

18/2/90 AY

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
ADDITIONAL BENCH, ALLAHABAD,  
CIRCUIT BENCH, LUCKNOW

O.A. NO. 199 OF 1990 (L)

GOVIND PARWANI, aged about 35 years,  
son of Late L.C.Parwani, resident of  
C-1919, H.I.G., Rajajipuram, Lucknow.

... APPLICANT

VERSUS

1. UNION OF INDIA, through Director  
General, All India Radio,  
Akashwani Bhawan, New Delhi-1;
2. STATION DIRECTOR, All India Radio,  
Lucknow;
3. SHRI T.K.MAJUMDAR, Executive  
Engineer (Civil), Construction  
Wing, All India Radio, Lucknow.

... RESPONDENTS

(I). DETAILS OF THE APPLICATION:

(i) Particulars of the applicant:

(ii) Name of the applicant : Govind Parwani.

(iii) Name of father : Late L.C.Parwani.

(iv) Designation and office : Clerk Grade II,

Executive Engineer (Civil), Construction  
Wing, All India Radio, Lucknow.

Contd...?

*True copy*  
*Govind*

Annexure - A  
CAT- 82  
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH, LUCKNOW  
\*\*\*\*\*

INDEX - SHEET

CAUSE TITLE 199/90 E No 190

Name of the Parties Govind Pariani

Versus

Union of India

Part A, B and C

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File B/C Withdrawn / Destroyed		

19/10/16  
(505)

A-1

Received by  
Date 10/10/89  
Deputy Registrar

CIVIL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

No. 199 of 1989

APPLICANT(S) GOSWAMI, JAYDEVI

RESPONDENT(S) C.O.C.

<u>Particulars to be examined</u>	<u>Endorsement as to result of examination</u>
1. Is the appeal competent?	Yes
2. a) Is the application in the prescribed form?	Yes
b) Is the application in paper book form?	Yes
c) Have six complete sets of the application been filed?	Yes
3. a) Is the appeal in time?	Yes
b) If not, by how many days it is beyond time?	Yes
c) Was sufficient cause for not making the application in time, been filed?	Yes
4. Was the document of authorisation/acknowledgment been filed?	Yes
5. Is the application accompanied by S.D./Postal Order for Rs.50/-	Yes
6. Has the certified copy/copies of the order(s) against which the application is made been filed?	Yes
7. a) Have the copies of the document(s) relied upon by the applicant and mentioned in the application, been filed?	Yes
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly?	Yes
c) Are the documents referred to in (a) above neatly typed in double copies?	Yes
8. Are the index of documents been filed and being done properly?	Yes
9. Have the other factual details of representation made and the outcome of such representation been indicated in the application?	Yes
10. Is the matter raised in the application pending before any court of law or any other Bench of Tribunal?	No

1A-1  
2

Particulars to be Examined

Endorsement as to result of examination

1. Is the application/duplicate copy/extra copies signed?
2. Are extra copies of the application and annexes filed?
  - a) Identical with the Original?
  - b) Defective?
  - c) Missing in annexes
3. How many pages Nos \_\_\_\_\_?
4. Are the files size envelopes bearing full addresses of the applicant duly filed?
5. Are the given address the registered address?
6. Are the names of the parties stated in the copies tally with those indicated in the application?
7. Are the translations certified to be true or supported by an Affidavit affirming that they are true?
8. Are the facts of the case mentioned in item no. 6 of the application?
  - a) Succinct?
  - b) Are the distinct heads?
  - c) Arranged consecutively?
  - d) Typed in double space on one side of the paper?
9. Are the particulars for interim order prayed for indicated with reasons?
10. Whether all the remedies have been exhausted.

7.

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Signature

199/90(C)

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7-7-90

~~No sitting Adj. to 24/7~~

R

25-6-90

Hon. Justice K. Nath, VC  
Hon Mr. K. Obayya, AM

Admit.  
Int for order on 9.7.90.

A.M. VC

9.7.90

No sitting Adj. to 24.7.90

L

24-7-1990: Hon'ble Mr. Justice K. Nath, VC,  
Hon'ble Mr. K. Obayya, AM

See our orders of date on a separate sheet.

(A.M.)

(V.C.)

ES/

BR

Dr. Dinesh eland  
never appearance  
on behalf of O.Ps.

1 & 2.

No reply filed  
S. F. C.

L  
2/7

A-3

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, LUCKNOW  
Registration (O.A. No. 199 of 1990(L))

Govind Parwani

Vs.

... Applicant

Union of India & others

... Respondents

24-7-1990:

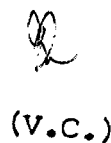
Hon'ble Mr. Justice K. Nath, VC,  
Hon'ble Mr. K. Obayya, AM

(Delivered by Hon'ble Mr. Justice K. Nath, VC)

Sri Raza Zahir for the petitioner and Sri V.K. Chaudhary for the respondents 1 and 2 are present. Sri V.K. Chaudhary files counter affidavit on behalf of the respondents 1 and 2. Amongst other things, it is stated in para 20 of the counter affidavit that there is no objection to the posting of the applicant anywhere in Lucknow except in the office of respondent no. 3. The learned counsel for the applicant, on the instruction of the applicant, says that the applicant is agreeable to the proposal contained in para 20 of the counter affidavit.

2. The relief prayed in this petition is to quash the order of transfer of the applicant dated 14-3-1990 (contained in Annexure-1), transferring the applicant from Lucknow to Bareilly. In view of willingness of both the parties to post the applicant anywhere in Lucknow except in the office of respondent no. 3, this petition is disposed of with a direction to respondents 1 and 2 to modify the impugned order of transfer dated 14-3-1990, contained in Annexure-1 suitably so as to post the applicant in <sup>an</sup> appropriate post in Lucknow other than in the office of the respondent no. 3. The respondents will issue the necessary orders at the earliest say within a period of two week from the <sup>date of</sup> receipt of a copy of this order.

  
(A.M.)

  
(V.C.)

EC/

10/6/90  
2-4  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

ADDITIONAL BENCH, ALLAHABAD,

CIRCUIT BENCH, LUCKNOW

...

O.A. NO. 199 OF 1990 (L)

GOVIND PARNANI

...

APPLICANT

VERSUS

UNION OF INDIA & OTHERS

...

RESPONDENTS

COMPILATION 'A'

S.No. List Page Nos.

1. Application

1 To 12

2. Power

...

13

Filed today  
Sgt  
18/6/90

Raza Latheef

LUCKNOW

DATED : 10.6.90

COUNSEL FOR THE APPLICANT

Noted for 25.6.90  
M. Anwar

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(v) Office Address : Executive Engineer (Civil),  
Construction Wing, All India  
Radio, Lucknow.

(vi) Address of service : As given in the  
of all notices application.

(II) JURISDICTION OF THE TRIBUNAL

The applicant declares that subject  
matter of the claim is within the jurisdiction  
of the Tribunal.

(III) PARTICULARS OF ORDERS AGAINST WHICH THE  
APPLICATION IS MADE :

Order dated 14th March, 1990 issued by  
the Director General, All India Radio, New Delhi,  
transferring the applicant from Civil Construction  
Wing, All India Radio, Lucknow to the Civil  
Construction Wing, All India Radio, Bareilly.  
(Annexure No.1).

(IV) LIMITATION

The applicant declares that the applica-  
-tion is within the limitation prescribed in  
section 21 of the Administrative Tribunal Act, 1985.

(V) FACTS OF THE CASE

(1) That the applicant was appointed on  
temporary basis by the Station Director/Executive  
Engineer (Civil), Construction Wing, All India  
Radio, Lucknow on 10.12.1976 on the post of Clerk

Four copies  
Done

Approved

Grade II in the office of Station Director, All India Radio, Lucknow; on 13.2.1980 he became quasi permanent.

(2) That similarly the wife of the applicant Shrimati Veena Parwani was also appointed by the Station Director in the year 1966 as Clerk Grade II and she was posted in the office of Station Director, All India Radio, Lucknow. Later on she was promoted as Clerk Grade I and is working continuously since 1976 in the office of Station Director, All India Radio, Lucknow.

(3) That both husband and wife are working under one department i.e. All India Radio although the wings, in which they are working, are different, but the appointing authority of applicant and his wife is Station Director/Executive Engineer (Civil), Construction Wing, All India Radio, Lucknow. Both these aforesaid appointing authorities are under the direct control of the Director General, All India Radio, New Delhi.

(4) That the applicant, who is working in the Civil Construction Wing, All India Radio, Lucknow, has been transferred by the Director General, All India Radio, New Delhi on 14th March, 1990 to Civil Construction Wing, All India Radio, Bareilly. True copy of the transfer order is annexed herewith as ANNEXURE NO.1.

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(5) That aggrieved by the aforesaid transfer, the applicant submitted a detailed representation on 28.3.1990 to the Executive Engineer (Civil), Construction Wing, Lucknow and it was also requested that the same representation may be forwarded to the Director General, All India Radio, New Delhi. A true copy of the representation is annexed herewith as ANNEXURE NO.2.

(6) That main contention of the applicant is that the applicant as well as his wife Smt. Veena Parwani are working for the same department under different posts and officers in the All India Radio and as per the government order, there is a specific direction that husband and wife team may be posted at the same station.

(7) That there is also a policy of the government that the low paid staff in the cadre of Clerk Grade II generally not to be transferred except in exceptional cases. But the case of the applicant is not exceptional as he has always performed his duties to the entire satisfaction of his superiors.

(8) That there are other senior persons in Clerk Grade II who are still working but the applicant has been transferred by violating all set norms and transfer guidelines.

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(9) That the applicant has to maintain a double establishment, one at Lucknow and one at Bareilly, which will cost great financial inconvenience and on the other, the applicant also has his small school going children, the son studying in Nursery and the daughter studying in Class I in Lucknow Public College, Lucknow. The applicant has also to look after his ailing aged mother, who also lives with the applicant. There is no one else in the family to look after her. By this transfer, the whole family will be uprooted.

(10) That there are so many occasions when this Hon'ble Tribunal has stayed the transfer as the husband and wife have to be posted at same place.

(11) That on 27.3.1990 the Executive Engineer, (Civil), Construction Wing, All India Radio, Bareilly had written to Director General, All India Radio, New Delhi that his office had no post and the applicant's order of transfer may be modified and he may be adjusted some where else. A copy of the aforesaid order is annexed herewith as ANNEXURE NO.3.

(12) That on 31.5.1990 the Director General, All India Radio, New Delhi had rejected the applicant's representation. A true copy of the rejection order is annexed herewith as ANNEXURE NO.4.

(13) That on 8.6.1990 the order of rejection was received by the office of Executive Engineer (Civil), Construction Wing, All India Radio, Lucknow that the applicant is to be relieved with effect from 11.6.1990 and the same order served on applicant on 12.6.1990. But the applicant till today has not handed over the charge. A copy of the relieving order is annexed herewith as ANNEXURE NO.5.

(14) That the order of transfer of the applicant is made on the malacious recommendation of the then Executive Engineer Shri T.K.Majumdar, who was not pleased by the applicant. The displeasure of Mr.T.K. Majumdar can be seen that on 26.7.1989 Shri T.K. Majumdar has directed the applicant to receive all the registered and ordinary 'Dak' pertaining to this division. On 26.7.1989 Shri T.K.Majumdar had issued an order against the applicant that why an appropriate disciplinary action may not be initiated against him for refusing to receive the registered letters brought by postman. A true copy of the aforesaid orders are annexed herewith as ANNEXURE NOS. 6 & 7 respectively.

(15) That the applicant on 26.7.1989 gave the explanation that under the rules, there is a despatcher at the administrative section, who, as per rules, has to receive all 'daks'. A copy of the explanation is annexed herewith as ANNEXURE NO.8.

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(16) That on 27.7.1989 Shri T.K.Majumdar passed an order that the applicant may be shifted from the administrative section to survey work section with immediate effect. A copy of the aforesaid order is annexed herewith as ANNEXURE NO.9.

(17) That another instance of mala fide on behalf of Shri T.K.Majumdar is clearly evident that on 12.2.1990 he called for an explanation as why the applicant paid the item bills as they were for record measurement only. A copy of the aforesaid explanation letter is annexed herewith as ANNEXURE NO. 10.

(18) That the applicant submitted his explanation to Shri T.K.Majumdar and explained that as there was no written instruction on the observation sheets as not to pay the item bills besides that the applicant suggested that amount paid in the first R.A.bill shall be recorded in the second R.A.bill. A copy of the aforesaid explanation is annexed herewith as ANNEXURE NO.11.

(19) That when second R.A.bill of the aforesaid explanation came before the applicant, the applicant put the earlier objection on the second R.A.bill as it was raised by Shri T.K.Majumdar in his earlier order. It is pertinent to mention here that Shri T.K.Majumdar passed the second R.A. bill without

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paying the item bills in the measurement book and for doing the same, he has seriously reprimanded the applicant and threatened him for taking a disciplinary action against him. This act of Shri T.K.Majumdar clearly suggests that he bore malice and ill will against the applicant and on recommendation of Shri T.K.Majumdar, the applicant was butchered and was transferred to Bareilly. A true copy of the order passed by Shri T.K.Majumdar on second R.A.bill is annexed herewith as ANNEXURE NO.12.

(20) That as per the report of the Executive Engineer (Civil), Construction Wing, Bareilly, no post is vacant there. Besides that 7 posts are lying vacant in Clerk Grade II at Civil Construction Wing, All India Radio, electrical division, Lucknow and there are other posts also vacant at the office of Station Director, All India Radio, Lucknow and also some posts of Clerk Grade II are lying vacant at the office of Executive Engineer (Civil), CC Wing, All India Radio, Lucknow and the applicant may be accommodated at Lucknow at any of these posts. That the order of transfer is not passed in public interest but is passed to wreck vengeance from the applicant.

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Approved

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(VI) On the basis of the facts mentioned above, the order of applicant's transfer to Construction Wing, All India Radio, Bareilly is being challenged on the following grounds:-

(A) Because the order of transfer is violative of Article 14 of the Constitution of India.

(B) Because the order of transfer is against the principles of equity and natural justice.

(C) Because the transfer order is not passed in public interest but is based on mala fides.

(D) Because there is no cogent explanation from the duration of transfer guidelines laid down by the government.

(E) Because the order of transfer is passed on the colourful exercise of powers of Shri T.K. Majumdar.

(F) Because the transferring authority has ignored the well established government order that the husband wife team should not be disturbed and they have to be posted at same place.

(G) Because the seniors in Class (Clerk) Grade II are still working but the applicant, who is junior, is being transferred.

T.C.

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(H) Because several posts are lying vacant in the All India Radio Wing of Lucknow and the applicant can be accommodated on any of these posts.

(I) Because the transfer will uproot the family of the applicant.

(VII) RELIEF SOUGHT

In view of the facts mentioned above, the applicant prays for the following reliefs:-

(a) That the Hon'ble Tribunal may kindly be pleased to quash the order of transfer contained in Annexure No.1.

(b) That it is further requested that the Hon'ble Tribunal may direct the opposite parties as not to take charge from the applicant.

(c) That to give any other relief which this Hon'ble Tribunal may deem fit and proper.

(d) That to allow the application with costs in favour of the applicant.

(VIII) INTERIM RELIEF IF PRAYED FOR

The interim relief is sought for, that this Hon'ble Court/Tribunal may be pleased to stay the operation of impugned order of transfer till the pendency of this application. ~

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(IX) DETAILS OF REMEDIES EXHAUSTED:

The applicant declares that he has availed all the remedies available to him under the relevant service rules etc.

(X) MATTER NOT PENDING WITH ANY OTHER COURT ETC.

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

(XI) PARTICULARS OF POSTAL ORDER IN RESPECT OF THE APPLICATION FEE

- (1) Number of Indian Postal Orders 8, 02 423879
- (2) Name of the Issuing post office .. G. P.O. Lucknow
- (3) Date of issue of postal order .. 16.6.90
- (4) Post Office at which payable ..

(XII) LIST OF INDEX

Annexed to this application.

(XIII) LIST OF ENCLOSURES

Annexed to this application.

VERIFICATION

I, Govind Parwani, son of Late L.C. Parwani, working as Clerk Grade II, in the office of the Executive Engineer, (Civil), Construction Wing, All India Radio, Lucknow do hereby verify that

T.C.  
Do

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the contents of paragraph Nos. I to XIII of this application are true to my own knowledge and belief and that I have not suppressed any material facts.

LUCKNOW

DATED 12.6.90

*Provised*

SIGNATURE OF APPLICANT ✓

J.C.  
*Do*

Goleind, Parwani  
N.O.S. 4/11

CA No

of 1990

Petition  
off to

Amr. No. 1

NO. 5(15)/90-S. II  
GOVERNMENT OF INDIA  
DIRECTORATE GENERAL, ALL INDIA RADIO

New Delhi, dated the  
14th March, 1990

ORDER NO. 38/90/S-II

The following transfers in the cadre of Clerk Grade-II/Accountant  
in the Uttar Pradesh Zone are ordered in public interest:-

S.No.	Name and Designation	Present Posting	Transferred to
1.	Shri K.T. Thakur, Accountant	All India Radio, Kanpur.	Doordarshan Anu- rakshan Kendra, Faizabad.
2.	Shri Govind Parwani, Clerk Grade-II	C.C. Wing, All India Radio, Lucknow.	C.C. Wing, All India Radio, Bareilly.
3.	Shri A.K. Lal, Accountant.	Doordarshan Anu- rakshan Kendra, Faizabad.	All India Radio, Kanpur.

(I.S. PANDHI)  
DY. DIRECTOR OF ADMINISTRATION  
FOR DIRECTOR GENERAL

Copy forwarded for information and necessary action to:-

1. The Asstt. Station Director, Commercial Broadcasting Service, AIR, Kanpur.
2. The Station Engineer, Doordarshan Anurakshan Kendra, Faizabad.
3. The Superintending Engineer, C.C. Wing, All India Radio, Lucknow.
4. The Executive Engineer, C.C. Wing, All India Radio, Bareilly.
5. The Station Director, All India Radio, Lucknow. Separate transfer proposals in respect of different categories of posts may please be sent in future.
6. The Directorate General, Doordarshan, Manli House, New Delhi.
7. Order Folder ( 3 copies ).
8. Spare copies - 10.

(I.S. PANDHI)  
DY. DIRECTOR OF ADMINISTRATION  
FOR DIRECTOR GENERAL

\* d. Parwani  
v/s  
G.P. & others

ANNEXURE No. 4

A.S.  
✓

No. 8(15)/90-S.II  
GOVERNMENT OF INDIA  
DIRECTORATE GENERAL ALL INDIA RADIO

New Delhi, dated  
the 31st May, 1990

**MEMORANDUM**

**Subject:** Representation of Shri Govind Parwani, Clerk Grade-II, Civil Construction Wing, All India Radio, Lucknow, for the cancellation of transfer order.

Reference Executive Engineer, CC, All India Radio, Lucknow's letter No. Lko-1(5)/CC/90-91/24, dated 4.4.90 on the above subject.

2. The representation of Shri Govind Parwani, C.C.-II, for the cancellation of transfer order, has been considered, but it is regretted, it has not been found possible to accede to the same.

3. The attention of Executive Engineer, C.C. Wing, A.I.R., Lucknow is invited to this Directorate's Memorandum No. 5(93)/89 (copies enclosed for ready reference). It is requested to examine the matter in the light of instructions contained in the above mentioned memorandum dated 27.11.89 and 1.12.89 and Shri Parwani may be relieved without further delay, under intimation to this Dto. This may be treated as Immediate.

Incl. As above.

scf

( R.M. DASS )  
DIRECTOR ( A&F )  
FOR DIRECTOR GENERAL

The Executive Engineer,  
Civil Construction Wing,  
All India Radio,  
2, Rand Lahribai Marg,  
LUCKNOW.

Copy to:-

1. The Station Director, All India Radio, Lucknow.
2. The Executive Engineer (Civil), Civil Construction Wing, Bareilly.
- ✓ 3. Shri Govind Parwani, Clerk Grade-II, Civil Construction Wing, All India Radio, Lucknow.

( R.M. DASS )  
DIRECTOR ( A&F )  
FOR DIRECTOR GENERAL

T.C.  
Oor  
Govind

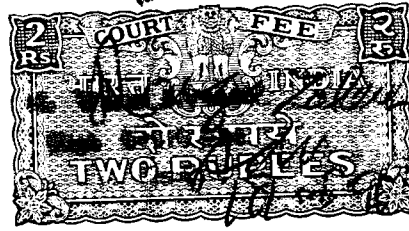
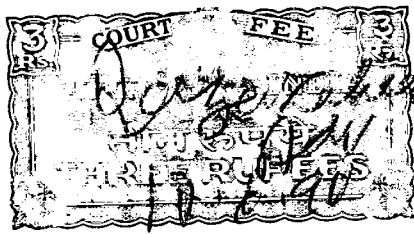
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Circuit Bench Lucknow

वअदालत श्रीमान

महोदय

वादी  
मुद्दई



नामा

Ground Parwan

Applicant

Union of India & an Others बनाम प्रतिवादी (रेस्पान्डेन्ट)  
O.A. नं० मुद्दमा — सन 1990 पेशी की ता० १९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

ANAND MOHAN,

वकील

एडवोकेट महोदय

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

नाम अदालत  
नं० मुकद्दमा  
नाम फरीकन

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

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P-7

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH, ALLAHABAD,

CIRCHILL BENCH, LUCKNOW

...

O.S. No. 199 OF 1990 (L)

GOVIND PARIWARI

...

APPLICANT

VERSUS

UNION OF INDIA & OTHERS

...

RESPONDENTS

COMPILATION

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LUCKNOW

DATED :

*Rajendra Lal*

COUNSEL FOR THE APPLICANT

Before the Central Administrative Tribunal Circuit Bench Lucknow  
Govind Parwani  
U.O. No. 10.9.1/5 & etc  
CA No of 1990  
Pension  
off day  
Annexure No. 2

The Director General,  
All India Radio,  
Akashvani Bhavan,  
Parliament Street,  
New Delhi.

(THROUGH PROPER CHANNEL)

Subject : Representation against transfer in the  
same capacity from C.C.W., A.I.R., Lucknow  
to C.C.W., A.I.R., Bareilly.

Sir,

Most humbly I would like to draw your kind attention  
towards Directorate's order no. 5(15)/90-S.II (38/90/S-II)  
dated 14.03.1990 transferring me in the same capacity from  
C.C.W., A.I.R., Lucknow to C.C.W., A.I.R., Bareilly.  
In this connection, I beg to explain the following  
circumstances :

1. That my wife Smt. Veena Parwani is posted as clerk grade-I at A.I.R., Lucknow. In case where both husband and wife are employed, it is general policy to post them at the same station. As such in right spirit of Government's order, it is not proper to post me out side Lucknow.
2. That I am a low paid staff in the cadre of clerk grade-II. There is no instruction that in normal case low paid staff like me is disturbed by way of transfer.
3. That there are many other C.G-I/C.G.-II senior to me and having more stay at Lucknow, so there is not justification to disturb me without turn & reason.
4. That my father who had served this department for long and retired from the post of Senior Administrative Officer, is now dead. In this circumstances responsibility for looking after my old mother, rests on me. As such my transfer out side Lucknow will be a curse for my family.
5. That if I am transferred out side Lucknow, I will have to maintain double establishment, unavoidably, which would be out of my reach due to being low paid.
6. That I have two small school going children. For their proper look after my accompaniment to them is essential. As such there is no cause to create adverse circumstance for the future of my children.
7. That there are 7(seven) posts of Clerk Grade-II lying vacant at C.C.W., A.I.R., Electrical Division Lucknow. That office is in the urgent need of staff in this cadre. As such if for any reason change of office is required in my case, I may be posted at C.C.W., A.I.R., Electrical Division Lucknow without causing any hardship to me and my family.

Under above circumstances I would request your highness to look into the matter sympathetically and cancel/amen transfer orders under reference suitably so that I may not be disturbed from Lucknow.

I shall remain always obliged for your mererful consideration.

Yours faithfully,

Dated : 28.03.1990

(Govind Parwani)  
Clerk Grade-II

Before the Central Administrative Tribunal Circuit Bench Lucknow  
OA No of 1990 - - Petition  
Govind Parwani - - off duty  
No. 1. & etc. File No. 3  
A-7  
3

Government of India  
Office of Executive Engineer: Civil Construction Wing  
All India Radio : ~~Lucknow~~  
E-60 Udai Pur Khas  
Rajendra Nagar,  
Bareilly (U.P.)

No. Bly-1(4)/S-90/400

Dated 27-3-90

The Director General,  
By name Shri I.S. Pandhi, D.D.A.)  
All India Radio,  
Akashvani Bhawan,  
NEW DELHI-I

Sub:- Transfer of Shri Govind Parwani, CGII  
from CCW AIR, Lucknow to Bareilly.

Sir,

With reference to your Transfer order No. 5(15)/90-S-II dated 14-2-90 regarding the transfer in respect of Shri Govind Parwani, CGII from CCW, AIR Lucknow to CCW AIR, Bareilly. In this connection it is intimated that this office had already sent a requisition to regional Director Staff Selection Commission, Allahabad vide letter No. Bly 1(4)/E-89/289-290 dated 8-11-89 and we received nomination papers of 3 Nos. general candidates and two have been joined on 23-3-90 and one is likely to join very shortly according to roster of this office is for S/C candidates from which nominations are expected from Staff Selection Commission, Allahabad. The S/C candidate are at point 2 and a appointment letter for position 1, 3, 4 and 5 have already issued and Two of them already joined their ~~all~~ duties.

Since we are in position to get nomination from S.S.C. very shortly and Roster position at No. 2 falls under Scheduled Cast category hence transfer order of Shri Govind Parwani may kindly be modify and he may be adjusted some where else. An immediate action is requested.

Yours faithfully,  
Sd/-

(OM PRAKASH)  
Executive Engineer (Civil)

Copy to :-

1. S.D. AIR, Lucknow for information and necessary action.
2. The Executive Engineer (C), CCW, AIR Lucknow with request that Shri Govind Parwani, CGII may not be relieved till confirmation from DG, AIR ? New Delhi.

Sd/-

(Executive Engineer) (Civil)  
CIVIL CONSTRUCTION WING  
ALL INDIA RADIO : BAREILLY

True copy  
Done  
Govind

Before the Central Administrative Tribunal Circuit Bench Lucknow

DA No

of 1990

-- Petition  
-- off day

Gobind Parwani

N.O.S. & etc

June 10 - 5

A 7  
u

Government of India  
Office of Executive Engineer: Civil Construction Wing,  
All India Radio : L U C K N O W

No.LKO-1(5)/CCW/90-91-S/301

Dated 8th June, 90

/ M E M O R A N D U M /

In compliance of Directorate's order No.5(15)/90-SII dated 31-5-90. Shri Govind Parwani, Clerk-Grade-II is hereby stands relieved and struck off from the strength of this Division with effect from 11-6-90 (after noon). He is directed to report for duty to the Executive Engineer(Civil Civil Construction Wing, All India Radio, Bareilly.

He should return Lib.Books, Identity card, C.G.H.S. cards etc.. He is also directed to handover all official document viz. Measurement Books, T.A. Bills etc. immediately to Shri Adhar Charan, Clerk-Grade-II.

( OM PRAKASH ) 8/6  
EXECUTIVE ENGINEER(CIVIL)

Shri Govind Parwani,  
Clerk-Grade-II  
Civil Construction Wing,  
All India Radio,  
Lucknow.

Done by  
Govind

Before the Central Administrative Tribunal Circuit Bench Lucknow

CA No

of 1990

-- Petition  
-- off day

Govind Parwani

W.O.P. & etc

Annexure 6

A-7  
S

Government Of India  
Office of the Executive Engineer(Civil)  
Civil Construction Wing,  
All India Radio,

Confidential

No. Lko.EE(C)/CCW/AIR/89. / 200

9, Rani Laxmibai  
Marg, Lucknow.  
Date: 26 July, 89.

MEMORANDUM

Shri Govind Parwani, Clerk Grade II, Civil  
Construction Wing, All India Radio, Lucknow is  
hereby directed to receive all the Regd. Dak  
pertaining to this Division.

*For*  
*Govind*  
Sri Govind Parwani,  
Clerk Grade-II,  
CCW, All India Radio,  
Lucknow.

*1. 15-7/89*  
( T.K. Mazumdar )  
Executive Engineer (C)



Before the Central Administrative Tribunal Circuit Bench Lucknow

CA No

of 1990

-- Petition:  
-- off. pay

Govind Parwani

W.O.B. <sup>v/s</sup> & others

August 1990 8

21/8

To,

The Executive Engineer (Civil),  
Civil Construction Wing,  
All India Radio,  
Lucknow.

Sir,

Kindly refer to your memo no. LKO.EE(C)/CCW/AIR/89/362  
Dated : 26th July, 1989 wherein you have levelled charges  
of not receiving the dak ordinary and registered which are  
addressed in the name of Executive Engineer (Civil), C.C.W.,  
A.I.R., Lucknow. Regarding this the undersigned wants to  
communicate to you that I have always stood up for the  
procedural work that are under rules and any demand that  
are not binded by the rules and regulations are difficult  
to follow in the Government work. Under mentioned fact will  
reveal the truth.

\* This office, presently having two despatch one at  
Accounts Section and one at Administration Section  
However later is supposed as per rules to look after  
the entire diary and de-spach work of the division \*

Therefore the diary of the Accounts section should be  
handled by the Accounts Section itself.

Yours faithfully,

*Govind*

(Govind Parwani)  
Clerk Grade - II, C.C.W.,  
A.I.R., Lucknow.

Dated : 26.07.1989.

*One copy*

*Govind*

*Govind*

Before the Central Administrative Tribunal Circuit Bench Lucknow  
OA No of 1990 -- Peshaw  
Gobind Parwani -- off day  
N.O. J. & etc  
A  
Date No 9  
9-7/89

GOVERNMENT OF INDIA  
OFFICE OF THE EXECUTIVE ENGINEER (CIVIL)  
CIVIL CONSTRUCTION WING: ALL INDIA RADIO  
LUCKNOW.

No. Lko23(3)/CCW/AIR/89/G/2084

9, Rani Laxmibai  
Marg, Lucknow.

Dated: 27.7.89.

29

OFFICE ORDER

Sri Govind Parwani, Clerk Grade-II, Civil Construction Wing, All India Radio, Lucknow is hereby shifted from Administration Section, ~~Lucknow~~ C.S.D. Section with immediate effect.

He is directed to hand over the charge to Sri Prindan Ghosh, Casual Typist.

True copy  
Doro

✓ Sri Govind Parwani,  
Clerk Grade-II,  
CCW, AIR, Lucknow.

Ground

27/7/89

( T.K. Mazumdar )  
Executive Engineer (C)

Before the Central Administrative Tribunal Circuit Bench Lucknow

OA No

of 1990

Gobind Parwani

U.O. No. 10

-- Petition  
-- off day

Annexure No. 10

By hand  
CONFIDENTIAL

A-7  
9

GOVERNMENT OF INDIA  
OFFICE OF THE EXECUTIVE ENGINEER(C)  
CIVIL CONSTRUCTION WING: ALL INDIA RADIO  
9-RANI LAXMIBAI MARG: LUCKNOW.

No.Lko.EE(C)/CCW/AIR/89-90/454/462 Date: 12.2.90.

Shri Govind Parwani,  
Clerk Grade-II,  
O/O Executive Engineer(C),  
Civil Construction Wing,  
All India Radio,  
Lucknow.

Sub: Construction of Non-local Radio  
Station at Pauri.

Some dismantling items were measured for payment of the above mentioned work for which the undersigned instructed you not to pay the items bills as they were for record measurement only. It was communicated both verbally and in writing that the measurements recorded are for record measurement only and not to be paid. Please explain why action should not be taken against you for violation of instructions issued by the superior officer.

Your reply should reach this office within three days from date.

2/2/90  
(T.K. MAJUMDAR)  
Executive Engineer(C)

J.C.

Govind

Before the Central Administrative Tribunal Circuit Bench Lucknow

CA No

of 1990

Govind Parwani  
v/s  
M.O.F. & etc

-- Petition  
-- of p. 24

Annex No 1

17/10

CONFIDENTIAL  
BY HAND

To,

The Executive Engineer (Civil),  
Civil Construction Wing,  
All India Radio,  
Lucknow.

Sir,

With reference to your letter no. LKO/EE(C)/CCW/AIR/89-90/454-461 dated 12.2.90 it is to state that the payment for dismantling of material for the work of Construction of Non Local Radio Station, Pauri has been paid on oversight as the instruction for non payment was not recorded in the observation sheets. It was fact that your goodself was instructed to me for non payment in verbal since long back at the time of submission of bill by the A.E. concerned which was kept in pending for want of some clarifications from A.E. concerned so the same has been missed however the amount paid in 1st R.A. bill in account of dismantling of material shall be recorded in 2nd R.A. bill as desired by your goodself. It is regretted that such type of mistake will not be arising in future.

Yours faithfully,

Govind Parwani  
(Govind parwani)  
Clerk Grade-II

True copy

Dr

Govind

Before the Central Administrative Tribunal Circuit Bench Lucknow  
of 1990

Goleind Parwani

OA No

of 1990

-- Peshaw  
-- off tape

M. O. S. & etc

Ann no 12

under the rule for the purpose of

Construction of Non Local Radio Station with a few long  
Structures & 4 Nos. Staff Quarters for A2R at ~~Station~~ in  
favour of Shri Roop Kumar, Contractor submitted for  
necessary observations.

AE (Cm)  
Please submit  
now

1. The Secretary Note has not been submitted by the  
AE (C), Pawan along with the Bill.

~~2. Pawan~~

2. As you are well aware that the cost of  
dismantling has been paid in the 1st R.A. Bill  
which was not to be paid.

As discussed with your good self that the  
amount which has already been paid are now  
to be recovered from the 1st R.A. Bill. The  
reason for which not to be paid are to be  
recovered in the MB. may kindly be  
intimated so that the same amount can  
be recovered.

AE (Pawan)

3. Material recovery statement has not been submitted  
by the AECC along with the bill.

Submitted please.

JAO

Action may be  
taken as per rule  
JAO

30/3/90

For long

4. Laloua reports are wanting

EECC

5. Clear cut orders in MB. for not

allowing dismantling charges may please  
be given if you so desire. Orders of

competent authority have not been  
recorded for disallowing these charges in

the MB. regarding previous bill, so that  
the same may be adjusted in this bill.

Submitted for order 30/3/90

Due to non-availability  
of record, it is not  
known whether  
the bills belong to AE  
or not. Survey report  
was also not submitted  
before dismantling.  
Now, since it is  
seen from record  
in MB. that the  
bills were also purchased  
along with land at  
Pawan, dismantling  
charges may be paid  
now.

30/3/90  
JAO

in Pawan

24-2

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

OF CIVIL SERVICE, LUCKNOW

No. 100 of 1920(L)

Govind Parvati

... Applicant

—vs—

Union of India and others

... parties/Respondents

APPLICANT'S REQUEST FOR STAY ORDER.

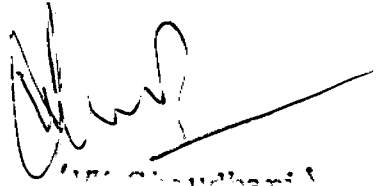
The Respondents above named most respectfully submit as under:—

That the facts, reasons and circumstances stated in the accompanying affidavit, the stay granted by this Hon'ble Tribunal in the aforesaid case may kindly be vacated in the name of justice.

Respectfully,

It is therefore most humbly prayed that this Hon'ble Tribunal may be pleased to vacate the stay granted by this Hon'ble Tribunal in the interest of justice.

2

  
Mr. Chaudhary  
Joint Standing Counsel for Central Govt.  
(Counsel for the Respondents)

Lucknow,

Dated: 23.7.1920.

A-8  
✓

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

C.A. No.199 of 90(L)

Govind Parwani ... Applicant

-vs-

Union of India and others .. Opp. Parties/Respondents

COUNTER AFFIDAVIT ON BEHALF OF OPP. PARTIES

I, Om Prakash, aged about 35½ years  
son of Shri Kashi Prasad Lal  
at present posted as Executive Engineer (Civil)  
in the office of the Executive Engineer (Civil  
Construction Wing, All India Radio, Lucknow  
do hereby solemnly affirm and state as under:-

*Om Prakash*  
21/7

1. That the deponent is posted as Executive Engineer (Civil) and posted in the office of the Respondent no.3 and has been authorised to file this affidavit on behalf of all the Respondents.
  2. That the deponent is well acquainted with the facts of the case deposed herein under in reply thereof.
  3. That the deponent has read and understood the contents of the case filed by the applicant.
- [Signature]*

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3

-2-

4. That the contents of para 1 to 2 are formal and as such need no comments.

5. That in reply to the contents of para 3 of the application it is submitted that the appointing authority as mentioned in the petition are admitted to the extent that the S.D. AIR Lucknow is in direct control of Director General, AIR, New Delhi whereas an Executive Engineer, Civil Construction Wing AIR falls under the control of Chief Engineer ~~(CIVIL)~~ ~~(Construction)~~ Civil Construction Wing New Delhi, who is also designated as Director General, Civil.

6. That the contents of para 4 of the application need no comments.

7. That in reply to the contents of para 5 of the application it is submitted that the representation of the applicant was forwarded to Director General AIR, New Delhi and same was rejected and the office of the deponent was directed to relieve him immediately.

8. That the contents of para <sup>8.7</sup>6 of the application need no comments.

9. That in reply to the contents of para 8 of the application it is submitted that there is only one such case and that too has already promoted and posted as Clerk Gr.I at Barsilly and official has also given his acceptance.

A-9  
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10. That the contents of para 9 and 10 of the application need no comments.

11. That in reply to the contents of para 11 of the application it is submitted that the Executive Engineer(C) C&I, A.P., Bareilly vide his letter No.

PLX-IB/570 dated 27.3.90 asked the Directorate General AIR New Delhi for modification of transfer of the applicant fix as the vacancies of C.S.II were almost filled or to be filled a very short time. The copy of the same was also endorsed to the office of the dependent, requesting, not to relieve the applicant till the confirmation from Directorate General is received. As Director General A.P., New Delhi vide his letter dated 31.5.90 directed for immediate relieving of the applicant. The compliance of the same was immediately done as order of the superior authorities cannot be overruled. Moreover as the Executive Engineer(Civil) Bareilly who is now on double charge of Lucknow & Bareilly divisions, keeping in view, all the circumstances relieved the applicant immediately as per the orders of the higher authorities. It is also pertinent to mention that the authority who relieved the applicant is also an authority of letting him to join at Bareilly.

717

6/7

-4-

12. That the contents of para 12 of the application are not disputed.

13. That in reply to the contents of para 13 of the application it is submitted that the relieving order was handed over him on 8.6.90 and not on 12.6.90 as alleged by the applicant, and the same was received by him willfully undated. He requested E.E.(C) that he may be relieved on 11 Jun 1990 so that he can hand over the complete charge. Keeping his request in view, he was relieved with effect from 11.6.90. On 8.6.90 itself as E.E.(C) was to go to Bareilly. Moreover he has also refused to hand over the charge to the official intentionally.

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

15. That in reply to the contents of para 15 of the application it is submitted that the Executive Engineer (Construction) has the discretion of assigning any work to the applicant as subordinate. Moreover if he feels that the section meant for receiving dak is not functioning satisfactorily he can divide the work between two or more persons. This is entirely the administrative matter and the applicant has nothing to do with it.

6/6

16. That in reply to the contents of para 16 of the application it is submitted that the transfer was made under administrative reasons. Otherwise also his tenure in the station was exp<sup>d</sup> completed.

17. That in reply to the contents of para 17 of the application it is submitted that the ~~syn~~<sup>exph</sup> explanation in question was sought as as the E.E.(C) felt that the applicant has overlooked the orders for not paying the items bills as they were for record measurement. The applicant's contention for having malefide intentions against him holds no ground as the EE(C) has full discretion of making/withholding the payments at any time if he feel it will be in the interest of department.

18. That in reply to the contents of para 18 of the application it is submitted that he has already accepted his mistakes and has formally regretted for the same vide his letter annexed to this application as Annexure.1'.

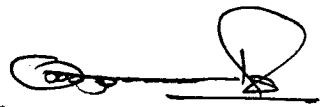
19. That in reply to the contents of para 19 of the application it is submitted that the transfer of the applicant was made after taking into consideration of his entire service record which reveals the fact that his behaviour and way of functioning has

and his movement arouse severe suspicion and he has already faced series of enquiries set up for these purposes. His name has also come forth in connection with the leakage of official secrets in a number of time, but somehow he escaped for want of evidence. But in his petition he has put on a photocopy of the office record at serial no.12 which is supposed to be the official record and cannot be taken out without the prior permission of an appropriate authority.

20. That in reply to the contents of para 20 of the application it is submitted that the deponent has no objection if the applicant can be posted out anywhere in Lucknow except the office of the answering Respondent no.3.

21. That the reliefs sought by the applicant are not tenable in the eyes of law.

22. That in view of the facts and circumstances stated above, the application filed by the applicant is liable to be dismissed with cost against the applicant.

  
Deponent


Lucknow,

Dated: 07 July 1990.

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9

Verification.

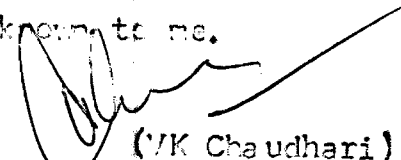
I, the above named deponent do hereby verify that the contents of paras 1 to 3 are true to my personal knowledge and those of paragraphs 3 to 20 of the affidavit are believed to be true on the basis of information gathered as well as the records and those of paragraphs 21 & 22 are are based on legal advice. Nothing material fact has been concealed and no part of it is false.

  
Deponent.

Lucknow,


Dated: 07 July 1990.

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

  
(VK Chaudhari)  
Addl Standing Counsel for Central Govt  
(Counsel for Opp. parties)

Lucknow,

Dated: 7 July 1990.

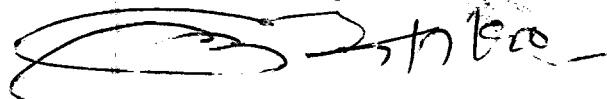
  
Solemnly affirmed before me on 7/7/90  
at Lucknow on at 2-41 am by the deponent

Shri



identified by Shri VK Chaudhari, Advocate, High Court,  
Lucknow Bench, Lucknow.

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

  
Oath Commissioner.

ब अदालत श्रीमान

[वादी अपीलान्ट]

प्रतिवादी [रेस्पाडेन्ट]

In the Honble C.A.T. Circuit Bench, Lucknow

महोदय

वकालतनामा

O.A No. 199 of 1990 (L)

CX

टिकट

Gourind Kumar

बनाम

प्रतिवादी (रेस्पाडेन्ट)

नं० मुकद्दमा

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री दी देवी प्रसाद, अरुण

मानविकता नारायण, 14/6/29

वकील

व Benay Khan, 14/6/29 महोदय

HC Chamber No 14, 14/6/29 एडवोकेट

234986 40907

नाम अदालत

मुकद्दमा नं०

नाम फरीकन

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया लसूब करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रुपया जमा करे या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होना मैं यह भी स्वीकार करता हूं कि 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 ।

हस्ताक्षर 29/6/10

साक्षी (गवाह) साक्षी (गवाह)

दिनांक 24 महीना 7 सन १६ ई०

स्वीकृत

24/6/10

CIV  
OLC

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

O.A. NO.199 of 1990 (L)

Gowind Parwani

.....

Applicant.

Versus

Union of India & Others

.....

Respondents.

25.6.1990

Hon'ble Mr. Justice K. Nath, V.C.

Hon'ble Mr. K. Ojayya, A.M.

Admit. Dr. Dinesh Chandra makes appearance on behalf of respondents 1 and 2 and accepts notice on their behalf. Copies of the notices meant for respondents 1 & 2 may be delivered to him. Respondents No.3 has been impleaded on the ground of notice. He has already been transferred to Delhi, as stated by the counsel for the petitioner. We do not consider it necessary for the time being to issue notice to him.

Respondents 1 & 2 may file counter within 2 weeks to which the petitioner may file rejoinder within one week thereafter. The respondents will also indicate whether the transfer of the petitioner was recommended by respondent No.3 as stated in para 19 of the application.

In the matter of interim relief respondents 1 & 2 may file reply if any within 2 weeks. Till then the petitioner shall not be relieved from the post of Clerk Gr. II, Ex-Engineer Civil Construction Wing, All India Radio. List for orders on 9.7.1990. Copy of the order may be given to the counsel for the petitioner.

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Sd/-

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A.M.

Sd/-

V.C.

// True Copy //

Deputy Registrar

Central Administrative Tribunal

Lucknow Bench,

Lucknow

Received  
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