-5-1988. Shri Shrivastava who was transferred from Raigarh to Satna was posted to Bhopal while Shri K.D. Das who was transferred from Satna to Bhopal was retained at Satna. The applicant was working at Jabalpur since 4-5-1988 but vide the impugned order of 31-5-1988 he was again suddenly transferred from Jabalpur to Raigarh (Annexure A-XI) and Shri S.K. Sinha who was transferred from Jabalpur to Raigarh was again reposted at Jabalpur.

5. The contention of the applicant is that there was no justification to transfer him at short intervals firstly, from Gwalior and then from Jabalpur, while his request for reposting at Bhopal has been totally ignored. These transfers done at short interval are mala fide actions on the part of the non-applicants to accommodate other employees. Hence the impugned transfer order of 31-5-1988 (Annexure A-XI) should be quashed. This is the sole relief sought in paragraph 7 of the petition.

6. In the return filed on 28-6-1988 verified by Shri T.K. Bhattacharya, Dy. Regional Director, ESI the non-applicants contend that the transfer order transferring the applicant from Gwalior and posting him at Jabalpur was reconsidered because during the period 1975 to 1979 when he was posted at Jabalpur earlier there had been certain complaints against him and accordingly his transfer was modified on the directions of the Head Office. An affidavit has also been filed on 24-6-1988 by Shri S. Ghosh, Regional Director, ESI, Indore stating that he never assured the applicant that he should first join duty at Gwalior and then his transfer to Bhopal would be considered at the appropriate time. In the return the non-applicants further contend that the earlier transfer of the applicant from Gwalior to Jabalpur had been ordered by the Regional Director but these complaints had not been brought to his notice when he passed the order transferring him from Gwalior to Jabalpur. The Head Office of the Employees State Insurance Corporation issued a direction to modify the transfer order keeping in view the earlier background and in the interest of efficiency of the work.

Attested

[Signature]

आयकर अधिकारी
वार्ड-1 (4), सचन

posted to Jabalpur in addition to the posting of the applicant (Annexure A-15). He also claims that he has put in 14 years' service while Shri Sinha is junior to him and there is no reason why under the circumstances Shri Sinha would be given preference in posting him to Jabalpur while transferring the applicant from Jabalpur to Raigarh after a very short stay.

13. I have considered the contentions of the parties. The principles governing the exercise of writ jurisdiction in the case of transfer have been laid down in a recent decision of the Tribunal in the case of *N.C. Jha v. Union of India*¹ reproduced below :

The main question involved is as to what extent a court will interfere in the case of a transfer. A judicial review of an administrative action is of course permissible, but orders of transfer are interfered with when :

- (a) The transfer is mala fide or arbitrary or perverse.
- (b) When it adversely alters the service conditions in terms of rank, pay and emoluments.
- (c) When guide-lines laid down by the department are infringed.
- (d) When it is frequently done.

All other considerations are held to be administrative in nature in which the court or the Tribunal will not interfere in writ jurisdiction. There has to be an infringement of Article 14 or 16 of the Constitution of India or administrative action which is covered by the ingredients at (a) above. In the case of *B. Vardha Rao v. State of Karnataka*² the Supreme Court has clearly held that transfer is an incident of service and not a condition of service. This Tribunal itself in earlier cases has held that the Court shall not interfere unless one of the above conditions at (a), (b), (c) or (d) is satisfied. The decisions of this Tribunal in the case of *Babulal Jain v. Union of India*³ and *N.V. Naik v. Union of India*⁴ are relevant where we declined to interfere. In the case of *C.P. Mishra v. Union of India*⁵ it was held that no mala fide was involved although transfer guide-lines laid down by the department had been infringed. In the case of *N.V. Naik v. Union of India*⁴ we declined to quash the orders of the transfer of applicant in that case from Jabalpur to Srinagar as conditions (b), (c) and (d) were not infringed.

The Principal Bench has also held in the following cases that transfer is not ordinarily interfered with in writ jurisdiction as it is primarily an administrative matter.

- (i) *K.K. Jindal v. General Manager, Northern Railway*⁶.
- (ii) *Sudhir Prasad Jain v. Union of India*⁷.
- (iii) *D.H. Dave v. Union of India*⁸.

1. O.A. 337 of 1988, decided on 12-8-1988
2. (1986) 4 SCC 131 : 1986 SCC (L & S) 750
3. (1988) 6 ATC 196
4. O.A. 343 of 1987, dated 26-2-1988
5. O.A. 274 of 1987, decided on 12-11-1987
6. ATR (1986) 1 CAT 304 : (1986) 2 SLR 69
7. ATR (1986) 2 CAT 304 : (1986) 3 SLJ (CAT) 122
8. (1986) 1 ATC 579

Attested
Jue
ग्रेटर सचिवारी
जारी (4) नमूने

(A55) (2A) (21/1)
ANNEXURE No 12

To

The Dy. Director (Admn.),
CBI, New Delhi.

(THROUGH PROPER CHANNEL)

Sub: Request for appointment as Sr. Vigilance
Officer (E-2) in C.C.I. Ltd.

Sir,

I am submitting herewith my application and necessary bio-data in the prescribed proforma for the above mentioned post with the request that the same may kindly be forwarded to the Sr. Personnel Officer (Rectt.) C.C.I. Ltd., New Delhi.

2. It is further submitted that since the last date of submitting my application has been fixed on 12.6.89 and due to this I have already sent my application to the Deptt. in advance i.e. on 9.6.89.

Yours faithfully,

Encl:-As above:

(HANSRAJ BULBUL)
OS:CBI:LR:LUCKNOW.

Attested

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आयकर अधिकारी
पार्ट-1 (4). लखनऊ

G. M. Singh

To,

(A56) (25) (24/10)
ANNEXURE No. 12

The Sr. Personnel Officer (Recstt.),
Cement Corporation of India Ltd.,
(A Govt. of India Enterprise),
C.C.I. House,
87, Nehru Place,
NEW DELHI - 110 019.

(THROUGH PROPER CHANNEL)

Subject:- Request for appointment as Sr. Vigilance
Officer (E-2) in C.C.I. Ltd.

Sir,

In response to your advertisement No. 5/39
published in "Times of India" Lucknow dated 20-5-39,
I am sending herewith my bio-data in the prescribed
proforma for favour of your perusal and necessary action
at your end.

Yours faithfully,

Encl:-is above:

(HANRAJ BULSUL) 24/10/39

Copy together with a copy of my bio-data, a
copy of photograph and also an IPO of Rs. 10/- forwarded
to Sr. Personnel Officer, CCI Ltd., New Delhi in advance.

In this context, I may mention that I am keenly
interested in joining as Sr. Vigilance Officer in your
organisation on deputation, *if possible.*

Encl:-is above:

Attested (HANRAJ BULSUL)

प्रमाणित अधिकारी
पार्ट-1 (4). लखनऊ

Advertisement No.

2. Post applied for:

3. Name:

4. Date of birth:

5. Present address:

6. Qualifications with year of passing, names of institution:

7. Experience:

8. Present Pay Scale, Pay and allowances :

9. Whether SC/ST or General :

5/89

ANNEXURE X6/12

Sr. Vigilance Officer (E-2)

Hansraj Bulbul

Office Superintendent,
C.B.I./ Lucknow Region,
7, Nawal Kishore Road,
Hazratganj, Lucknow- 226001

Passed Intermediate Exam. in the year 1962 from M.P. Board. Bhopal.

(I)

I joined Central Bureau of Investigation/Special Police Establishment as LDC on 1.6.1959 at Jabalpur and due to my honesty, sincerity and hard work, I got a number of promotions in CBI. Presently I am working as Office Supdt., Class-II Gazetted Officer since May-1986. After putting in 30 years of service with the CBI I have learnt a lot of work of various fields viz. Administration, Accounts, Investigation including other work of Crime Section, Processing material for preparation of CBI Bulletin and data feeding in Computer. I have also worked, inter alia, as Drawing and Disbursing Officer in Central Forensic Science Laboratory, CBI, New Delhi for one year. As a result of my excellent and meritorious services I have been rewarded a number of times with Commendation Certificates and honoraria.

(II)

After having worked in various capacities in CBI, I am well conversant with investigating technique and investigation process. I also know the organisation set up of CBI and CVC and am familiar with preparation of various returns sent to different departments.

(III)

I had also undergone training in the Gun Carriage Factory, Jabalpur (M.P.) for about 4 years during 1955-59 which is basically a training with technical orientation.

Rs. 2,000-3,500/- excluding DA, CCA and HRA. (Pay Rs. 2150/- + DA 297/- + CCA 79/- + HRA 450/-)

Scheduled Caste.



CEMENT CORPORATION OF INDIA LIMITED

(A GOVERNMENT OF INDIA ENTERPRISE)

CCI HOUSE, 87, Nehru Place, New Delhi-110 019.

Times of India, *discovery* NEEDS

20-5-89

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A58
12

EXECUTIVES

IN VARIOUS DISCIPLINES

We are an All India multi unit organisation engaged in the manufacture and marketing of cement. The Corporation is on the lookout for result oriented and well qualified professionals for undermentioned posts at its Units located in Andhra Pradesh, Assam, Delhi, Haryana, Himachal Pradesh, Karnataka, Madhya Pradesh and Punjab and at its corporate office in New Delhi. Posts are transferable.

JT. SR. MANAGER/MANAGER (FINANCE) — (No. of Posts - 4)
(E-5/E-4) (ST-1, GEN-3)

CAs/ICWAs with 14/12 years experience, out of which at least 2/1 years should be in the pay scale of Rs. 2050-80-2750 (with Industrial DA) in Public Sector Undertakings or equivalent responsibility respectively. The selected candidates will be responsible for all Finance & Management accounting functions including working capital and cash management, dealing with banks and All India Financial Institutions and Taxation matters including taxation planning. Job also calls for operation and monitoring of budgets, both capital and revenue and computerised management systems.

DY. MANAGER (PERSONNEL & ADMINISTRATION) — (No. of Posts - 4)
(E-3) (SC - 1, GEN - 3)

Candidates possessing Post-Graduate Degree/Diploma in Personnel/Social Work/Business Administration/Labour and Social Welfare from recognised institutions with 8 years experience out of which atleast 2 years should be in the pay scale of Rs. 1450-60-2250 (with Industrial DA) in Public Sector Undertakings or equivalent responsibility. Prescribed experience should be in Personnel/Industrial Relations/Administrative Functions in a large manufacturing/commercial organisation. A degree in Law will be an additional qualification.

DY. MANAGER (LEGAL) — (No. of Posts - 1)
(E-3) (GEN - 1)

Law Graduate with thorough knowledge of commercial and industrial law with 8 years experience out of which at least two years experience should be in the pay scale of Rs. 1450-60-2250 (with Industrial DA) in Public Sector Undertakings or equivalent responsibility. Prescribed experience should be at the Bar or in law department of a Govt./Public Sector Undertaking. Should be conversant with practice and procedures of the courts/tribunals.

SR. VIGILANCE OFFICER — (No. of Posts - 2)
(E-2) (SC - 1, GEN - 1)

Graduate with suitable Vigilance experience. Two years should be in the pay scale of Rs. 1100-60-1940 (with Industrial DA) in Public Sector Undertakings or equivalent responsibility respectively. Prescribed experience should be in Investigation/Vigilance Work in Central Vigilance Commission/CBI/Central/State Govt. Depts./Public Sector Undertakings.

SR. MINING ENGINEER/MINING ENGINEER — (No. of Posts - 2)
(E-2/E-1) (GEN - 2)

Degree in Mining Engg. with Second Class Certificate under MMR 1961 with 3/1 years experience respectively. Prescribed experience should be in operation, planning and scheduling of mechanised open cast mines preferably in limestone quarries attached to big cement plants.

SR. SYSTEM ANALYST/SYSTEM ANALYST — (No. of Posts - 2)
(E-2/E-1) (GEN - 2)

Candidates should be First Class Graduate in Engg./MCA/M.Tech. in Computer Science/MBA from a recognised Institution/University with 5/3 years experience respectively in the area of programming, system analysis, design and implementation of business application in organisations of repute. Efficiency in COBOL language is essential. Requirement of First Class Degree relaxable for SC/ST candidates.

PAY SCALES

Post	Grade	Pay Scale	Emoluments in the scale at	
			Minimum	Maximum
Jt. Sr. Mgr.	E-5	Rs. 1800-100-2000-125/2-2250	Rs. 4598.00	Rs. 5747.50
Manager	E-4	Rs. 1500-60-1800-100-2000	Rs. 3950.00	Rs. 5100.00
Dy. Mgr.	E-3	Rs. 1300-50-1700	Rs. 3710.00	Rs. 4324.00
Sr. Engrs./Officers	E-2	Rs. 1100-50-1600	Rs. 3470.00	Rs. 4130.00
Engineers	E-1	Rs. 700-40-900-EB-1100-50-1300	Rs. 2404.50	Rs. 3710.00

PAY SCALES ARE PRE-REVISED WITH CENTRAL DA AND ARE UNDER CONSIDERATION FOR UPWARD REVISION

AGE LIMIT:

E-5-50 years, E-3 & E-4 - 45 years, E-2 - 40 years, and E-1 - 35 years.
Relaxable by 5 years for SC/ST candidates.

PERKS

The emoluments indicated above are excluding HRA/Leased accommodation, CCA, Project Allowance etc. where applicable. Besides, the posts carry liberal perks like C.P.F., Gratuity, Free Group Insurance cover, L.T.C. Encashment, reimbursement of Medical and Conveyance expenses, Interest subsidy on House Building Advance, Leave Encashment etc. Higher starting pay may be considered for deserving candidates.

HOW TO APPLY

Candidates should send their bio-data along with recent passport size photograph duly signed on backside and copies of the certificates/testimonials in support of age, experience and caste (where applicable). Applications in the following format must reach to Sr. Personnel Officer (Rec't.) along with an I.P.O. of Rs. 10/- drawn in favour of Cement Corporation of India Limited, New Delhi at the above address latest by 12.6.1989. 1. Advt. No. 2. Post applied for 3. Name 4. Date of Birth 5. Present Address 6. Qualifications with years of passing, specialisation, duration of course, names of the Institutions/University and percentage of marks obtained 7. Experience - specifying name of the

आयकर अधिकारी

पार्ट 01 (4), लखनऊ

(A59) (29)
ANNEXURE No. 13.

CENTRAL BUREAU OF INVESTIGATION
LUCKNOW REGION
LUCKNOW.

Sub: Forwarding of application of Shri H.R. Bulbul,
OS:CBI:LR:Lucknow.

Enclosed please find an application submitted
by Shri H.R. Bulbul, OS:CBI:LR:Lucknow for the post of
Sr. Vigilance Officer in Cement Corporation of India Ltd.
for taking further necessary action in the Head Office.

2. I have no objection if the application of Shri
H.R. Bulbul is forwarded to concerned deptt. for favour of
consideration at their end.

Encl:- As above: 2

(P.C. SRIVASTAVA)
DIG:CBI:LKO.REGION:
LUCKNOW.

BY DIRECTOR (ADMN.) : CBI : CGO COMPLEX: NEW DELHI.
CBI NO. 12/1/29/LR DATED:

167 et 9/8/87
Copy to Shri Hansraj Bulbul, OS:CBI:LR:Lucknow
for information.

16/8/87
DIG: CBI: LKO. REGION:
LUCKNOW.

Noted
Done
जायकर अधिकारी
पारं: (4). सचिव

(A60)

(30)

ANNEXURE No. 14

CENTRAL BUREAU OF INVESTIGATION
ADMN DIVISION

Sub: Forwarding of application of Shri
Hans Raj Bulbul

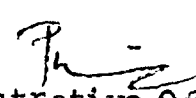
Ref: UO No. 2301/12/1/89-LR dated 16 June, 1989

The advertisement lists out the following

two requirements:-

- i) Suitable vigilance experience of two years in the vigilance work in CVC/CBI/Central/State Govt Departments;
- ii) Maximum age-limit of $40+5=45$ Yrs for SC candidates.

Shri Bulbul does not possess the experience of vigilance work and he is more than 51 years of age. His application for the post of sr. vigilance officer in the Cement Corporation of India cannot, therefore, be forwarded.


Administrative Officer(A)
CBI

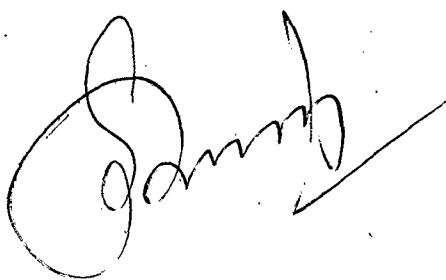
DIG/Lucknow Region/CBI

UO No. 3/23/86-Ad-V

Dated

June, 1989

27 JUN 1989



Attested


पाबकर दधिकारी
पार्ट 4, सदन

No.15/22/87-IWSU
Central Bureau of Investigation
Government of India

ANNEXURE No. 15

A 61

Block No.3, CGO Complex,
Lodhi Road, New Delhi.3.

OFFICE OF
REGIONAL
OFFICER
LUCKNOW

66/5
1-9-89

To

DT. 26-5-89

The Superintendents of Police,
Central Bureau of Investigation,
All Branches

Director C.F.S.L.

DD(CO)

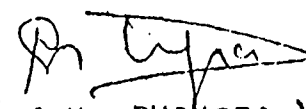
Sub:-Representation of SC/ST in Service.

Sir,

I am directed to forward herewith a copy of D.O. letter No.36012/6/88-Estt.(SCB) dated 9.5.89 from Secretary Personnel to all Secretaries to the Government of India regarding filling up of back log vacancies reserved for SC/ST and D.M. No.36012/13/88-Estt.(SCT) dated 22.5.89 regarding measures to increase SC/ST representations in services under Government to Direct Recruitment for information and necessary action.

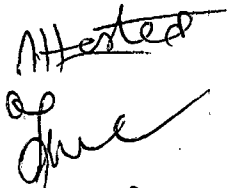
Since in CBI Direct Recruitment to the ranks of Constables, LDCs and Sr. Clerk ^{is} ~~Senos~~ at the branch level, special efforts be made to ensure that instructions in this regard are carried out. Progress made in this connection be reported to the Head Office on 1.6.89, 29.7.89 and 25.8.89.


Yours faithfully,


(A.K. DHINGRA)
JUNIOR ANALYST
C.B.I.

Copy forwarded to:-

1. All DIsG
2. SP(HQ)/AO(A)/CBI/H.O.
3. OSs AD.I/AD.III/AD.V for similar action. Progress made in this regard may be communicated to I.W.S.U. on the dates mentioned above.


आयकर अधिकारी
वार्ड-1 (4), लखनऊ


(A.K. DHINGRA)
JUNIOR ANALYST
C.B.I.

21/8
C.B.I.

SECRETARY
Tele. 3014848

32
A 62
D.O. No. 36012/6/88-Estt. (SCT)
Government of India
Ministry of Personnel, Public
Grievances and Pensions
New Delhi-110001.

Dated:- 9.5.1989

Dear Shri

Please refer to this Department's O.M. of even number dated 25.4.89 which introduces a ban on de-reservation in respect of reserved share of vacancies fell through direct recruitment. As per this OM, vacancies which are reserved for SC and ST for which suitable candidates are not available at the initial recruitment are to be treated as "backlog" vacancies and repeated attempts are to be made to fill up those vacancies.

2. Prime Minister has directed that to the extent these vacancies fall within the purview of the various Ministries/departments, a special recruitment drive should be launched after the first of June, 1989 and every effort is made to fill those vacancies within a period of three months from that date. You are, therefore, requested to immediately issue instructions to all concerned to initiate necessary action in the matter.

3. In respect of vacancies which are to be filled through UPSC, we have requested the Commission to organise special recruitment effort to fill the backlog of vacancies within a period three months. It is, therefore necessary that immediate action is taken to send requisition to UPSC in respect of backlog vacancies which are to be filled by SC and ST, drawing attention to this letter with a request that recruitment against these vacancies may be taken up on priority basis. Similarly requisition should also be sent to the Staff Selection Commission in respect of vacancies which fall within the purview of the Staff Selection Commission. The requisition to UPSC and the SSC should be made by 1st June, 1989 positively.

4. The details of the progress and the result of special recruitment effort may be kindly communicated to the Department of Personnel & Training (Joint Secretary(AT)) on three dates: 2-6-89, 31-7-89 and 31-8-89 as comprehensive progress reports Ministry-wise are to be placed before the Prime Minister.

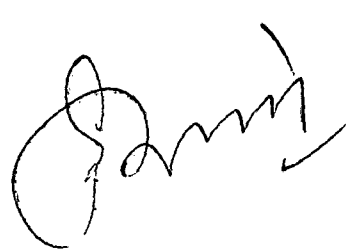
5. I shall be grateful if you kindly take immediate action in the matter. This letter may also kindly be acknowledged.

Yours sincerely,

Sd/-(Manish Bahl)

To

All Secretaries to the Govt. of India (By name).



Attested
@
June
आयकर अधिकारी
पार्ट 4, लखनऊ

(33) (54) 2
A 63

No. 36012/13/89-Estt(SCT)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

*** Dated the 22nd May, 1989.

OFFICE MEMORANDUM

Subject: Measures to increase SC/ST representation in the services under the Government through direct recruitment

As part of measures to increase the representation of SC/ST in the services under the Central Government, the Govt. have reviewed the procedure for implementing the policy of reservation while filling up reserved share of vacancies for Scheduled Castes and Scheduled Tribes by direct recruitment. The practice presently being followed is to adjust SC/ST candidates selected for direct recruitment without relaxation of standards against the reserved share of vacancies. The position of such SC and ST candidates in the final select list, however, has been determined by their relative merit as assigned to them in the selection process. When sufficient number of suitable Scheduled Caste and/or Scheduled Tribe candidates were not available to fill up all the reserved share of vacancies, SC/ST candidates were selected by relaxed standards.

2. It has now been decided that in cases of direct recruitment to vacancies in posts under the Central Govt. the SC and ST candidates who are selected on their own merit without relaxed standards alongwith candidates belonging to the other communities, will not be adjusted against the reserved share of vacancies. The reserved vacancies will be filled up separately from amongst the eligible SC candidates who are lower in merit than the last candidate on the merit list but otherwise found suitable for appointment even by relaxed standards, if necessary.

3. All Ministries/Departments will immediately review the various Recruitment Rules/Examination Rules to ensure that if any provisions contrary to the decision contained in previous paragraph exist in such Rules, they are immediately suitably modified or deleted.

4. These instructions shall take immediate effect in respect of direct recruitments made hereafter. These will also apply to selections where though the recruitment process has started, the results have not yet been announced unless in the examination/Recruitment rules or in the advertisement notified earlier there is a specific provision to the contrary and the manner in which the SC/ST vacancies could be filled has been indicated.

SD/-
(MRS. KRISHNA SINGH)
JOINT SECRETARY TO THE GOVT. OF INDIA

Attested contd..p/- 2

अधिकारी
परीक्षा

ANNEXURE - I

(35)

(46)

CONFIDENTIAL



C. B. I. MANUAL

(CRIME)

1982

CENTRAL BUREAU OF INVESTIGATION
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS
MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA

आयकर अधिकारी
पार्ट 1 (4). सक्का

C O N T E N T S

F O R E W O R D

PART - I (General)

Chapter I	Constitution and Organisation of the C.B.I.	1 - 40
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PART - II (D.S.P.E. Division)

SECTION - I (Organisation and functions of various officers)

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(Contd....II....)

Attested
June
भायकर अधिकारी
पार्ट (4). लखनऊ

Sand

(37)

(38)

A 66

CRIME SEC-
TION AND
OFFICES OF
DEPUTY
SUPDTS. OF
POLICE/OF-
FICE SUPERIN-
TENDENT

50. There are Sections at Head Office attached to each D.I.G. A Deputy Superintendent of Police or an Office Superintendent is in charge of each of these Sections (Zonal Offices) at the Head Office. He is responsible for the work and efficiency of the Zonal Office. In particular his functions are:-

- (i) To open and mark all dak of his Section except those addressed by name to the D.I.G. He should bring immediately to the notice of the D.I.G. or L.A. or ALA, as the case may be, any letter of particular importance. He will deal with dak of a routine nature of his section and mark it the same day to the official concerned.
- (ii) To keep a note of all reminders received from Ministries and Departments relating to his Zone and Section and to take necessary action to get the matter expedited.
- (iii) To check and ensure the correctness, propriety and quick despatch of all outgoing dak of his section.
- (iv) To ensure that reminders are issued timely whenever necessary.
- (v) To deal with and to keep in his personal custody such Top Secret papers and files relating to his Section as may be made over to him by the D.I.G.
- (vi) To prepare notes for review on cases whenever required to do so.
- (vii) To check the attendance of staff of the Section.
- (viii) To scrutinise and submit to the DIG the weekly arrears list of his Section on every Monday or on the next working day, if Monday happens to be a holiday.
- (ix) To be responsible for the efficiency and speed of the work of his section.

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(Contd.....53)

आयकर अधिकारी
घाटं (4), लखनऊ

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A 67 (39)

- (xvii) He should check the Dealing Clerks' Diaries daily and have any letter which has been pending for more than three days put up immediately.
- (xviii) He should check maintenance of Reminder Diary by all Inspectors/Sub-Inspectors/U.D.Cs. and ensure that (a) in the Reminder Diary instead of only the file number the page number of the file containing the letter on which reminder is to be issued is also noted and (b) reminders are actually issued in time.
- (xix) He should check P.R. Register every week to ensure that reminders are issued in cases in which P.Rs. have not been received in time.
- (xx) He should check a few files every day and get defects in them rectified then and there. These defects should be noted in a register which should contain running notes of inspection of files by Dy.S.P./O.S.
- (xxi) He should check one of the crime registers and complaint register every month to see that it is being maintained properly.
- (xxii) The statements and returns submitted by the Zone to DIG or any other authority should be checked by him personally to ensure factual accuracy.
- (xxiii) Complaints and Source Informations and Registration Reports in P.Es/RCs and the P.R. will be put up directly to the DIG by Inspector/Sub-Inspector of the Zonal Office but after DIG has passed orders, the file will go through the Dy.S.P./O.S. for his information and for conveying orders, if any, to the Branch.
- (xxiv) Any other work entrusted to him by the D.I.G., J.D./Addl. Director/Director/L.A./A.L.A. or Dy.L.A. relating to his section.

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15/11/90
आयकर अधिकारी
प्रांतीय (4) लक्ष्मी

(A 68)
Original

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
(ADDITIONAL BENCH: ALLAHABAD)
CIRCUIT BENCH : LUCKNOW

WRIT PETITION NO. 16 /90 (L)

Shri Hans Raj Bulbul Petitioner

VS

Union of India Respondents
and others

.....

I N D E X

- | | | |
|----|---|-----------|
| 1. | Counter-affidavit on
behalf of Respondents | Pages 1-9 |
| | | |
| 2. | Annexure 'A' : Copy of
Office Order dated
14.10.1988 | Page - 10 |
| | | |
| 3. | Annexure : B : Copy
of Office Order
No. 59/90 dt 15.1.90 | Page - 11 |
| | | |
| 4. | Annexure : C :
GOI Order No. (3) under
FR 54-B
(DP&T OM No. 11012/15/85-
Est (A) dt 3.12.1985 | Page - 12 |
| | | |
| 5. | Annexure 'D' : Copy
of Office Order
No. 220/90 dt
28.2.1990 | Page 13 |

Subd:
13-3-90

LSRANON
(LSRANON HADH)
Senior Study Counsel
Central Govt

ABP



IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
(ADDITIONAL BENCH: ALLAHABAD)
CIRCUIT BENCH:LUCKNOW

Writ Petition No. 16/90 (L)

Shri Hans Raj Bulbul Applicant

Vs

Union of India & others Respondents

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS

I, Puran Chand S/o Late Shri Lakhu Ram, aged 57 years, resident of New Delhi, hereinafter described as the deponent, do hereby solemnly affirm and state as under:

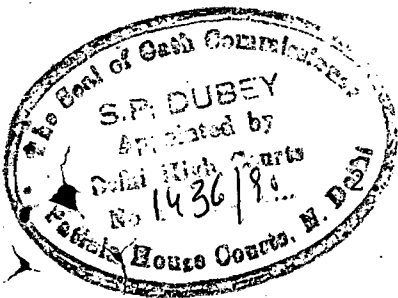
1. That the deponent is the Assistant Director(E) in the office of the Director, Central Bureau of Investigation : Respondent No.2, at New Delhi. He is competent to affirm this affidavit on behalf of all the three Respondents.

That the deponent has read and understood the contents of the claim application and he is well conversant with the facts of the case deposed hereinafter.

3. That the contents of para 1 as stated are not admitted. The contents of the order dated 14.10.88, a true copy of which has been filed by the applicant, very well shows itself that nothing was said about with-holding of pay and allowances and non-release of annual increments for the period in question.

4. That the contents of para 2 and 3 of the claim application, being matter of record, need no reply.

5. That before giving reply to para 4(facts of the case), a brief background of the case is stated as under:



पुण चन्द/PURAN CHAND
सहायक निदेशक (स्था)
Assistant Director (Estt.)
निदेशक, न्यायिक व्यवस्था, C.B.I.
नई दिल्ली, New Delhi

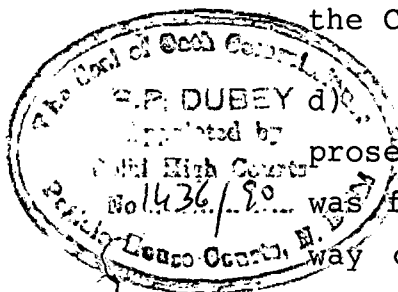
A70



a) That Shri Hans Raj, the petitioner, a ministerial officer who holds the post of Section Officer designated as Office Supdt. in the CBI had initially joined the Deptt. as Lower Division Clerk. He got promotions as UDC, Head Clerk, Assistant and then to the rank of Office Superintendent. Basically he is a ministerial officer. Shri Bulbul who has passed Intermediate examination is not a Graduate. He is more than 51 years of age, his year of birth being 1938.

b) That a criminal case u/s 120-B r/w 420 r/w 168 IPC was registered on 19.6.1987 against the petitioner and his wife for entering into private business of floating chit fund and for entering into criminal conspiracy to cheat certain persons. The persons cheated included office colleagues of the petitioner. During the course of the investigation, search was carried out at his residence and among other documents recovered was a blank signed pronote.

c) That since the case against the applicant was under investigation in respect of the criminal offence, the applicant was placed under suspension under Rule 10(1)(b) of the CCS(CC&A) Rules.



That it was however late found not proper to launch prosecution against the applicant. But at the same time it was found necessary to take regular departmental action by way of disciplinary proceedings against him. In view of this position, the suspension order dated 19.10.1987 was revoked on 14.10.88(Annexure 'A') and consequent upon the revocation of his suspension, he was reinstated in service and was posted in CBI Regional Office at Lucknow vide Office Order No. 1072/88 dated 14.10.1988.

e) That the subsistence allowance was duly paid to the petitioner for the period of suspension as per rules. After the revocation of his suspension/reinstatement in service w.e.f. 14.10.1988, all his pay and allowances have been paid to him from that date. Order as required under FR 54-B relating to the pay and allowances for the period of suspension has also been issued on 28.2.1990(Annexure 'D'). Excluding the period of suspension the nature of which will be decided finally after the conclusion of the disciplinary proceedings, his annual increment, by taking into account the period of duty has been released w.e.f. 1.5.1989 vide order dated 15.1.90 (Annexure 'B').

[Signature]
Asst. Secy. to Govt.
Lucknow
15/1/90

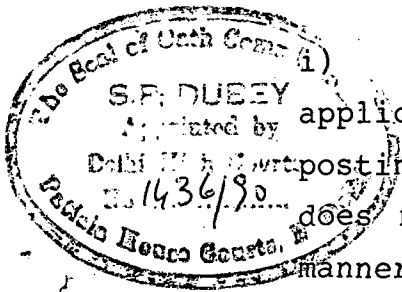
A71



f) That Central Vigilance Commission has recommended that disciplinary proceedings for imposition of major penalty be initiated against the petitioner.

g) That the order under FR 54-B has been issued on 28.2.1990(Annexure 'D'). Since the disciplinary proceedings relating to the misconduct in connection with which Shri Bulbul was placed under suspension, are yet to be finalised, the question of treating the period of suspension as duty under FR 54-B does not arise at this stage. A decision as to whether the period of suspension is to be treated as duty or not will be finally taken on the conclusion of the disciplinary proceedings.

h) That in view of this position, the applicant is not entitled to full pay and allowances for the period of suspension unless he is exonerated or is awarded a minor penalty (Annexure)'C') and till the matter is reviewed as required under FR 54-B(6) after the conclusion of the disciplinary proceedings.



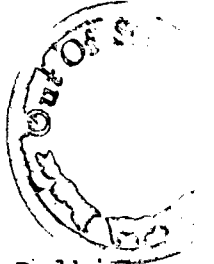
i) That according to the conditions of service, the applicant is liable to transfer anywhere in India and his posting at Lucknow is only an incidence of service and it does not infringe any legal right of the petitioner in any manner.

j) That during 1989, the petitioner had submitted an application for the post of Senior Vigilance officer advertised by the Cement Corporation of India. The conditions of eligibility as published in the advertisement were that the applicant should (i) be a Graduate; (ii) be not more than 40 years of age-age relaxable by 5 years for SC/ST candidates; (iii) have experience in the work of investigation/vigilance work in the CBI. Since the petitioner is not a Graduate, was more than 51 years of age and did not possess the experience in investigation/vigilance work, his application was with-held.

k) That the order passed on 28.2.1990 vide Annexure 'D' with regard to the authorisation of pay and allowances for the period of suspension will be duly reviewed after the conclusion of the disciplinary proceedings.

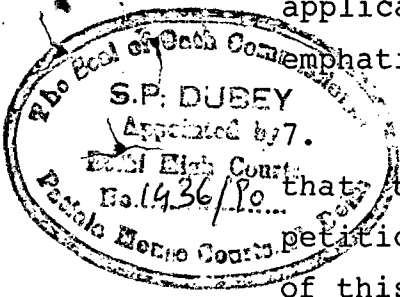
[Signature]
S.P. DUBEY
District Judge (P)
Lucknow
14/3/90

A72



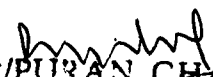
1) That the petitioner cannot claim posting to Delhi as a matter of right. With regard to his earlier transfers, it is submitted that he was transferred from Jabalpur to Delhi when he accepted promotion as UDC, from Delhi to Jammu when he accepted promotion as Head Clerk, from Jammu to Srinagar when the Headquarters of the Branch was shifted as an administrative arrangement. On being reinstated he was posted to Lucknow because Lucknow was the only station where a post of Office Superintendent was lying vacant at that time. The loss of Rs. 25/.p.m. as alleged on Lucknow posting is only because of the lesser amount of compensatory allowance payable at Lucknow which is not a class 'A' city whereas Delhi, where he was earlier posted was a Class 'A' city. This cannot be termed as 'pecuniary disadvantage' as alleged. Transfer is an incidence of service and the competent authority has the discretion to transfer a Government servant.

6. That in reply to the contents of para 4(a) it is submitted that the posting of the applicant at Lucknow is only an incidence of service and not a punishment in any manner. In fact at the time of his reinstatement of the applicant, no post of Office Supdt. was lying vacant at Delhi. However a post was lying vacant at Lucknow. Accordingly the competent authority posted him to Lucknow Regional Office of the Department. The contention of the applicant that this posting at Lucknow is a punishment is emphatically denied.



That so far as para 4(b) is concerned, it is denied that the criminal case had been registered against the petitioner on false allegations. The rest of the contents of this para are also not admitted.

8. That the contents of para 4(c) are not denied.
9. That the allegations as made in para 4(d) are denied.
10. That the contents of para 4(e) are not denied.
11. That the contents of Annexure 3 to the petition to the extent as mentioned in para 4(f), are admitted. It was considered necessary to place him under suspension for expeditious finalisation of the case as his actions and presence in office was influencing the fair investigation of the case.


पूर्ण चन्द/PURNAN CHAND
सहायक निदेशक (स्था)
Assistant Director (Estt.)
केन्द्रीय प्रवेक्षण ब्यूरो C.B.I.
नई दिल्ली/New Delhi



A 73

12. That the submission of the appeal against the suspension by the petitioner (Annexure 4) as mentioned in para 4(g) is admitted. The appeal was duly examined by the competent authority. However it is denied that the suspension was arbitrary, without jurisdiction or ill-advised.

13. That in reply to the contents of para 4(h) it is submitted that the entire matter was duly examined.

14. That while the issue of order reinstating him in service pending conclusion of the investigation as per Annexure 5 vide para 4(i) is admitted, it is denied that his transfer to Lucknow amounted to punishment.

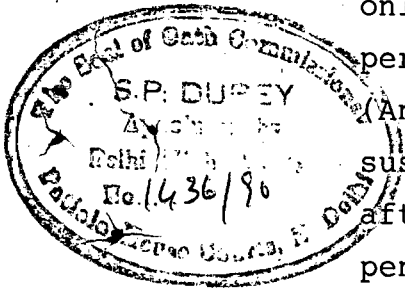
15. That the suspension of the petitioner, as alleged in para 4(j) was not against the rules. As soon as the investigation of the case was completed, order for revoking his suspension and reinstating him in service was issued. Other allegations are denied.

16. That with regard to the submissions made in para 4(k)(i) are concerned, the question of allowing full pay and allowances for the period of suspension will be reviewed only after the conclusion of the disciplinary proceedings as per the provisions of FR 54-B r/w the order dated 28.2.1990 (Annexure D). A final decision to treat the period of suspension as period spent on duty or not can be taken only after the conclusion of disciplinary proceedings for major penalty, as advised by the Central Vigilance Commission.

17. That with regard to the contents of para 4(k)(ii) it is submitted that orders releasing his increment w.e.f. 1.5.1989 on provisional basis subject to the final decision on the conclusion of the disciplinary proceedings have since been issued vide Annexure 'B'.

18. That in reply to the contents of para 4(k)(iii) it is stated that the petitioner carries All India transfer liability and cannot claim posting/transfer to a particular station as a matter of right.

19. That the statement of the petitioner in para 4(iii) that no allegation has been proved against him is not correct. The Central Vigilance Commission has advised initiation of disciplinary proceedings for major penalty against him.



सहायक निदेशक (स्था)
Assistant Director (Stt.)
केन्द्रीय अन्वेषण दल, दिल्ली
New Delhi

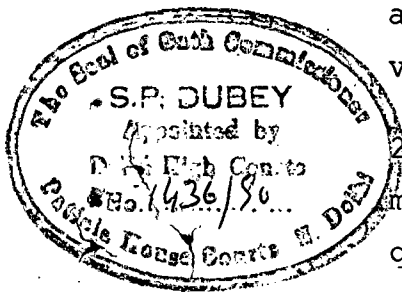
A74



Since the petitioner carried All India transfer liability, he cannot claim posting to a particular station as a matter of right.

20. That so far as the petitioner's submission in para 4(1) is concerned, his increment w.e.f. 1.5.89 has already been released pending final decision to be taken on the conclusion of the disciplinary proceedings.

21. That in reply to the contents of para 4(m) of the claim application, it is submitted that the non-authorisation of full pay and allowances pending the conclusion of the disciplinary proceedings for major penalty does not amount to denial of natural justice or law. As is evident from the illustration given in Govt of India's Order No.(8) under FR 26, the period of suspension does not count for increment but postpones the increment. The final decision to treat the suspension period as period spent on duty or not, as required under FR 54-B will be possible only after the conclusion of the disciplinary proceedings. However by taking into account the period of his duty(excluding the period of suspension) order releasing the annual increment w.e.f. 1.5.1989 has already been issued vide Annexure 'B'.



22. That regarding para 4(n)(i) it is stated that monetary shortfall of Rs. 25/-p.m. relates to the payment of quantum of Compensatory allowance with reference to the place of posting and cannot be termed as pecuniary loss.

23. That in reply to the contents of para 4(n)(ii) it is submitted that the only inter-station transfer of the petitioner during 29 years of his service, as mentioned in Annexure 10, are:

June, 68 - Jabalpur to Delhi

This was on promotion acceptable to the petitioner.

Sept, 77 - Delhi to Jammu

-do-

June, 78 - Jammu to Srinagar

This was on account of the administrative shifting of the Hqrs. of the Branch from Jammu to Srinagar and all benefits which go

पुण चन्द/PUZAN CHAND
सहायक निदेशक (स्था)
Assistant Director (Estt.)
केन्द्रीय अखेपण ब्यूरो/C.B.I.
नई दिल्ली/New Delhi

A75



-7-

alongwith such shiftings, as admissible under the GFRs, were paid to the petitioner.

Jan,79 - Srinagar to Delhi

At his own willingness.

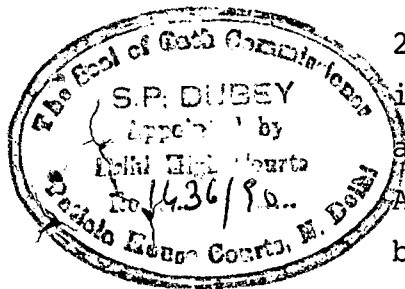
Oct.88-Delhi to Lucknow

As an administrative arrangement on the petitioner being released from suspension.

Further it is submitted that the other transfers/shiftings being inter-sectional transfers were at the same station and as such the contention of 'frequent transfers' as alleged is emphatically denied.

24. That so far as para 4(n)(iii) is concerned, it is denied that the posting of the petitioner to Lucknow after being reinstated from suspension was malafide, arbitrary, perverse or adversely altering his conditions of service in terms of rank, pay allowance etc.

25. That in reply to para 4(o) of the claim application, it is submitted that the application of the petitioner for appointment in the Cement Corporation of India as per Annexure 12 was not forwarded because even after giving the benefit of 5 years relaxation admissible to the SC/ST candidates, the petitioner was over-age. While the maximum age prescribed was 40 years (5 years relaxation for SC/ST candidates), the petitioner was more than 51 years of age. The applicants for the advertised post were also required to be graduates. The petitioner has passed only Intermediate Exam. and is not a Graduate. The demand also required that the candidates should possess experience in investigation/vigilance work which the petitioner did not possess. His application was, therefore, with-held because he did not fulfill the prescribed conditions. Further it is submitted that the duties performed by the petitioner as borne out from Annexure 16 do not equip him as having acquired the requisite experience. There was no indication in the advertisement that the post was required to be filled on deputation basis.



पूर्ण चन्द्र/PU/AN/CH
सहायक निदेशक (स्था)
Assistant Director (Estt.)
फैक्ट्रीय अन्वेषण ब्यूरो/C.B.I.
नई दिल्ली/New Delhi

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-8-

26. That in reply to the contents of para 5 it is submitted that the applicant is not entitled to the reliefs sought in this para in view of the position stated above in this counter affidavit. Accordingly the grounds taken by the applicant are not sustainable in law and there is nothing arbitrary on the part of the opposite parties.

27. That in reply to the contents of para 6 of the claim application it is submitted that the written requests of the applicant were duly considered but he was not found entitled to the claims made by him.

28. That the contents of para 7 of the claim application being the matter of record need no reply.

29. That the applicant is not entitled to the reliefs sought in para 8 of the claim in view of the position stated above in the counter affidavit. Accordingly he is also not entitled to any interim order in his favour, as prayed for in para 9 of the claim application.

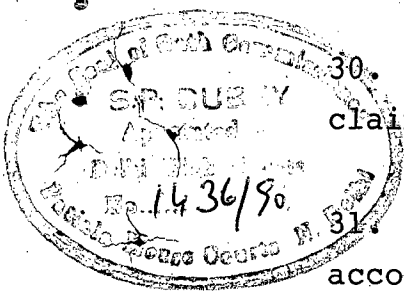

30. That the contents of para 10 to 12 of the claim application need no reply.

31. That there is also no denial of any benefit according to any provision of the Constitution and the relevant rules.

32. That the deponent has been advised to state that in view of the position stated above, the grounds as taken by the applicant are not sustainable in law and he is not entitled to any relief sought in the present claim application, which is devoid of any merit and is liable to be dismissed with costs.

Place: New Delhi

Dated: 8-3-90


DEPONENT 
सहायक निदेशक (स्था)
Assistant Director (Estt.)
केन्द्रीय प्रशिक्षण ब्यूरो/C.B.I.
नई दिल्ली/New Delhi

A 77

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VERIFICATION

I, the above-named deponent do hereby verify that the contents of para 1 & 2 are true to my own knowledge, the contents of paras 3 to 31 are true to my knowledge derived from the official records and the contents of para 32 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.


New Delhi:

Dated: 8/3/1990

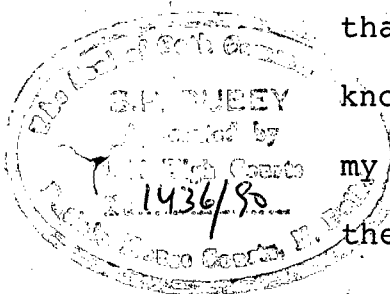

DEPONENT


पुन चन्द/PURNAN CHAND
सहायक निदेशक (स्था)
Assistant Director (Estt.)
फिन्सरी ग्रन्थेण ब्यूरो/C.B.I.
नई दिल्ली/New Delhi

Solemnly affirmed before me
and read over & explained to him,
the deponent admitted correct.


Officer, Communication.

8 MAR 1990




I identify the deponent who
has signed in my presence.

ANN - A

Central Bureau of Investigation,
Government of India,
Block-3, 4th floor, Lodhi Road,
Kendriya Karyalaya Parisar,
New Delhi.

Dated: 14-10-88

Whereas an order placing Shri Hans Raj Bulbul, Office Superintendent, CBI under suspension was made by Director, Central Bureau of Investigation on 19th Oct. 1967.

Now, therefore, the Director, Central Bureau of Investigation in exercise of the powers conferred by clause (c) of Sub-Rule(5) of Rule 10 of the Central Civil Services (Classification Control and Appeal) Rules, 1965, hereby revokes the said order of suspension with immediate effect.

Satish Sathey
(SATISH SATHEY)

JOINT DIR - 25/01/51

- i) Shri Hans Raj, Bulbul, C-15, Netaji Subhas Marg, Delhi.
Orders regarding his posting on reinforcement have been issued separately.
- ii) Director, CFSI, CBI, New Delhi.
- iii) Supdt. of Police (HQs), CBI, New Delhi.
- iv) Administrative Officer (A), CBI, New Delhi.
- v) DIG, Delhi Region, CBI, New Delhi.
- vi) Accounts Officer, PAB DCPW, New Delhi.
- vii) Accounts Officer, PAB CBI, New Delhi.
- viii) DIG, Policy Divn CBI, New Delhi.
- ix) OS/DPC, CBI.

SECRET

Date

15/12/2019

1964-1965

199/11/11

Booked by

(SATISH SAHNEY)

JOINT DIRECTOR (AE) / CBI

14/01/88

SUBJECT

Annexure

Central Bureau of Investigation
Government of India,
Indira Park, Karyalaya Building,
Block-5, 5th Floor, Lodi Road,
New Delhi-110 001.

Date: 15 JAN 1990

(A-79)

OFFICE ORDER NO. 59 /1990

Shri H.R. Malik, Office Supdt./CBI/Lucknow who continues to draw basic pay of Rs.2060/- is authorised to draw pay @ Rs.2120/- in the scale of Rs.2000-40-2300-15-75-1200-100-1500 w.e.f. 1.5.1989 (with DNI as 1.5.1990).

The authorisation of pay as above is provisional and subject to review in terms of FR 54-B after the finalisation of DE pending against him.

(Signature)
(PURAN CHAND)
ASSISTANT DIRECTOR (ESTT)
CBI/NEW DELHI

Copy to:-

1. The Accounts Officer, RLAO/CBI.
2. SP/CBI, Lucknow.
3. Shri H.R. Malik O2/CBI, Lucknow Region, Lucknow.

ISSUED
कोष प्रदत्त कोष R&I Cell
को. प्र. प्र. को. C.B.I.
दिनांक/Date: 15/1/90
प्राप्त द्वारा By Post

ISSUED
कोष प्रदत्त कोष R&I Cell
को. प्र. प्र. को. C.B.I.
दिनांक/Date: 15/1/90
प्राप्त द्वारा By Post

(Signature)
(PURAN CHAND)
ASSISTANT DIRECTOR (ESTT)
CBI/NEW DELHI.

Annexure D

No. 3/23/86-AD.V (A 81) (13)

Central Bureau of Investigation,
Government of India,
Kendriya Karyalaya Parisar,
Block-3, 4th Floor, Lodhi Road,
New Delhi-110 003

Dated: 28.2.90

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OFFICE ORDER _____/1990

Order as under have been passed by Director, CBI for regulating the period of suspension/payment of pay and allowances to Shri Bulbul, Office Superintendent, who had been placed under suspension w.e.f. 19.10.1987 and was reinstated vide Order dated 14.10.1988:-

- i) A decision ~~is to~~ as to whether the period of suspension is to be treated as period spent on or not will be taken after the conclusion of the disciplinary proceedings against Shri Hans Raj Bulbul;
- ii) For the period of suspension, Shri Bulbul will remain entitled to pay and allowances equivalent to the subsistence allowance already drawn and paid to him. This order relating to pay and allowances for the period of suspension will be reviewed after the conclusion of the disciplinary proceedings against Shri Hans Raj Bulbul.

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28.2.

(P.G.J. NAMPOOTHIRI)
DEPUTY DIRECTOR (ADMN.)/CBI
NEW DELHI.

Copies to:-

- i) Shri Hans Raj Bulbul, Office Supdt.
Regional Office, CBI, Lucknow.
- ii) DIG, CBI, Lucknow.
- iii) SP, CBI, Lucknow.

(P.G.J. NAMPOOTHIRI)
DEPUTY DIRECTOR (ADMN.)/CBI
NEW DELHI.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDL. BENCH ALLAHABAD

CIRCUIT BENCH AT LUCKNOW

D.A.

WRIT PETITION No.

16/90(L)

HANSRAJ BULBUL

-

'APPLICANT

VS

UNION OF INDIA & OTHERS -

RESPONDENTS

REJOINDER AFFIDAVIT ON BEHALF OF APPLICANT

I, Hansraj Bulbul S/o late Sri Rati Lal Bulbul aged about 52 years R/o Lucknow, hereinafter describe as deponent do hereby solemnly affirm and state on oath as under:-

1. That the deponent is applicant himself and as such well conversant with the facts of the instant case and in a position to depose here as under:-
2. That averments made in paragraphs 1 to 12 and with its various sub-paras of the claim application are re-iterated and confirmed herewith to be true and correct and form a part and parcel of this rejoinder Affidavit.

.Contd....2/-

Filed today
8/5/90

- 2 -

3. Before preceeding to give parawise reply to the counter affidavit filed on behalf of respondents Nos.1,2 and 3 which has been deposed by Shri Puran Chand, it is respectfully submitted that the same is absolutely erroneous and not worth entertaining by this Hon'ble Tribunal because no authorisation letter authorising Shri Puran Chand to give an Affidavit on behalf of respondents has been attached/enclosed with the Counter or provided to the applicant at any stage and as such, the Counter Affidavit can not be treated as written statement filed by respondents Nos. 1 to 3. This is in violation of Rule -12 of Central Administrative Tribunal(Procedure) Rules- 1987. The documents attached with the Counter affidavit should have been marked as R1, R2, R3 and so on as per rules.

4. However, without prejudice the deponent who had read over and understood the contents of the Counter Affidavit and who is well conversant with the facts of the case gives here below parawise comment to the Counter Affidavit:-

5. That the contents of Para-1 of the Counter Affidavit need no comments. However, it needs to be added that no letter authorising Shri Puran Chand to give an affidavit has been filed alongwith the counter.

A 83

- 3 -

6. That the contents of Para-2 of the Counter Affidavit are not admitted in the manner stated. It suffers lack of indication about pay and allowances.

7. That the contents of Para-3 of the Counter Affidavit are not admitted in the manner stated and averments made in the application filed by the applicant are true and re-iterated the same.

8. That the contents of Para-4 of the Counter Affidavit need no comments.

9. That in reply to contents of Para-5 of the Counter Affidavit, it is submitted as under:-

i) That the contents of Para-5(a) need no comments.

ii) That in respect of Para-5(b) it is submitted that a criminal case was registered on 19.6.87 against the deponent and his wife for entering into private business etc. However, the charges pointed out against the concerned applicant were all false, baseless, fabricated, initiated with jealousy and incorporated to oust the applicant from Delhi on frivolous and concocted charges. All the charges are still in the nature

Contd...4/-

A 8W

- 4 -

of allegation and the same have not been proved against the applicant at any stage. The applicant categorically denied the charges levelled against him in toto and the respondents are challenged to give strict proof of the same. That the applicant has not been provided with any report of investigations/charge sheet, Statement of witnesses, copies of documents etc. nor provided the witnesses for cross-examination which is against the provisions of the Constitution and conflicts with the principles of " Audi Alteram Partem " and against the principles of natural and social justice. What the officer of the deptt. have ~~has~~ done in close cabin and behind the back of the applicant is neither in the knowledge of the applicant nor the applicant is in a position to give any comment thereon.

Searches were made at the residence and office both of the applicant on 19.8.87 when the case was registered on 19.6.87. As per Annexure- 1 to the claim application no blank signed pronote was recovered as alleged in the counter. But this very fact about search in office has been concealed

Contd.....5/-

A 85

- 5 -

and as such the Respondents/Deponent gave false evidence intentionally which attracts provision of 193 IPC. About the recovery of blank signed pronote, Respondents/Deponent have made this report maliciously in order to harass the applicant, which they knew to be contrary to law. This attracts Section 219 IPC.

iii) That the contents of Para-5 (c) of the Counter Affidavit are not admitted in the manner stated. The correct position is that there was lawlessness in the department and there was high handedness of the personnel of the department in placing the applicant under suspension.

iv) That the contents of Para-5 (d) of the counter Affidavit need no comment in absence of any documents/paper supplied to the applicant. However, Office Order dated 14.10.1988 revoking suspension and re-instating in service was issued in an improper manner i.e. without any reason. Transfer to Lucknow was also a pre-planned action.

Contd...6/-

A 86

- 6 -

- v) That the contents of Para 5 (e) of the Counter Affidavit are not admitted and averments made in para 4(k)(i&ii) of the claim application are re-iterated *to be true & correct.*

Recently the Hon'ble CAT, Calcutta Bench pronounced the judgement on 8.8.89 in a case Netai Chandra Das Vs. Union of India and others (A photocopy of the same is enclosed vide Annexure-A). *Paras 8 & 10 of the judgement, are reproduced below:-*

" We are unable to accept the contention of Mr. Das. FR 54-B(1)(a) clearly provides that when a Government Servant, who has been suspended, is reinstated, the authority competent to order reinstatement, shall consider and make a specific order regarding the pay and allowances to be paid to the government servant. Therefore FR 54-B(1) contemplates that when the suspension order is revoked and the government servant is reinstated, it is the mandatory duty cast on the competent authority to make a specific order regarding payment of pay and allowances to the government servant. Sub-rule(6) of FR 54-B provides that if an order is passed under sub-rule (1)(a) of FR 54-B while the disciplinary proceeding or the court proceeding is pending that order is to be reviewed on its own motion after the conclusion of the proceeding by the competent authority mentioned in sub-rule (1) of the said rule, who shall make an order according to the provision of Sub-rule(3) or sub-rule(5), as the case may be. Therefore, the fact that the three criminal cases are pending against the applicant can not stand in the way of competent authority from passing a specific order regarding payment or arrear of salary and allowances of the applicant during the period of his suspension under FR 54-B(1) (a). Such order will, however, be passed subject to review after the criminal cases would be over.

Contd...7/-

A 87

- 7 -

In view of our findings made above, the application succeeds. We direct the respondents to compute the full salary, due to the applicant for the period from 18.8.69 to 11.2.1982 and to pay the same to the applicant within three months from the date of receipt of this order. It is, however, made clear that after the three criminal cases pending against the applicants are finally disposed of, the competent authority will be at liberty to review the order regarding payment of back wages to be passed in terms of this order, in accordance with the provision of FR mentioned above and will be entitled to take appropriate steps in accordance with these rules. This application is, therefore, allowed with the above directions. There will be no order as to costs."

In view of aforesaid Judgement, the applicant is legally entitled for full salary and allowances due to him for the entire period of suspension i.e. 19.10.87 to 13.10.88.

- (vi) That the contents of Para-5 (f) of the Counter Affidavit need no comment. In this regard, it is submitted that the functions of the Central Vigilance Commission are to give one side opinion/advice. The applicant has nothing to comment on the recommendation of the CVC being one sided.
- vii) That the contents of Para-5(g and h) of the counter Affidavit are not admitted in view of the decision taken by the Calcutta CAT as mentioned in sub para V of Para 9 of this rejoinder. Thus, the applicant is legally entitled for full salary and allowances for the period of suspension i.e. 19.10.87 to 13.10.88.

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to 13.10.1988.

viii)

That the contents of Para-5 (i) are not admitted in the manner stated.

ix)

That the contents of Para-5 (j) are denied in toto being false. Averments made in para-4 (e&p) of the claim application are re-iterated to be true and the same are based on Government directives and CBI Crime Manual which have been filed as Annexures-15 & 16 to claim application.

x)

Cement Corporation of India has clearly mentioned in their advertisement that the persons who have some experience in vigilance, can apply. There is no word of 'investigation' mentioned in the advertisement vide enclosure of Annexure 12 to claim application. Respondents, thus, misled the Tribunal and as such they are liable to be dealt with U/s 193 IPC as considered by the Hon'ble Tribunal. That the contents of Para-5 (k) of the Counter Affidavit, it is submitted that order dated 28.2.90 suffers with latches and delay. This order is arbitrary one and against the law of the land and has been issued only after the applicant knocked the doors of Hon'ble Tribunal for justice. Prior to this the applicant has made representations for issuing of this order but in vain vide Annexures 6, 7 and 8 to claim application. This is one of the examples of lawlessness prevalent in the department.

Contd...9/-

A 89

- 9 -

xi)

That the contents of Para-5(1) of the Counter Affidavit are not admitted in the manner stated. There was pre-planned and high handedness of the Officer concerned for transferring the applicant to Lucknow.

It has been stated that transfer to Lucknow can not be termed as pecuniary advantage and that the transfer to Lucknow is an incidence of service and the Competent Authority has the discretion to transfer a Government Servant.

In this connection, it is humbly submitted that the competent Authority did not apply the discretion properly as required in law. The Hon'ble Supreme Court in case of Meharaban Pherjae Vs State of Manipur has defined the word 'discretion' the same is reproduced below:-

" Any one entrusted with discretion must direct himself properly in law. In applying the discretion he we must exclude from his consideration, matters which are irrelevant to what he has to consider."

It is respectfully brought to the notice of the Hon'ble Tribunal that the Competent Authority has used the discretion entrusted to him only to harm/damage the applicant. Previously in the year-1986 Shri Chamari Ram was transferred to Lucknow as Office Supdt. in Regional office. In the year-1987, Shri H.C.Grover was promoted and posted to Lucknow Region on ad-hoc basis. His Headquarter was kept at Delhi.

Contd....10/-

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- 10 -

As a result the aforesaid two Office Supdts. were enjoying TA/DA. From the facts above, it is evident that prior to applicant's posting at Lucknow, two Office Supdts. were transferred to Lucknow by giving them benefits. Why the Competent Authority did not apply the discretion in respect of the aforesaid two Officers namely Shri Chamari Ram Gupta and Shri H.C. Grover. In the applicant's transfer, the Competent Authority did not apply the consideration what applied in the aforesaid two Office Supdts. Thus, the discretion applied in the instant case, is arbitrary one. The action of the authority is based on extraneous reasons.

Not only this, while the applicant was under suspension at Delhi, during suspension Shri Charmari Ram Gupta was transferred to Delhi on the same post where applicant was in existence. This is against the rules. Two persons can not be placed at one post. There was no vacancy of Office Supdt. ~~in Lucknow Region~~ and how Shri Grover was promoted and posted against non-vacancy in the deptt.

Contd...11/-

Adl

- 11 -

10.

That the contents of para 6 of the counter are not admitted being false, misconceive and bad in law. This has been stated only to mislead the Hon'ble Tribunal. The averments made in para 4(a) of claim application are re-iterated being true and correct.

Kind attention of Hon'ble Tribunal is invited to Annexure No.11 to the application. Annexure 11 is a recent judgement of this Hon'ble Tribunal(Jabalpur). Para 13 of the judgement says that a judicial review of an administrative action is permissible, but orders of transfer are interfered with when,

- (a) The matter is malafide or arbitrary or perverse,
- (b) when it adversely alters the service condition in terms of rank, pay and emoluments,
- (c) When guidelines laid down by the department infringed, and
- (d) When it is frequently done.

In the instant case transfer to Lucknow has adversely altered that is reduced the emoluments of the applicant to the extent of Rs.300/- per annum. The applicant's frequent transfer to one place to other is also evident from Annexure 10 to claim application that the transfer is malafide, arbitrary and pervers.

Contd...12/-

- 12 -

In this connection Annexure No.6 to the claim application may also kindly be referred to. Annexure No.6 dated 18.1.89 is a representation made by the applicant to the department giving the grounds how the transfer is arbitrary. This representation was followed by another two subsequent representations dated 28-7-89 and 6.12.89 but department took no action.

11. That the contents of para 7 of the counter are emphatically denied in toto being false. Averments made in para 4(b) and para 9(ii) of this rejoinder are re-iterated to be true.
12. That the contents of para 8 of the counter need no comments.
13. That the contents of para 9 of counter have been made with a view to mislead the Hon'ble Tribunal. The averments made in para 4 (d) of the claim application are re-iterated to be true.

Kindly attention of Hon'ble Tribunal is also drawn to para 14 of Annexure 4 to claim application where Respondents acted against the provisions of Cr.P.C. Hon'ble Tribunal may like to subject the respondents/ deponent of the counter (Shri Puranchand) u/s 219 I.P.C. because it is a judicial proceeding.

14. That the contents of para 10 of the counter need no comments.
15. That the contents of para 11 of the counter are denied in toto being false and hence not admitted in the manner stated. The

averments made up para 4(f) are re-iterated to be true.

16. That the contents of last two sentences of para 12 and para 13 of the counter are emphatically denied being false. The averments made in para 4 (g) and 4 (h) of the claim application are re-iterated to be true. The appeal against suspension was never examined by the competent authority because the applicant was never communicated about the decision of the competent authority. The respondents are challenged to give strict proof to support their contention that the appeal was examined at any stage and the applicant was apprised.
17. That the contents of para 14 are not admitted in the manner stated and hence denied. Averments made in para 4(i) of the claim application re-iterated to be true.
18. That the contents of para 15 are denied in toto being false and the averments made in para 4(j) are re-iterated to be true.
19. That the contents of para 16 of the counter are denied in toto being false and bad in law. The averments made in para 4(k) and (i) are re-iterated to be true.

Provision of F.R. 54-B has recently been examined in details by this Hon'ble Tribunal (Calcutta Bench) in the case Nitai Chandra Das Vs Union of India and others (1989)11 ATC 801-OA No. 751 of 1988 decided 8-8-89. Relevant paragraphs of judgment i.e. 8 & 10 have already been reproduced in sub-para(v) of para 9 of this rejoinder.

AGS

- 14 -

Had the authorities concerned were prudent and ^{im}partial, Annexure 'D' i.e. order dated 28.2.90 should have been passed immediately after reinstatement. This very order has been issued ~~now~~ ^{after} about 2 years and ^{when} after, the Tribunal is seized of the matter. A perusal of the order i.e. Annexure 'D' shows arbitrariness and Red-Tapisim because it is based on ill advise.

C.V.C. do not suggest about treating the period of suspension as period spent on duty or not. The Respondents are challenged to supply a copy of CVC advice in this connection.

20. That with regard to the contents of para 17 it is submitted that order releasing the increment dated 1.5.89 on provisional basis has been issued only on 15.1.90 which is Annexure 'B' of counter affidavit. This should have been issued in the month of May/June 89. This has also been issued only after the applicant has gone in Tribunal for release. Annexure No.9 to the claim application is a copy of judgement of Allahabad High Court with clearly lays down that during suspension no increment should be held-up. The respondents failed to answer this legal point. Therefore, the contents of para 4(k)(ii) are re-iterated to be true.

21. That the contents of para 18 of the counter are denied in toto being false and misleading and hence not admitted. The averments made in para 4(k)(iii) of the claim application are re-iterated to be true.

contd...15/-

- 15 -

22.

That the contents of the para 19 of the counter are not admitted. That the contents of first sentence of para 19 are denied in toto being false and the averments made in para 4(k)(iii) (not 4 (iii) as mentioned in the counter) are re-iterated to be true.

As regard advice of C.V.C. regarding initiation of disciplinary proceedings for major penalty against the applicant, it is respectfully submitted that the advice has been given behind the back of the applicant as such the applicant has no knowledge about the C.V.C. advice and as such it needs no comment.

It is true that the applicant carries all India transfer liability but this liability is for all co-employees of the department. Recently Shri H.C. Chakaravorty who transferred to Patna from Delhi was transferred to Delhi back after few months. Similarly S/Shri Chamari Ram Gupta and H.C.Grover, Office Supdt. were transferred to Lucknow Region, Lucknow from Delhi in 1986 and 1987 respectively and they were transferred back to Delhi within a year. A number of such examples are there. It shows that lawlessness is prevalent in the deptt. and rules of law are not being applied in such administrative matter. The action of the respondents to remove the
Contd...16/-

Ae7

-16 -

applicant from Delhi to Lucknow by means of transfer without any reason is arbitrary and unjustified. It may be pointed out that S/Shri Premchand, Head Clerk, R.M. Bhardwaj, Crime Asstt. and some others have been working in Delhi since their appointments from the rank of Lower Division Clerk. They are continuing at Delhi without any transfer go outside because they are enjoying patronage of a particular group. Thus the social and natural justice has been denied to the applicant.

23.

That as regard para 20 of the counter it is submitted that the respondents have released increment w.e.f. 1.5.89 after delay of 8 months and when the petitioner had taken step to make an application to the Hon'ble Tribunal for redressal of his grievances. They have not released the increment w.e.f. 1.5.88 for the suspension period by taking shelter of FR 54(B). In view of Annexure 9 to the claim application increment can not be held up even for the suspension period.

Not only this the Hon'ble CAT (Calcutta Bench) has decided that full pay and allowances can be given for the suspension period even during pendency of trial or deptl. proceedings which has been narrated in details at para 9(v) above of this rejoinder.

Contd.....17/-

24. That the contents of para 21 of the counter are not admitted in the manner stated and averments made in para 4(m) are re-iterated to be true. Further it is added that the provisions of FR 54(B) have been examined by Calcutta Bench of the Hon'ble CAT, and it has been decided that full pay and allowances should be given for the suspension period even during trial or deptl.proceedings. The same has been elaborately narrated at para 9(v) of this rejoinder.
25. That the contents of para 22 of the counter are not admitted being false, misconceive and misleading. The averments made in para 4(n)(i) and para 10 of this rejoinder are re-iterated to be true.
26. That the contents of para 23 of the counter are denied in toto being false. Further it is added that a number of co-employees are working in Delhi in one Section and they were not transferred (inter Section) because they are enjoying patronage of the particular group and in this group some senior officers are members. That the details of 5 transfers given below para 23 of the counter clearly shows that all these five relate to out station transfers.

The learned respondents are challenged to give details of any Office Supdt., including Shri Puranchand, Asstt.Director(E) if they were transferred to any out station from Delhi. They are working in Delhi since their appointments as Lower Division Clerk. Why administrative arrangements and All India transfer liabilities were not applied to them? This is because they were enjoying patronage of a particular group.

A 99

- 18 -

27.

That the contents of para 24 of the counter affidavit are not admitted being false and averments made in para 4(n)(iii) are re-iterated to be true. The reply is silent regarding transfer of interested person Sri Chamari Ram Gupta, who was posted to the same post/place where the applicant was working. On one and the same post two persons can not work nor two salaries can be drawn.

28.

That the contents of para 25 are denied in toto. The averments made in para 4(o) of the claim application are re-iterated to be true. The pleas taken by the respondents that the petitioner did not possess the required age, qualification and experience etc. and hence application was not forwarded to the Cement Corpn. of India, is unreasonable without any jurisdiction since the instant application had to be dealt by the CCI as well as respondents deptt. in pursuance of Govt. of India instructions contained in Office Memo No. 36012/13/88-Estt (SCT) dated 22.5.89 addressed to All Ministries/Departments to the Govt. of India issued from Ministry of Personnel, Public Grivences and Pension, New Delhi. A photocopy of this Office Memorandum has already been submitted to this Hon'ble Tribunal as one of the enclosures i.e. Annexure 15 to the claim application. This very instruction outlines various measures to increase SC/ST representation in the services under the Govt. of India through direct recruitment and backlog vacancies reserved for SC/ST are filled up

Contd....19/-

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- 28-19

if required by giving special relaxation and if any rules/provisions resist the same may be modified and deleted. Govt. have launched Spl. Recruitment Drive for filling-up the vacancies reserved for SC/ST w.e.f. 1.6.89. In this connection a copy of D.O. letter No. 36012/6/88-Estt(SCT)(part) dated 22.5.89 from Secy(P) to all Secretaries to Govt. of India forwarded by the CBI H.O. may also kindly be perused vide enclosed Annexure 'B'.

The applicant is a member of SC. The applicant has got CBI experiences (Crime work) where vigilance matter are dealt.

One Mr. Joshi was a Clerk in Railway who come on deputation to CBI Ambala, Chandigarh as R.S.O. Subsequently the responding deptt. has appointed in CBI as Inspector of Police, who is at present working at Chandigarh in the same capacity. One Mr. K.N. Tewari, who was basically a Clerk in Railway and Guard and thereafter R.S.O. was taken him as Inspector of Police CBI, Lucknow.

One more Shri D.D. Rastogi, who came to CBI as Inspector was a Steno basically.. This is a matter of question when they (respondent) used to take Clerk from outside deptt. as Police Officers then why they discriminate the applicant application to the Govt. department i.e. CCIL. In view of Annexure 16 i.e. an extract taken from CBI manual, the duties/responsibilities in CBI are the same for both Dy.S.P. and Office Supdt. attached to Regional Zone.

Contd...21/-

A101

- 20 -

29. That the contents of para 26 of the counter are denied in toto. The averments made in para 5 to the claim application are re-iterated to be correct and true. The contention taken by the respondent that applicant is not entitled to the relief sought is bad, wrong, in correct and without any jurisdiction, justification and has been incorporated only to misleading this Hon'ble CAT.
30. That the contents of para 27 are denied in toto being false. The averments made in para 6 of the claim petition and para 9(x) of this rejoinder are re-iterated to be true and correct and the applicant is fully entitled for the relief.
31. That the contents of para 28 of the counter need no comment.
32. That the contents of para 29 of counter are denied in toto and the grounds taken by the applicant in paras 8 and 9 of the claim application are substantiable in law and the applicant is legally entitled to get immediate relief as sought in the claim application.
33. That the contents of para 30 of counter need no comment.


Contd....21/-

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34. That the contents of para 31 of the counter are not admitted. The respondents have acted against the provisions of the constitution and also instrumental in depriving the legal right of the applicant as narrated in details in the preceeding paragraphs of this rejoinder.
35. That the contents of para 32 are not admitted and emphatically denied.

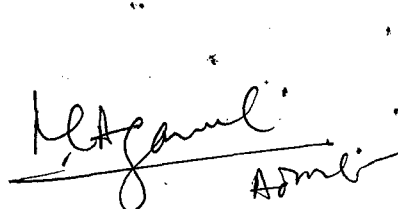
That Annexure 14 to the claim application needs to be quashed, that the Annexure 'D' to the counter affidavit needs to be declared null and void, action of respondents in transferring the applicant from Delhi to Lucknow needs to be declared as a punitive transfer.

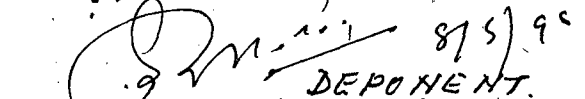

DEPONENT
~~Signature of the applicant~~

VERIFICATION

Verified that the contents of paras 1 to 35 are true and correct to the best of my personal knowledge and belief desired from the official records and so also legal parts of the paras are based on legal advice received which I believe to be true and correct. Nothing material has been concealed and no part of it is false. So help me God.

Verified this 8th May, 1990 at Lucknow.


DEPONENT


DEPONENT
~~Signature of the applicant~~

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ANNEXURE - A

1989]

NETAI CHANDRA DAS V. UNION OF INDIA (Cal)

801

6. In this view and noting that the investigations have all been completed, even though the charge-sheet has not been filed we have no other alternative except to direct the respondent to issue orders revoking the suspension of the applicant forthwith and pay him the salary and allowances attached to the post.

7. As regards the question regarding as to how the period of suspension has to be treated, this will be subject to the outcome of the disciplinary proceedings/criminal prosecution proposed to be taken against the applicant.

8. Ordered as above. There is no order as to costs.

[1989] 11 Administrative Tribunals Cases 801

Central Administrative Tribunal, Calcutta

(BEFORE MRS. PRATIBHA BONNERJEA, J., VICE-CHAIRMAN AND
P. K. MALLICK, ADMINISTRATIVE MEMBER)

NETAI CHANDRA DAS

Versus

UNION OF INDIA AND OTHERS

.. Applicant ;

.. Respondents.

O.A. No. 751 of 1988, decided on August 8, 1989

Salary — Suspension — Reinstatement — Salary payable for the period of suspension — Making a specific order regarding, on reinstatement, held, mandatory — Pendency of criminal case no bar to making of such order, which would, however, be subject to review after the decision in the criminal case — FR 54-B (Paras 8 and 10)

M. Jayaraman v. Superintendent of Post Offices, Vridhichalan, (1988) 7 ATC 676 (CAT), distinguished

Application allowed

H-M/5679

Advocates who appeared in this case ;

S. K. Sinha, Counsel, for the Applicant ;

D. N. Das, Sr. Standing Counsel and Ms. Uma Bhattacharya, Addl. S. C., for the Respondents.

The Judgment of the Bench was delivered by

MRS. PRATIBHA BONNERJEA, J., VICE-CHAIRMAN.—This application under Section 19 of the Administrative Tribunals Act, 1985, was admitted on 8-11-1988.

2. It is the case of the applicant that in 1969 while he was working as a V. P. Clerk at Siliguri Post Office, he was placed under suspension with effect from 18-8-1969. According to the applicant no charge-sheet was issued against him nor any disciplinary proceeding was started against him. Instead thereof the postal authorities lodged a complaint with the Siliguri Police alleging that the applicant had committed breach of trust. The applicant alleges that the allegations were all false and baseless. It is the further case of the applicant that the police had also failed to draw up charge-sheet against him. In spite of this, the applicant has been kept under suspension.

3. After long 13 years by memo No. F1/F2/VP/Sig/69-70, dated 11-2-1982, the Superintendent of Post Offices, Darjeeling District, revoked the order of suspension dated 18-8-1969 inflicted on the applicant in exercise of his powers under clause (c) of sub-rule (5) of Rule 10 of the CCS (CCA) Rules, 1965 (vide Annexure A-1). After the revocation of the order of suspension the applicant was permitted to join his duties and at present he is posted at Mirick Post Office under the Darjeeling Division.

4. Thereafter, applicant submitted several representations to the appropriate authority praying for payment of his full salary and allowances during the long period of suspension i.e., from 18-8-1969 to 11-2-1982 and for giving him all promotional benefits which were due to him during that period, but without any result. Hence, the present application has been taken out praying for payment of his arrears of salary and allowances as aforesaid and for regularisation of his service with all promotional benefits etc.

5. The application has been contested by the respondents. In subparagraphs (i), (ii) and (iii) of paragraph 5 of the reply of the respondents, it has been alleged that three criminal cases viz. G. R. Nos. 661 of 1969, 673 of 1969 and 682 of 1969 are still pending against the applicant before a competent court of law. It is their case that due to the pendency of the three criminal cases no steps could be taken by the respondents regarding payment of arrear of salary of the applicant during the period of his suspension.

6. Counsel for the applicant argues that in view of the revocation of the suspension order and allowing the applicant to continue in service, it is the duty of the respondents to regularise the payment of salary for the period during which the applicant was placed under suspension. In reply to this contention of the applicant, Mr. D. N. Das, Sr. Standing Counsel leading Ms. Uma Bhattacharya, Addl. Standing Counsel, appearing for the respondents relies on sub-rules (1) and (6) of FR 54-B.

7. Sub-rule (1) of FR 54-B provides that :

When a government servant who has been suspended is reinstated the authority competent to order reinstatement shall consider and make a specific order—

(a) regarding the pay and allowances to be paid to the government servant for the period of suspension ending with reinstatement or the date of his retirement (including premature retirement) as the case may be ; and

(b) whether or not the said period shall be treated as a period spent on duty.

Sub-rule (6) of FR 54-B runs as follows :

Where suspension is revoked pending finalisation of the disciplinary or the court proceedings, any order passed under sub-rule (1) before the conclusion of the proceedings against the government servant, shall be reviewed on its own motion after the conclusion of the proceedings by the authority mentioned in sub-rule (1) who shall make an order according to the provisions of sub-rule (3) or sub-rule (5), as the case may be.

Relying on the aforesaid rules, Mr. Das submits that in view of the pendency of the three criminal cases against the applicant no steps could be taken by the competent authority for regularising the question of payment during the

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period of his suspension or for giving him any other relief prayed for by him in his representation. In support of his contention Mr. Das cites the decision of the Madras Bench of the Central Administrative Tribunal passed in the case of *M. Jayaraman v. Superintendent of Post Offices, Vridhachalan*¹.

8. We are unable to accept the contention of Mr. Das. FR 54-B(1)(a) clearly provides that when a government servant, who has been suspended, is reinstated, the authority competent to order reinstatement, *shall consider and make a specific order regarding the pay and allowances to be paid to the government servant*. Therefore FR 54-B(1) contemplates that when the suspension order is revoked and the government servant is reinstated, it is the mandatory duty cast on the competent authority to make a specific order regarding payment of pay and allowances to the government servant. Sub-rule (6) of FR 54-B provides that if an order is passed under sub-rule (1)(a) of FR 54-B while the disciplinary proceeding or the court proceeding is pending that order is to be reviewed on its own motion after the conclusion of the proceeding by the competent authority mentioned in sub-rule (1) of the said rule, who shall make an order according to the provision of sub-rule (3) or sub-rule (5), as the case may be. Therefore, the fact that the three criminal cases are pending against the applicant cannot stand in the way of the competent authority from passing a specific order regarding payment of arrear of salary and allowances of the applicant during the period of his suspension under FR 54-B(1)(a). Such order will, however, be passed subject to review after the criminal cases would be over.

9. So far as the case relied upon by Mr. Das we have gone through the said case. In our opinion the facts and circumstances of the cited case are entirely different from the facts and circumstances of the present case and therefore the principle laid down therein is not applicable to the case before us.

10. In view of our findings made above, the application succeeds. We direct the respondents to compute the full salary, due to the applicant for the period from 18-8-1969 to 11-2-1982 and to pay the same to the applicant within three months from the date of receipt of this order. It is, however, made clear that after the three criminal cases pending against the applicants are finally disposed of, the competent authority will be at liberty to review the order regarding payment of back wages to be passed in terms of this order, in accordance with the provision of FR mentioned above and will be entitled to take appropriate steps in accordance with those rules. This application is, therefore, allowed with the above directions. There will be no order as to costs.

[1989] 11 Administrative Tribunals Cases 803

Central Administrative Tribunal, Jabalpur

(BEFORE S. K. S. CHIB, VICE-CHAIRMAN AND K. B. KHARE,
JUDICIAL MEMBER)

SUNDERLAL GUPTA

Petitioner;

Versus

GENERAL MANAGER, GUN-CARRIAGE FACTORY

JABALPUR AND ANOTHER

Respondents.

OFFICE OF
D.I.G./C.B.I. Region
LUCKNOW.

Diary 4118

To 5/10/89

ANNEXURE - B.

32
A 106
MOST IMMEDIATE
TIME BOUND

No.15/22/87-IWSU
Government of India
Central Bureau of Investigation
Block No.3, CGO Complex,
Lodhi Road, NEW DELHI-3
Date: 31.5.1989

The Superintendents of Police,
Central Bureau of Investigation,
All Branches.

Director, C.F.S.L.

DD(Co)

Sub:- Special Recruitment Drive to fill up the backlog of
vacancies earmarked for SC/ST

Sir,

In continuation of Admn. Division letter of even number dated 26th May, 1989, I am directed to forward herewith a copy of DO letter No.36012/6/88-Estt(SCT)(Part) dated 22nd May, 89 from Secretary(P) to all Secretaries of the Govt. of India. It is requested that the guidelines spelt-out for filling up of the back-log of SC/ST vacancies may be taken note of. A detailed report indicating the number of vacancies of SC/ST which have been identified may kindly be sent to HO positively by 5th June, 89. Since a consolidated report is to be sent to PM's Office, the last date prescribed must be adhered to. As already intimated in the letter of even number dated 26th May, 89, the branches have to furnish report on 29.7.89 and 25.8.89 also. If felt necessary, reports may be sent telegraphically or through Wireless Message so as to ensure that it reaches HO before the last date.

Yours faithfully,

(A.K. DHINGRA)
JUNIOR ANALYST/CBI

Encl:a.a.

Copy forwarded to:-

1. All DIsG
2. SP(HQ)/AO(A)/CBI/HO
3. OSs. AD.I/AD.III/AD.V, for similar action. Progress in this regard may be communicated to I.W.S.U. on the dates mentioned above.

(A.K. DHINGRA)
JUNIOR ANALYST/CBI

A/OT

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

C.M.Application No. _____ of 1991

Union of India and others .. Respondents Applicants

In re: ?

O.A.No. 16 of 1990 (L)

Shri Hans Raj Bulbul .. Applicant

Vs.

Union of India and others .. Respondents

Application for filing documents

The Respondents Applicants above named respectfully submit that it is necessary in the interest of justice to file the documents indicated below:-

1. Memorandum dated 5-7-1990 along with Annexure-1 (statement of articles of charges framed against Shri Hans Raj Bulbul);
2. Annexure-II - statement of imputation of misconduct or misbehaviour in support of articles of charges framed against Shri Hans Raj Bulbul);
3. Annexure-III - List of witnesses;
4. Annexure-IV - List of documentary evidence as served on Shri Hans Raj Bulbul on 10-7-1990.

Wherefore, it is humbly prayed that these documents may kindly be taken on the record of the case.


(D.S. Randhawa)

Lucknow

Senior Standing Counsel/
Central Government

Dated: 26-4-1991

(Counsel for Respondents Applicants)

Recd.
Copy with
its enclosure
28/4/91

21/2/91
26/4

SL-34(3)

A 108 (139)

No.36/1/89-20.V

Central Bureau of Investigation
Government of India

Block No.3, 4th Floor,

Lodi Road Kendriya Kar.Parisar,

New Delhi-110 003.

Dated:

5 JUL 1990

MEMORANDUM

The undersigned proposes to hold an inquiry against Shri H.R. Bulbul under Rule 14 of the Central Civil Services(Classification, Control and Appeal)Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed(Annexure II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed(Annexures III and IV).

2. Shri Hans Raj Bulbul is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Shri Hans Raj Bulbul is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the C.C.S(C.C.A)Rules, 1965 or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him ex parte.

5. Attention of Shri H.R.Bulbul is invited to Rule 20 of the Central Civil Services(Conduct)Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Shri H.R.Bulbul is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the C.C.S(Conduct)Rules, 1964.

6. The receipt of the Memorandum may be acknowledged.

(R. SHEKHAR)
DIRECTOR/C.B.I.

To

Shri Hans Raj Bulbul,
Office Superintendent,
CBI/Lucknow.

UTED
Raj Cell
C.B.I.
5/7/90
Raj Post

A/109

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SHRI HANS RAJ BULBUL,
OFFICE SUPERINTENDENT/CBI.

That said Shri Hans Raj Bulbul while functioning as Crime Assistant and Office Superintendent in the Coordination Divn. of CBI at New Delhi, during 1985-86, committed gross misconduct and failed to maintain absolute integrity and acted in a manner unbecoming of Government servant in as much as:

1. he, without the previous sanction of the competent authority of the Department, engaged himself (indirectly) in the unauthorised business of Chit Funds run and managed by his wife Smt. Radha Bulbul at their residence, C-15, Netaji Nagar, New Delhi and further for the promotion of the said unauthorised Chit Funds canvassed and induced Smt. Neelam, then working as LDC in the Coordination Division of CBI at New Delhi to become the member of the two Chit Funds of Rs.25,000/- commencing from January, 1985 and Rs.20,000/- commencing from February, 1985 organised by his said wife Smt. Radha Bulbul.
2. he, did not intimate to the competent authority of the Department about the loan of Rs.20,000 and Rs.10,000/- raised by his said wife Smt. Radha Bulbul from Smt. Sunil Tewari on 20.1.85 and from Bhagwati Prasad Bajpai on 9.5.85 for the promotion of the said unauthorised Chit Fund, business run by said Smt. Radha Bulbul and assisted by Shri Hans Raj Bulbul.
3. he, did not intimate to the competent authority of the Department about the monthly subscription/contribution ranging from Rs.4,000/- to Rs. 26,000/- aggregating Rs.2,41,840/- made in the name of his dependent family members viz. Raju Parashar, S.K. Parashar and Km. Remka Parashar in Chit Funds organised by M/s Raj Chit Fund, 112, Connaught Place, New Delhi, M/s Sofali Chit Fund Pvt.Ltd., 7, Pratap Ice Factory Building, B-4, Safdarjung New

A 110


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-2-

Delhi and M/s Uphar Trading and Chit Fund Ltd.10, Usaf Sarai, New Delhi-16 and further about the bid for Rs.45,000/- given by said Shri Bulbul on 25.4.86 on behalf of his aforesaid dependent son Shri Rajiv Parashar during the auction of the Chit Fund prize of M/s Kaj Chit Fund and Finance Pvt.ltd. No.112, Connaught Place, New Delhi.

4. he did not intimate about the transaction of various amounts ranging upto Rs. 40,000/- entered into by his said wife Smt. Radha Bulbul in her saving Bank A/c No. 23815 Syndicate bank, DTC Depot Ext., Netaji Nagar, New Delhi in connection with the said unauthorised business of Chit Funds, organised by his wife Smt. Radha Bulbul.

AND that thereby said Shri Hans Raj Bulbul contravened the provision of Rule 3(1),(i) & (iii) and 15(1), 16(4) and Sub-Rule 3 of Rule 18 of CCS Conduct Rules, 1964.


(R. SHEKHAR)
DIRECTOR/C.B.I.
(DISCIPLINARY AUTHORITY)

**STATEMENT OF IMPUGNATION OF MISCONDUCT
ARTICLE OF CHARGES FRAMED AGAINST**

**BEHAVIOUR : REPORT OF
SRI RAJ BULBUL.**

Said Shri H.R. Raj Bulbul was appointed as Crime Asstt. and Office Superintendent in the Office at New Delhi during the year 1984. He was promoted as Crime Assistant upto 26.5.1986 and as Office Superintendent w.e.f. 27.5.1986. Smt. Radha Bulbul wife of said Shri H.R. Bulbul was running unauthorised Chit Fund business at their residence at New Delhi, about which neither previous intimation nor any intimation was given to the Department. Said Shri H.R. Bulbul (indirectly) in the said Chit Fund business was run and managed by his said wife Smt. Radha Bulbul. For the purpose of the said Chit Funds organised by said Smt. Radha Bulbul, said Shri H.R. Bulbul had induced Smt. Neelam Kumari, then working as L.D.C. in the Coordination Division, CBI, at New Delhi to become the manager of two chits of Rs.25,000/- commencing from January, 1985 and Rs.20,000/- commencing from February, 1985. Said Shri Bulbul had given a blank undated promote-con receipt duly signed by him to said Smt. Neelam Kumari as financial security of the amount invested by said Smt. Neelam Kumari in the said two chits. The said undated promote-con receipt was duly witnessed by Shri S.S. Lakhra, Inspector of Police, Coordination Division/CBI/New Delhi.

Said Smt. Radha Bulbul had issued a cheque No.551082 dated 16.9.1986 for Rs.10,000/- towards the prize money of chits and delivered the same to said Smt. Neelam Kumari. The cheque was dishonoured when it was presented in bank for encashment. The body writings of the said cheque is in the hand writing of said Shri H.R. Bulbul. On becoming the cheque dishonoured, Smt. Neelam Kumari and her husband repeatedly ^{made} request to said Shri Bulbul and his wife Smt. Radha Bulbul for repayment but no payment was made to Smt. Neelam Kumari. All the times said Shri H.R. Bulbul was pleading to Smt. Neelam Kumari that he would repay the due amount of the said cheque as soon as he gets the money from M/s Raj Chit Fund Pvt.Ltd., N-112, Connaught Place, New Delhi.

A 112 (144)

That in connection with the financial transactions of the said Chit Funds and the auctions etc., a loan of Rs.20,000/- was raised by said Smt. Radha Bulbul from one Smt. Sunil Rani Tiwari on 20.1.1985, when the Chit Prize became due in January '85, expressing her inability to pay the amount to Smt. Sunil Rani Tiwari. Said Smt. Radha Bulbul delivered a promote-cum-receipt for Rs.20,000/- to Smt. Sunil Rani Tiwari saying that the money in cash would be paid to her as soon as possible. The said amount of Rs.20,000/- was, however, not paid back to Smt. Sunil Rani Tiwari. On demand of the said amount, Smt. Sunil Rani Tiwari and her husband were threatened by said Shri Bulbul. Likewise said Smt. Radha Bulbul with active participation of her husband Shri H.R.Bulbul instead of paying the Chit prize to Shri Bhagwat Prasad Bajpai delivered a promote-cum-receipt of Rs. 10,000/- to said Shri Bhagwat Prasad Bajpai treating the amount of said Chit prize amount as having been raised as loan from him. The said promote-cum-receipt was signed by Smt. Radha Bulbul and Shri H.R.Bulbul, had signed on it as witness.

That the dependent sons and daughter, namely, Raju Parashar S.K. Parashar and Miss Renuka Parashar of said Shri H.R.Bulbul had been regularly contributing money ranging from Rs.4,000/- to Rs.26,000 every month aggregating Rs. 2,41,840/- towards the chit money in M/s Kaj Chit Funds, N-112, Connaught Place, New Delhi, M/s Shefalli Chit Funds, 7, Pratap Ice Factory Building, B-4, Safdarjung Enclave, New Delhi and M/s Uphar Trading and Chit Fund Ltd., 10 Yusuf Sarai, New Delhi-16 for which no intimation to the Deptt. was given by said Shri Bulbul. Further Shri H.R.Bulbul had himself given a bid on 25.4.86 for Rs.45,000/- on behalf of his said dependent son Raju Parashar at the time of action of Chit Funds prize at M/s Kaj Chit Fund, N-112, Connaught Place, New Delhi. Said Shri Bulbul had not given any intimation whatsoever about the said investments made by his family members to the department.

Said Smt.Radha Bulbul wife of Shri H.R.Bulbul had been maintaining a savings Bank Account No.23815 in Syndicate Bank, DTC Depot Extension, Netaji Nagar, New Delhi wherein transactions of

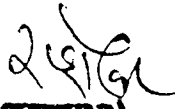
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various amounts ranging upto Rs.40,000/- were frequently taking place, relating to the said chit fund business organised and managed by said Smt. Radha Bulbul with the active help of said Shri H.R.Bulbul. Shri Bulbul had not intimated to the department whatsoever with regard to the said heavy transaction in said account maintained by his wife Smt. Radha Bulbul.

The above acts of omissions & Commission on the part of said Shri Hans Raj Bulbul exhibit lack of integrity and acting in a manner unbecoming of the Govt. servant, in contravention of the provisions of Rule 3(1), (i) & (iii) and 15(1), 16(4) and sub-rule 3 of Rule 18 of CCS Conduct Rules, 1964.


(R. SHEKHAR)
DIRECTOR/C.B.I.
(DISCIPLINARY AUTHORITY)

LIST OF WITNESSES

1. Smt. Neelam Kumari, K.P.O. Computer Centre, CBI Block No.4, G.C.O. Complex, Lodhi Road, New Delhi.
2. Smt. Navruti R/o F-2/37, Pitampura, New Delhi.
3. Shri S.S.Lakra, Inspr./CBI/Patna Branch, Patna.
4. Sh.Mukesh Kumar R/o M-20, Melka Ganj, Delhi-7.
5. Sh. Ramesh Kumar, Threja R/o B-66, Derawala Nagar, Delhi-9.
6. Smt. V.Sharda R/o C-123, Katwaria Sairai, Working stenographer Coordination Cell, CBI, New Delhi.
7. Shri Shankar Lal R/o B-946, J.J.Colony, Modipur, working as Dafatari, ACU-I Branch, CBI, New Delhi.
8. Smt. Geeta Verma, R/o 585, Sector-2, R.K.Puram, New Delhi.
9. Sh. B.K.Murti, Crime Asstt. Coordination Division, CBI, New Delhi.
10. Shri M.G.Rawat S/o Sh.M.S.Rawat R/o F-2176, Netaji Nagar, New Delhi.
11. Sh.S.Choudhary S/o Sh.Jagdev Choudhary R/o I-128, Madipur New Delhi permanent address Village Bhanitpur, Post Office Adalpur Distt. Vaishali (Bihar) working as Hindi Translator, Hindi Section, Ministry of Steel & Mine, Deptt. of Delhi, Udyog Bhawan, New Delhi.
12. Miss. Veena D/o Sh.S.K.Chhura R/o 207 Sector-5, R.K. Puram, New Delhi.
13. Sh.Ashok Anand S/o Sh.P.L.Anand R/o F-2999, Netaji Nagar, New Delhi.
14. Smt. Leela Kumar W/o Sh.B.K.Sharma, R/o 2991, Netaji Nagar, Block - F, New Delhi.
15. Smt. Hamida W/o Sh.Musuf R/o F-2983, Netaji Nagar, New Delhi.
16. Smt. Rehmat W/o Sh.Abdul Gaffar R/o F-2987, Netaji Nagar New Delhi.

Contd..2/-

- Shri M.M.Anand S/o Sh.S.R.Anand R/o 330 Sector-5, R.K.Puram, New Delhi.
- Sh. J.Khan S/o Sh.Z.Khan R/o C-95, Sector-4, Pushap Vihar, New Delhi working as Crime Asstt. CFSL, New Delhi.
- Sh.M.L.Meena S/o Sh.SS Meena, R/o 201, Shahpur JAT Khel gaon, New Delhi, working as L.D.C./Cashier, C.E.S.L., New Delhi.
- Sh.Sansari Lal S/o Sh.Bhojraj Singh, working as LDC, in C.F.S.L., New Delhi.
- Sh.R.D. Singh, S/o Late Sh. Siddheshwer Singh R/o 220, Nimri Colony, Ashok Vihar, New Delhi.
- Smt. Mithlesh W/o Sh.Satish Sharma, working as LDC, Co-ordination Cell CBI, New Delhi.
- Shri B.K.Saxena C.A. 1-E/23, Anand-Dewalan Extn. New Delhi.
- Sh.Rajeshwar Dayal, working as Steno Coordination Cell CBI, New Delhi.
- Sh.Gian Chand, Office Supdt., SP, Coordination Cell CBI New Delhi.
- Shri Abdul Zabbar S/o Mohammed Zikria R/o W-9 Turkman Gate DDA Flat, Delhi-6.
- Sh. Gauri Shankar, S/o Sh. Shiv Prasad, R/o 2454, Sita Ram Bazar, Delhi-6.
- Sh. Ashok Jain, Managing Director, M/s. Kaj Chit & Finance Co., N-112, Connaught Place, New Delhi.
- Sh. S.C. Gupta, Director of M/s. Uphar Trading & Chit Fund Pvt. Ltd. 10, Yusuf Sarai, New Delhi.
- Smt. Navruti W/o Late Shri Kanwar Singh 37-E. L.P. Pocket, Mayur Enclave Pitampura, New Delhi.
- Shri Bhagwati Prasad Bojpur, R/o C-5, Palika Niwas, Lodhi Colony, New Delhi.
- Smt. Krishna Devi W/o Sh.S.K.Chhura, 207, Sector-5 R.K.Puram New Delhi.
- Smt. Sunil Tiwari R/o 856 Sector-3, R.K.Puram, New Delhi

A176

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Shri Ram Nath Clerk, Syndicate Bank, DTC Depot,
Extn. Counter, Netaji Nagar, New Delhi.

Shri Rajesh Katyal Clerk, Canara Bank, R.K.Puram
Branch, New Delhi.

Shrimati Geeta Verma W/o Shri Chaman Lal R/o
585 Sector 2, R.K.Puram, New Delhi.

Shri D.S. Walia, M.D. Shafali Chit Fund Pvt. Ltd.
7, Partap Ice Factory Building, B-4, Safderjung
Enclave, New Delhi-28.

Shri O.P.Arora, Inspr./CBI/SCB/New Delhi.

LIST OF DOCUMENTARY EVIDENCE

ANNEXURE-IV

A717

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1. Copy of FIR No. RC.13/S/87-DLI dated 19/6/87.
2. Receipt Memo dtd. 22/7/87.
3. One blank promissory Note cum receipt undated and signed by Shri Hans Raj Bulbul.
4. One Cheque No. 550862 dtd. 16/9/86 for Rs.10,000/- of Canara Bank.
5. Debit advice dtd. 22/9/86 issued by Syndicate Bank for Rs.10,000/- in respect of Smt. Neelam Kumari.
6. Memorandum of Cheque unpaid dt. 20/9/86 from Canara Bank to Syndicate Bank in respect of cheque No. 550862 dt. 16/9/86.
7. Receipt Memo dated 22/7/87.
8. One Sheet of having been signed by Sh.H.R. Bulbu as a receipt of Rs.10,000/- from Smt. Navritti.
9. Receipt Memo dtd. 22/7/87.
10. Original copy of promissory note dtd. 9/5/85 signed by Smt. Radha.
11. Cheque No. 0514404 dtd. 20/6/86 for Rs.12,000/- signed by Smt. Radha of Syndicate Bank, D.T.C. Depot, Extn. Counter, Netaji Nagar, New Delhi.
12. Receipt Memo dtd. 14/8/87.
13. One letter written by Smt. Radha to Smt. Geeta (Original copy- 2 sheets).
14. Photocopy of the letter at Sr.14 (2 sheets).
15. One sheet purported to be in the handwriting of Smt. Radha, containing particulars of amount.
16. One sheet containing accounts in respect of chits of Rs.25,000/- each (photocopy).
17. Receipt memo dtd. 14/8/87.
18. One blank Promissory Note cum-receipt dtd. 16/9/85 signed by Smt. Radha.
19. Receipt memo dtd, 17/7/87
20. One blank receipt dtd. 20/9/82 signed by Smt. Radha Rani, issued to Smt, Sunil Tiwari.

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Receipt Memo dtd. 24/9/87.

Specimen signature Card of Sh.Hans Raj, A/c of Syndicate Bank, Extn. Counter, D.T.C. Depot, Netaji Nagar, New Delhi.

A/c opening form dtd. 31/1/81 of Shri Hans Raj Bulbul bearing No.101347 (one Sheet) of Syndicate Bank, Extn. Counter, D.T.C. Depots, Netaji Nagar, New Delhi.

A/c. opening form No.93815 in the name of Smt.Radha of Syndicate Bank, Extn. Counter, D.T.C. Depot, Netaji Nagar, New Delhi.

25. Specimen Signature Card of Mrs. Radha of Syndicate Bank, Extn. Counter, D.T.C. Depot, Netaji Nagar, New Delhi. (One sheet).

26. Photocopy of statement of A/c. of Mrs. Radha of Syndicate Bank, Extn. Counter, D.T.C. Depot, New Delhi (5 Sheets).

27. Letter dtd. 27/9/87 under the signature of Manager, Canara Bank R.K.Puram, Branch, containing photocopies of Statement of A/c. of Mrs. Radha, pay-in-slips and cheques of Canara Bank, R.K.Pura, New Delhi Branch, (total-13 sheets).

28. Receipt Memo dtd. 27/10/87.

29. One promissory Note cum receipt dtd. 16/7/87 of Rs.15000/- signed by Shri Hans Raj and issued to Sh. M.M.Anand. (One Sheet).

30. Receipt Memo dtd. 28/10/87.

31. Receipt dtd. 10/4/84 from Smt. Radha to M/s. Durga Land & Finance Company.

32. Carbon copy of receipt No.4111 dtd. 17/6/83/17/4/83 for Rs.7700/-.

33. Carbon copy of receipt No. 3617 dtd. 1/3/83 for Rs.1000/-.

34. Carbon copy of receipt No. 4290 dtd. 23/5/83 for Rs.10,300/-

35. Receipt Memo dtd. 10/9/87 (One sheet).

36. One pronote-cum-receipt for Rs.20,000/- dtd. 12/1/85 signed by Smt. Smt. Radha and issued to Smt. Sunil Rani Tiwari. (One sheet).

37. Letter dtd. 4/12/87 under the signature of Dr.A.K.Ganguly, Principal Scientific Officer(A), CFSL, New Delhi addressed to Sh.C.P.Arora, Inspr. with file No.1-14/86 CFSL, containing 4 noting pages and 1 to 31 correspondence pages.

Receipt Memo dtd. 21/7/87.

Agreement copy of Miss. Renuka Prashar and M/s. Kaj Chit Fund Co., N-112, Connaught Place, New Delhi.

Agreement copy of Shri S.K. Prashar dtd. 2/5/84 and M/s. Kaj Chit Fund Co. Ltd., N-112, Connaught Place, New Delhi.

Receipt Memo dtd. 3/9/87.

One folder containing statements of account of Mrs. Radha, Miss Renuka Parshar, Sh. S.K. Prashar and Rajiv Prashar of M/s. Kaj Chit Fund Co., N-112, Connaught Place, New Delhi (15 Sheet).

7 counter foil of cheques of Bank of India, Janpath Branch, issued in favour of Mrs. Radha Prashar Miss. Renuka Prashar, Shri Rajiv Prashar and Sh. S.K. Prashar.

Receipt Memo dtd. 30/8/87.

One folder containing Misc. documents of M/s. Kaj Chit Fund & Finance Pvt. Ltd. N-112, Connaught Place, New Delhi (24 Sheets).

Receipt Memo dtd. 22/7/87.

One file of Mrs. Radha Prashar belonging to group AK-3/14(1 to 14 pages) of M/s. Kaj Chit Fund and Co., N-112, Connaught Place, New Delhi.

One file of Miss Renuka Prashar containing pages 1 to 16. of the Kaj Chit Fund Co., N-112, Connaught Place, New Delhi.

One file of Sh. S.K. Prashar of group AK-3/23, Containing 1 to 13 pages of M/s. Kaj Chit Fund Co., N-112, Connaught Place, New Delhi.

Copy of agreement dtd. 11/4/84 between Shri S.K. Prashar and M/s. Kaj Chit Fund group, N-112, Connaught Place, New Delhi. (2 sheets).

Copy of agreement dt. June, 84, group AK--6(2 Sheets) between Mr. Rajiv Kumar Prashar and M/s. Kaj Chit Fund. N-112, Connaught Place, New Delhi.

Photocopies of documents of Uphar Trading, & Chit Fund (1) Pvt. Ltd. 10, Yusuf Sarai, New Delhi (37 Sheets),

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One file containing photocopies of M/s. Shafali Chit Fund Pvt. Ltd., 7 Partap Ice Factory Bldg. B-4, Safdarjung Enclave, New Delhi-29. (1 to 30 Sheets).

Copy of agreement dtd. 5/4/84 between Mrs. Radha and M/s. Kaj Chit Fund Group AK-3, N-112, Connaught Place, New Delhi (2 Sheets).

Copy of agreement dtd. 8/3/84 between Mrs. Radha and M/s. Kaj Chit Fund Group AK-I, N-112, Connaught Place, New Delhi (2 Sheets).

One file of Mrs. Radha Prashar belonging to group AK-4/18 (1 to 14 Pages) of M/s. Kaj Chit Funds N-112, Connaught Place, New Delhi.

In the Hon'ble Central Administrative Tribunal
Lucknow Bench.

Lucknow.

OA No: 16 of 1990 (L)

Sri H.R. Bulbul - - - Applicant

vs
Union of India and others - Respondents

Application for taking Documents on record.

On behalf of the Respondents, the following Documents are submitted ^{herewith} so as to bring on the record of the case the latest development:

1. Letter dated 16-11-94 along with Notification No 3/23/86-AD-V dated 12-4-94 of the CBI, HQ. New Delhi

Wherefore, it is humbly prayed that these documents may kindly be taken on the record of the case.

Lucknow

Dated: November 17, 1994

D. S. Rana

(D. S. Rana D.H.A.A)
Advocate

Senior Counsel
Central Govt.

Counsel for the Respondents

To

Shri D.S. Randhawa, Advocate,
Sr. Lawyer,
Central Govt.,
Lucknow.

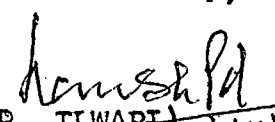
Sub: Writ Petn. No. 18/90(L) H.R. Bulbul Vs. Union of India
and others.

....

Sir,

In continuation to the supplementary Counter Affidavit dated 2.11.1993 filed on behalf of the respondents in connection with the above matter, it is for your kind information that Shri H.R. Bulbul - the applicant who was working as an Office Supdt. in the Central Bureau of Investigation has voluntarily retired from service with effect from 1.4.1994. 4 Photo copies of the Notification dated 12.4.1994 issued by CBI Headquarters in this regard are enclosed.

Yours faithfully,


(N.P. TIWARI) 15/11/94
DY. SUPDT. OF POLICE / C.B.I.
LUCKNOW.

ENCL: AS ABOVE.

(TO BE PUBLISHED IN THE GAZETTE OF INDIA PART III SECTION

No.3/23/86-AD.V

Central Bureau of Investigation,
Government of India,
Block no.III, 4th Floor,
CGO COMPLEX, Lodhi Road,
New Delhi-110 003

Dated 12.4.94

NOTIFICATION

Shri Hans Raj Bulbul, Office Supdt./CBI/Jaipur
voluntarily retired from service on 1st April, 1994 forenoon
in accordance with Rule 48-A of CCS (Pension) Rules, 1972.

Sd/-
(S.P.LAL SHARMA)
ASSISTANT DIRECTOR(ESTT.)
CBI: NEW DELHI

To
The Manager,
Govt. of India Press,
Faridabad (with Hindi Version)

Copy to:-

1. PS to Director/CBI.
2. PSs to Addl. Directors/CBI.
3. All Joint Directors/CBI.
4. Dy. Director (Admn.)/CBI.
5. DIG/CBI/Jaipur.
6. SP/CBI/Jaipur.
7. AD(E)/AO(A)/SP(Hrs.)SP(Trg.).
8. The Accounts Officer, P&AO/CBI, New Delhi.
9. Shri Hans Raj Bulbul c/o SP/CBI/Jaipur.
10. CBI Library.
11. AD.I/II/III/IV/INSU/Hindi Section and DPC Cell/CBI.
12. CA to AD(E).
13. OSD(Computer)/CBI.
14. Incharge Control Room, CBI.
15. Guard File(AD.V Section).

Sd/-S.B.Lal Sharma
Assistant Director(Estt.)
CBI: NEW DELHI.

Attested
hansraj
M.P. TIWARI
Dy. Supdt. of Police
CBI / SPE. Lucknow

In the Hon'ble Central Administrative Tribunal
Lucknow Bench

Lucknow.

O.A. No. 16 of 1990 (L)

Sr. H.R. Bulbul Applicant

vs
Union of India and others - Respondents

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On behalf of the Respondents, the following
Documents are submitted ^{herewith} so as to bring
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1. Letter dated 16-11-94 along with Notification
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CBI HQ. New Delhi

Wherefore, it is humbly prayed that these
documents may kindly be taken on the record
of the Case.

Lucknow
Dated November 17, 1994

D. S. Ran
(D. S. Ran D.H.A.)
Advocate
Senior Counsel
Central Govt
Counsel for the Respondents

To

Shri D.S.Randhawa, Advocate,
Sr.Lawyer,
Central Govt.,
Lucknow.

Sub: Writ Petn.No.18/90(L) H.R.Bulbul Vs. Union of India
and others.

....

Sir,

In continuation to the supplementary Counter Affidavit dated 2.11.1993 filed on behalf of the respondents in connection with the above matter, it is for your kind information that Shri H.R. Bulbul - the applicant who was working as an Office Supdt. in the Central Bureau of Investigation has voluntarily retired from service with effect from 1.4.1994. 4 Photo copies of the Notification dated 12.4.1994 issued by CBI Headquarters in this regard are enclosed.

Yours faithfully,

N.P. Tiwari
(N.P. TIWARI) 16/11/94
DY.SUPDT.OF POLICE/C.B.I.
LUCKNOW.

ENCL:AS ABOVE.

N8.3/23/86-AD.V

Central Bureau of Investigation,
Government of India,
Block no.III, 4th Floor,
CGO COMPLEX, Lodhi Road,
New Delhi-110 003

Dated 12.4.92

NOTIFICATION

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voluntarily retired from service on 1st April, 1994 forenoon
in accordance with Rule 48-A of CCS (Pension) Rules, 1972.

Sd/-

(S.B.LAL SHARMA)
ASSISTANT DIRECTOR(ESTT.)
CBI: NEW DELHI

To

The Manager,
Govt. of India Press,
Faridabad (with Hindi Version)

Copy to:-

1. PS to Director/CBI.
2. PSs to Addl. Directors/CBI.
3. All Joint Directors/CBI.
4. Dy. Director (Admn.)/CBI.
5. DIG/CBI/Jaipur.
6. SP/CBI/Jaipur.
7. AD(E)/AO(A)/SP(Hrs.)SP(Trg.).
8. The Accounts Officer, P&AO/CBI, New Delhi.
9. Shri Hans Raj Bulbul c/o SP/CBI/Jaipur.
10. CBI Library.
11. AD.I/II/III/IV/INSU/Hindi Section and DPC Cell/CBI.
12. CA to AD(E).
13. OSD(Computer)/CBI.
14. Incharge Control Room, CBI.
15. Guard File(AD.V Section).

Sd/-S.B. Lal Sharma
Assistant Director(Estt.)
CBI: NEW DELHI.

*Amended
handed*

N. P. TIWARI
Dy Supdt. of Police
CBI / SPE, Lucknow.

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
(ADDITIONAL BENCH:ALLAHABAD)
ADDITIONAL BENCH: LUCKNOW

OA.
~~Write~~ Petition No. 16/90 (L)

Shri Hans Raj Bulbul Applicant

Vs.

Union of India & others: Respondents

SUPPLEMENTARY COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS:

I, S.N.R. Dwarampudi S/o Sri D. Venkata Reddi,
aged 46 years, resident of Lucknow, hereinafter described
as the deponent, do hereby solemnly affirm and state
as under;

- 1) That the deponent is the Deputy Supdt. of Police in the office of Supdt. of Police, Central Bureau of Investigation, Lucknow, and is competent to affirm this affidavit on behalf of all the Respondents.
- 2) That the deponent has read and understood the contents of the claim application and he is well conversant with the facts of the case deposed hereinafter.
- 3) That it is necessary to bring on record the latest position regarding the finalisation of Disciplinary Proceedings and the payment of pay and allowances for the suspension period as well as all subsequent dues and as such the respondents prefer to file this Supplementary Counter Affidavit, as already permitted on 7.10.1993 by this Hon'ble Tribunal.
- 4) That the Disciplinary Proceedings against the applicant Shri H.R. Bulbul have been finalised vide order No. 36/6/89-AD.V dated 21.6.1993 of Director, Central Bureau of Investigation, Government of India, Block No.3, CGO Complex, Lodhi Road, New Delhi, whereby he has been awarded the punishment of withholding of

P.T.O.

increment for a period of two years with cumulative effect. A true photo copy of the aforesaid order is filed herewith as Annexure No.SC.I. Further the period of Suspension from 19.10.87 to 13.10.88 has been treated as "period spent on duty" vide Order No. 971/1993 dated 22.6.1993 (file No.3/23/86-AD.V) of Assistant Director(Estt), CBI,Block No. 3, 4th floor, CGO Complex Lodhi Road,New Delhi-110003 in view of FR 54-B. A true copy of the aforesaid order treating the period of Suspension as the 'period spent on duty' is filed herewith as Annexure No.SC.II.

- 5) That the pay and allowances for the suspension period from 19.10.87 to 13.10.87 have been paid to the applicant. Further the annual increment as claimed by the applicant from May,1988 has also been allowed and the consequential dues were paid to him on 4.10.1993. Thus the reliefs sought by the petitioner in respect of the payments for the period of suspension and the annual increment as due w.e.f. 1.5.1988 have been allowed to the applicant. A statement showing pay and allowances due and drawn for the period from Nov.87 to April,1992 has been prepared. Since full pay and allowances for the month of Oct.1987 were paid to the applicant, no arrears are due to him for the period from 19.10.87 to 31.10.87. This will show that all dues have been paid to the applicant and nothing more remain now to be paid to him. A true photocopy of the aforesaid due and drawn statement is filed herewith as Annexure.SC.III.

- 6) That the deponent has been advised to state that in view of the position stated above in the Supplementary Counter Affidavit as well as in our earlier Counter Affidavit dated 8.3.1990, the Original Application is liable to be dismissed as infructuous.

Lucknow

Dated November 2, 1993

Susavanth
Deponent

VERIFICATION

I, the above-named deponent do hereby verify that the contents of paras 1 & 2 are true to my own knowledge, the contents of paras 3 to 5 are true to my knowledge derived from the official records and the contents of para 6 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.

Su Saranpuri
DEPONENT

Lucknow;

Dated: 2.11.1993.

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

D. S. Randhawa
(D. S. RANDHAWA)
ADVOCATE

Solemnly affirmed before me on 2.11.93 at 4.00 PM
by the deponent *S. N. R. Dwarampudi*
who is identified by *Shri. D. S. Randhawa* Advocate,
High Court, Lucknow.

I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read over and explained by me.

SA
High Court,
Lucknow, Bench

No 64/675
2.11.93

ANNEXURE SC-I

Regd. AD

3/11/34)

(353)

No.36/6/89-AD.V

Central Bureau of Investigation,
Government of India,
Block No.3, CGO Complex Lodi Road,
New Delhi - 110003.

Dated :

21 JUN 1993

ORDER

Disciplinary Proceedings for imposition of major penalty under Rule 14 of the Central Civil Services(Classification, Control & Appeal) Rules were initiated against Shri Hansraj Bulbul, Office Supdt., CBI, vide Memo No.36/6/89-AD.V dated 5.7.1990 on the following charges :-

- (i) That he, without obtaining the previous sanction of the competent authority had indirectly engaged himself in the unauthorised business of Chit fund run and managed by his wife and further for the promotion of the said unauthorised Chit Funds canvassed and induced one Smt. Neelam to become a member of 2 Chit Funds of Rs.25,000/- commencing from January, 1985 and Rs.20,000/- from February, 1985 organised by his wife Smt. Radha Bulbul;
- (ii) Shri Bulbul did not intimate to the competent authority about the loans of Rs.20,000/- and Rs.10,000/- raised by his wife from Smt. Sunil Tiwari and Shri Bhagwati Prasad Bajpai for the promotion of the said unauthorised Chit Fund business run by Smt. Radha Bulbul and assisted by Shri Hansraj Bulbul;
- (iii) Shri Hansraj Bulbul did not intimate to the competent authority about the monthly subscriptions/contributions ranging from Rs.4,000/- to

...2...

Rs.26,000/- made in the name of his dependent family members in Chit Funds organised by M/s. Kaj Chit Fund, M/s. Sofali Chit Fund and M/s. Uphar Trading & Chit Fund and further about the bid for Rs.45,000/- given by him on behalf of his dependent son during the auction of Chit Fund prize of M/s. Kaj Chit Fund;

(iv) Shri Hansraj Bulbul did not intimate about the transaction of Rs.40,000/- entered into by his wife with Syndicate Bank in connection with the unauthorised Chit Fund organised by his wife.

2. Shri Harikesh, Inspector of Police, SCB, Delhi and subsequently Shri I.D. Vaid, Sr. Public Prosecutor were appointed as Presenting Officer. Shri Hansraj Bulbul was allowed to be represented by Shri R.S. Jamuar, Dy. Legal Adviser, as his Defence Counsel.

3. Departmental Proceedings which had been initiated with the advice of the CVC were conducted by Shri J.D. Verma, Commissioner for Departmental Inquiries, a copy of whose report was duly supplied to Shri Hansraj Bulbul vide memo dated 22.3.1993 for his comments/submissions, if any. The representation dated 14.4.1993 submitted by Shri H.R. Bulbul has been duly received and considered.

4. The Commissioner for Departmental Inquiries after assessing the evidence brought on record during the enquiry has arrived at the following conclusion :-

- (i) Article 1 is proved;
- (ii) Article 2 is partly proved;
- (iii) Article 3 is proved;
- (iv) Article 4 is proved.

5. Evidence produced during the disciplinary proceedings, the submission made by the delinquent officer and those contained in his representation dated 14.4.1993 have



Siddharth

been carefully gone through by the undersigned. It is clearly established that Shri H.R. Bulbul has not adduced any specific or forceful argument or evidence other than what he had stated during the course of enquiry to rebut the material brought on record during the disciplinary proceedings to warrant his being absolved of the charges. After taking into careful consideration the submissions made by him in the petition dated 14.4.1993 I fully agree with the findings of the Commissioner for Departmental Inquiries.

6. Having weighed the material on record and the arguments made in favour of the Charges and the statement of Shri Bulbul, I order the imposition on Shri Hansraj Bulbul of the penalty of withholding of increment for a period of two years with cumulative effect.

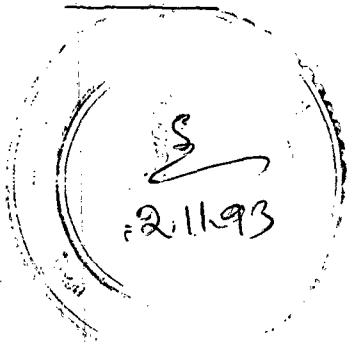
(Signature)
16/6/93
(S.K. DATTA)
DIRECTOR/CBI

Shri Hansraj Bulbul,
Office Superintendent,
C.B.I., Lucknow Region,
LUCKNOW.

Copy for information to :-

- i) Joint Director(P) CBI, New Delhi
- ii) DIG CBI Lucknow.
- iii) SP CBI Lucknow. Orders for treating the period of suspension as required under FR 54-B and regulation of pay for the suspension period are being issued separately.
- iv) Accounts Officer, PAO, CBI, New Delhi
- v) Shri Hans Raj Bulbul, CS CBI Lucknow.

(Signature)
ASSISTANT DIRECTOR(E)
CBI



ISSUED
R&I Cell
CBI
9/6/93
Post
Local

(Signature)

ANNEXURE SC-II

No.3/23/86-AD.V

Central Bureau of Investigation,
Block No.3, 4th floor
CGO Complex, Lodhi Road,
New Delhi-110003.

Dated the

22 JUN 1993

OFFICE ORDER No. 97 / 1993.

In modification of Office Order No. 220/90 dated 28th February, 1990 the Competent Authority is pleased to order under FR 54-B that the period of suspension of Shri Hans Raj Bulbul from 19.10.87 to 14.10.88 is treated as period spent on duty and that Shri Bulbul is entitled to full pay and allowances for the aforesaid period.

(S.B.LAL SHARMA)
ASSISTANT DIRECTOR (ESTT.)
CBI

- i) DIG/CBI/Lucknow.
- ii) Accounts Officer, P&AO, CBI, New Delhi.
- iii) Shri Hans Raj Bulbul, OS, Lucknow Region, Lucknow.
- iv) SP/CBI/Lucknow. In modification of Order No. 69/90, dated 15th January, 1990, the pay of Shri Hans Raj Bulbul is to be regulated as if Shri Bulbul had not been placed under suspension. He will as such draw Rs.2060/- as basic pay up to 30.4.88 Rs.2120/- wef. 1.5.88, Rs. 2180/- wef. 1.5.89, Rs. 2240/- wef. 1.5.90, Rs. 2300/- wef. 1.5.91, Orders with regard to the crossing of E.B. at the stage of Rs. 2300/- wef. 1.5.92 will issue separately.

Sudavanti



(S.B.LAL SHARMA)
ASSISTANT DIRECTOR (ESTT.)
CBI.