

RECEIVED, DISTRICT JUDGE, DISTRICT JUDGE, DISTRICT JUDGE, DISTRICT JUDGE
27/6/96

C. No. 209 for Deputy Registrar (J)

M. C. Mitra - - - - - Petitioner

Versus

Union of India & others - - - - - Respondents

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On v.c.
Permitted
3.30
Filed today
27/6/96
11

For use in Tribunal's office

Date of filing
or
Date of receipt by post

Registration No

C. V. Arora
Advocate

Signature of the Applicant
(M. C. Mitra)

For Registrar

Annexure - A
CAT- 82

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

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Versus

State of U.P. vs. Indira

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(1/1/1982)
5/1/82

H7
2

Application to be Examined

Endorsement as to result of examination

11. * Are the application/duplicate copy/signed? Yes
12. Are extra copies of the application with examination filed? No
 - a) Identical with the Original?
 - b) Substantive?
 - c) Showing substantial merits?
 - d)?
13. Have the ... of ... bearing full ... of the ... ? Yes
14. Are the ... address the ... ? Yes
15. ... of the parties ... with ... the appli-
cation?
16. ... certified ... by an ... that they ... ? Yes
17. ... of the case ... of the ... ? Yes
18. ... ?
19. ... needs ?
20. ... respectively ?
21. ... space on one ... paper ?
22. ... for interim ... indicated with ... ? Yes
23. ... remedies have ... ? Yes

2011

209/90(4)

(A2/1)

Hon. Justice K. Nath, V.C.
Hon. Mr. K. Ojha, J.J.

See original order on main petition

Admit.

list for further order on 27.7.90.

A.M.

V.C.

SB

D. D. Chandra takes
notice on behalf of
O.Ps.

27-7-90 Hon. Mr Justice K. Nath, V.C.
Hon. Mr. K. Ojha, J.J.

Neither power
nor any reply filed

S. F. O.

h
25/7/90

This is an application
by the applicant Shri R. C.
Batra, identified by Shri
R. C. Sharma, advocate for
dismissing the petition
as not pressed. Shri
K. C. Sinha is present
for the respondents. The
original application is
dismissed as not pressed.

A

A.M.

V.C.

(2)

4. History of the case. (i) That the petitioner was appointed as a Clerk in the Defence Accounts Deptt. Lucknow in the year 1966. He was promoted as Auditor in Apr 79 and as Sr Auditor in the year 1987. He was transferred to Lucknow under the administrative command of CP No 3 wef 5 Jul 1988 at GAI Lucknow and after serving locally under UA 780 Lucknow, he is at present posted at LIO (115) Lucknow, both these units being under the Command of respondent no 2.

(ii) That the petitioner was appointed as Joint Secretary of All India Defence Accounts Association, (C.F. Pune) at its C.D. Lucknow Branch, which is a recognised Association, and a letter to this effect was also sent by Association's Secy Gen. to the Corp No 3. A copy of this letter is Ann '1' to this petition.

(iii) That as the respondent no 3 dislikes legally permissible activities of the union, and wants to run the administration in an arbitrary way, he started harrassing the petitioner and other office bearers of the Association.

(iv) That on 7.5.90, Sri M.S. Varghese, the Secy Gen. of the above Association visited Lucknow and a gate meeting was organised in the Compound of CP No 3, and a written request was made to CP No 3 to grant permission to hold the meeting during lunch hours. No official reply or any notice regarding its reply was given to the staff or to the Association.

(v) That the petitioner incident was ill and could not attend the office as well as the meeting. An application for grant of leave was sent to LIO (115) Lucknow.

Pink

3

under whose in strict control, the petitioner is posted.

(vi) That on 10.5.90, the petitioner was served a confidential office memo No AN/1/1020D/Misc/Tho dated 10.5.90, alleging that as he had participated in gate meeting of 7.5.90, where some slogans were raised and the car of resp. no 3 was tried to be stopped, and some officers were provoked, he should file his reply to the allegations within three days. A copy of this letter is annexed as Ann '12' to this application.

(vii) That as the petitioner did not attend the gate meeting of 7.5.90 due to illness, he filed his reply which is Ann '13' to this application.

(viii) That it may be submitted that the same memo was issued to all the office bearers of the Association.

(ix) That even though, the very fact of attending the meeting was denied, and in spite of the fact that the petitioner had applied for casual leave, the CP No 3, without holding any enquiry and without ascertaining the facts, ordered vide DC Fort M no 446 dated 6.6.90, that 7.5.90 be treated as Abs-lon, constituting break in service of the petitioner, as the explanation in the opinion of resp no 3, was not satisfactory. A copy of this order which is one of the three impugned orders is being filed as Ann '14' to this application.

(x) That on 21.5.90, the petitioner was served with another office memo No AN/1/1020D/Misc/Tho dated 21.5.90 alleging that the petitioner has, along with other employees tried to garoo CP No 3 after office hours (at about 5.50 pm) and also went to his residence and raised slogans. A copy of this letter is Ann '15' to this application.

Rah

(4)

(xi) That the petitioner vide his reply dated 10.5.90, totally denied the allegations. He even expressed his disapproval for such acts, and offered to tender apology in case there was any misunderstanding about him. A copy of this reply is Ann 3 to this application.

(xii) That it may be submitted that the allegations referred to in memo dated P1.6.90, pertained to alleged activities of demonstration after office hours, the office hours being from 9.30 am to 5 pm.

(xiii) That again without giving any opportunity and acting arbitrarily and against natural justice, the Resp. no 3 vide his order Part II No 460 dated 14.6.90 that 15.5.90, (the day referred in office memo of 21.5.90) be treated as Dies-non constituting break in service. A copy of this order which is impugned, is Ann '7' to this appln.

(xiv) That as a sequel to all this, and in order to further punish the petitioner, the respondent no 3 has malefidey transferred the petitioner from the present unit i.e. RAO (IES) Lucknow which he has joined only in Apr 90. The transfer of petitioner from Lucknow to Allahabad has been ordered vide CDA Lucknow no AY/1/1004/ Lko dated 5.6.90, a copy of which is Ann '8' to this petition.

(xv) That as all the three orders were issued and signed by the AO (AI) CDA Lucknow, who is subordinate to respondent no 3, an appeal was filed before the respondent no 3 on 16.6.90, in his capacity as the appellate authority, but no action has been taken so far. A copy of the appeal submitted by the petitioner is Ann '9' to this application.

RML

5/6 5

(xvi) That the malafide of the CF No 3, in transferring the petitioner to Allahabad is evident from the fact that there are at least 6 persons of applicant's rank who have volunteered to be posted to Allahabad since last two years, namely Sri G.M.Dwivedi, Sri S.P.Singh, Sri P.D.Singh, Sri Chotoy Lal, Sri Yogesh Chatterjee, Sri Lachman Pandey, and Sri R.D.Mushrahe and also from the fact that there are about 250 Sr Auditors out of 300, who are senior in this station than the applicant.

(xvii) That it may be submitted that the petitioner belong to Meerut, and his only younger brother who used to look after his parents died last year and the petition had since then, been praying for transfer on compassionate ground to Meerut. But instead of extending help and instead of appreciating the difficulties of the applicant, the respondent no 3 has transferred the petitioner to Allahabad, neglecting his and other employees prayers to transfer them on compassionate grounds.

(xviii) That both the orders awarding Miss non and break in service are against natural justice and the transfer malafide and punitive and hence these orders are liable to be quashed by this Hon'ble Tribunal.

3. GROUNDS for relief with legal provisions. That this application is filed on the following legal grounds.

- (a) Because the orders awarding Miss non and break in service are arbitrary, malafide and against natural justice and are liable to be quashed.
- (2) Because the leave or gratuity is not awarded where there is leave applied, and in credit of the Govt servant, and also where ~~leave~~ is authorised absence without leave is not proved.

Amh

- (6)
- (1) Because where the charges are denied, it becomes imperative on the authority to order enquiry and to ascertain facts before awarding punishment.
- (2) Because no opportunity was given to the applicant before award of break in service for 7.5.90 and 15.5.90 and the orders are bad in law.
- (3) Because the transfer is mala-fide and is by way of punishment and is illegal.
- (4) Because the applicant is punished doubly by the impugned transfer order.
- (5) Because it is mandatory to hold enquiry before awarding major punishment and also where the punishment is minor but likely to affect pension amount under Rule 16 (1-A) of C.A. Rules. The break in service is a major punishment which affects the pension adversely.
- (6) Because it is mandatory under M. 17-A to give reasonable opportunity to the Govt servant, before awarding Discon and break in service and the applicant has been denied this opportunity.

6. Details of remedies availed : The applicant declares that he has preferred an appeal, filed as Ann 9 to the appellate authority. No action has been taken so far to redress the grievance of the applicant. As the appellate authority itself is the authority under whose orders the impugned orders have been issued, the applicant apprehends that he may not get justice.

7. Matters not previously filed or pending with any other Court : That the applicant further declares that he has not previously filed any application, writ petition or suit,

regarding the matter in respect of which this application has been made, before any other Court or authority or any other Bench of the Tribunal nor any such application ~~is~~, writ petition or suit is pending before any of them.

8. Reliefs sought : That in view of the facts mentioned in para 4 above the applicant most respectfully prays for the following reliefs.

- (a) That this Hon'ble Tribunal may be kind enough to quash the impugned orders of awarding break in service, Do Part III orders no 446 dated 6.6.90 and no 460 dated 16.6.90, and be further pleased to quashed transfer order no AM/1/1004/LTD dated 5.6.90, contained in Ann '4', Ann '7' and Ann '8' respectively, as these are arbitrary, mala fide and issued without affording reasonable opportunity to the applicant and are against the Rules framed.
- (b) Any other order this Hon'ble Tribunal deem just and fit in the circumstances of the case.

9. Interim order, if any prayed for : That the applicant most respectfully prays that during the pendency of this application, this Hon'ble Tribunal be pleased to direct the stay of ^{operation of} impugned orders as contained in Ann '4', Ann '7' and Ann '8'.

10. : That this application is being moved through the Counsel for the applicant.

11. Particulars of Bank Draft/Postal order :

Name of the issuing post office : *Dikhuwa, Lucknow*

Date of issue and no of postal order : No. *20* 825247 of 6 27-6-90

Post office at which payable. :

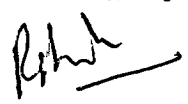
12. List of enclosures : That the following documents are enclosed with the application .

1. Ann '1' , list of office bearers of the association
2. Ann '2' office memo dated 02.10.5.90, No AN/1/1020D/disc/Lko
3. Ann '3' reply dated 16.5.90 to the above memo
4. Ann '4' DO Part II no 446 dated 6.6.90
5. Ann '5' office memo No AN/1/1020D/disc/Lko/ dated 21.5.90
6. Ann '6' reply to memo dated 21.5.90
7. Ann '7' DO Pt II no 460 dated 14.6.90
8. Ann '8' Transfer order dated 5.6.90, GDA No AN/1/1004/LTC
9. Ann '9' Appeal dated 16.6.90

VERIFICATION

I, R.C.Batra, s/o Sri H.L.Batra, ~~xxx~~ aged about 44 years, Working as Sr Auditor in the office of RAO (IES)Lucknow, r/o C-4/1 Vivek-vihar, Lucknow Cantt hereby verify that the contents of paras 1 to 12 of this application are true to my personal knowledge and that I ha-ve not suppressed any material fact.

Dated : 27-6-90
Lucknow


Signature of the
Applicant
(R C Batra)

To The Registrar,

In the District C.A.T. Mahabadi (26)
Court, Bant, Luvun

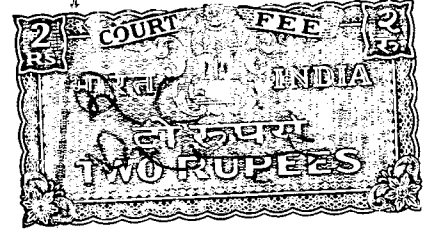
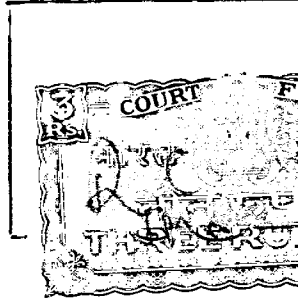
व अदालत श्रीमान्
वादी] अपीलान्त

महोदय

प्रतिवादी (रेस्पाण्डेंट)

श्री R.C. Bant

वकालतनामा



न० मुकदमा

सन्

पेशी की ता०

१९

ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

श्री R.C. Sharma, Advocate
वकील

24 Patel Nagar, Luvun

महोदय

एडवोकेट

नाम अदालत
मुकदमा नं०
नाम फरीक

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिग्री जारी करावे और रुपया वसूल करें या मुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकदमा उठावें या कोई रुपया जमा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें-वकील महोदय द्वारा की गयी वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपवे पैरोकार को भेजता रहूंगा अगर मुकदमा 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
(C.V. Sharma)
Advocate

साक्षी (गवाह)

27/6/90

साक्षी (गवाह)

हस्ताक्षर

(R.C. Bant)

दिनांक

महीना

सन् १९ ई०

स्वीकृत

Before the Hon C. A. T. Lucknow
Circuit Bench; Lucknow

OA No. ———— 90
RC Batra Vs Union of Indis & others

Ann^e 1^o

"UNION IS STRENGTH"

Tel. Off. 3035174
392418
Res. 391352

All India Defence Accounts Association (C.B. Pune)
[GROUP 'B' 'C' & 'D' EMPLOYEES]

HQr OFFICE

DAD RESIDENTIAL COMPLEX PINTO PARK, DELHI CANTT-110010

(Recognised by Govt. of India)

Affiliated to National Confederation of Central Govt. Employees & Workers. New Delhi

President

R. D. Tyagi

Secretary General

E. J. Varghese

No. AIDAA/HQr/ND/Approval/2

Date 6.3.90

Shri C. Lal IDAS
CDA
Lucknow

Sub : APPROVAL OF BRANCH ASSOCIATION
AT C.D.A. LUCKNOW.

Dear Sir,

I am directed to convey the approval of this Hqrs body to the Branch Association at CDA Lucknow consisting of :-

- | | |
|------------------|---------------------------|
| 1. Chairman | - Sh. N.C. Pandey. |
| 2. Vice-Chairman | - Sh. Pamjeet. |
| 3. Gen. Secy. | - Sh. K.D. Mishra. |
| 4. Joint Secy | - Sh. R.C. Batra. |
| 5. Org. Secy | - Sh. DR. Kohli |
| 6. Office Secy | - Sh. Rajendra Srivastva. |
| 7. Treasurer | - Sh. P.L. Bhardwaj |
| 8. MEMBERS: | a) Sh. P.N. Sharma |
| | b) Sh. V.K. Joshi |
| | c) Sh. G.P. Srivastav |
| | d) Sh. J.F. Shukla |
| | e) Sh. A.C. Srivastav |
| | f) Sh. Bhura Singh |

Enclosed find a Nominal Roll of 108 members.

You are requested to co-operate with the above body for solving the staff problems in your organisation.

With regards,

Copy to:- CGDA, West Block, -V
RK Puram, New Delhi
- Sh. K.D. Mishra,
Gen. Secy. Lucknow.

Yours Sincerely,

E. J. VARGHESE Gen. Secy.

Secy. General **E. J. VARGHESE**

All Communications may please be address to:

The Secretary General, A. I. D. A. A. HQr Delhi
32, KIRBY PALACE, DELHI CANTT-110010
Secretary General
A. I. D. A. A. (C.B. Pune)
H.O. Delhi Cantt

Before the Honble C.A.T. Allahabad
Circuit Bench, Lucknow

(10)

OA No _____ 20

R.C. Batra Vs Union of India & Ors

CONFIDENTIAL

Ann²

NO. AN/I/1020D/Misc/Lko
OFFICE OF THE C.D.A. LUCKNOW
DT. 10/5/90

M. MEMORANDUM

SUB: DISCIPLINE ESTT

Please state within 3 days of the receipt of this communication as to why disciplinary action may not be taken against you for the following serious acts of misconduct on your part which constitute acts unbecoming of a Govt. servant.

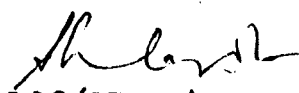
2. It has been observed that while being on the strength of the Local Sub Office you arranged to collect some employees on the forenoon of 7/5/90 from the Office of the PAO(ORs) AMC Lucknow and brought them to the Main office and when Shri E.J. Varghese was entering the Main Office at about 1.15 PM, you alongwith the employees of the PAO (ORs) raised slogans and thus tried to disrupt the smooth functioning of the office.

3. You alongwith the employees of the PAO tried to stop the vehicle at about 1.45 PM in which the Addl. CGDA (Inspection) and the CDA were going for lunch.

4. You alongwith the employees of the PAO forced the AO (AN) to pay full salary to Shri Jhabbu Ram, Peon working in the office of the LAO(A) Lucknow while he was not entitled to full Pay and Allowances for 4/90 without regularisation of his absence and while he was refusing to receive Pay and Allowances for the period he was present.

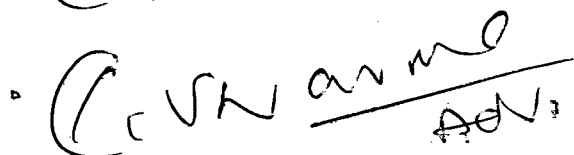
5. Alongwith the employees of the PAO you participated in the unauthorised gate meeting addressed by Shri E.J. Varghese at about 2 PM which was held in the Parking space outside the inner gate but inside the open entrance to the office while permission to hold such a meeting had been refused vide this office letter no. AN/I/6017-II dated 7/3/90.

6. In case your reply is not received within 3 days of the receipt of this letter, it may be presumed that you have nothing to say in your defence.


AO (ADMIN)

Shri R.C. Batra, CA
(830228)
O/A The PAO (MSG) Lucknow

C.T. C.


C.V.N. Anand
Adv.

Before the C.A.T. Allahabad
Circuit Bench, Lucknow
OA No _____ 90

Re. Batra Vs Union of India & others

Ann^o 3rd

(11)

श्रीमान :-

श्रीमान रक्षा लाल मिश्रा
सहायक मजदूर, लखनऊ

विषय :- (अर्जित मासिक भुगतान)

अनुशासन पुस्तिका के सम्बन्ध में

अर्ज :- आपकी मासिक भुगतान दरवा
पुस्तिका / I / 1020-51 / अमानत
लखनऊ दिनांक 10-5-90

फैलाने में,
16-5-90

1400 रु.
16/5/90

आपके औसत भुगतान के सम्बन्ध
में पुस्तिका की मासिक दरवा
विनिर्देशन के साथ पुस्तिका है। कि पुस्तिका
दिनांक 7/5/90 के अन्तर्गत
दरवा दर के कारण मासिक
आवृत्ति है नहीं है अथवा अंतर
श्रीमान जी के द्वारा उल्लिखित बिना
औसत के बारे में कोई जानकारी नहीं
देवता है।

दावावाद

लखनऊ

16-5-90

C.T.C.

(Signature)
लखनऊ

महोदय

आरंभिक वृत्त

लखनऊ 8300 228
आरंभिक वृत्त (अर्जित मासिक)

Before the Honble C. A T at Lucknow (12)

CA No _____ 90

RC Batra Vs Union of India & others (12)
Ann - 4

OFFICE OF THE CONTROLLER OF DEFENCE ACCOUNTS LUCKNOW

PART II CC No 416 Date : 6/6/90

SUBJECT : DISCIPLINE DND ESTT

.....

The explanation dated 16.5.90 submitted by Sri

R C Batra, An Auditor, Account No. 8300828 with reference to this office Memorandum no AI/1/10200/Misc/LMO dated 10/5/90 has been examined and found unsatisfactory. Accordingly he has been treated as Dies-Non for 7/5/90 without pay and allowances constituting break in service due to non-performance of office work throughout the day and for the following misconduct:-

- i) For arranging to collect some P.Os employees to create trouble in the main office on 7/5/90.
- ii) For shouting slogans in the office during office hours when Sri E J Varghese entered the main office.
- iii) For detaining the vehicle of the CMA in the office for a couple of minutes.
- iv) For forcing the AO (A) to issue instructions to the LMO (A) for payment of the full pay and allowances to Sri Jhaboo Ram Poon who was not entitled for full P & As as for 4/90 for want of regularisation of his absence.
- v) For attending unauthorised gate meeting in the parking area beyond the lunch hours.

No AI/1/10200/Misc/LMO
Dated : 6.6.90

Sd/xxxx
CMA (A)

- Copy to :-
1. The CMA (Pensions) Allahabad-2copies
 2. LMO (S) CD Fort Allahabad-2 copies - One copy of the Part II CC to be handed over to the individual concerned.
 3. RAC (IES) Lucknow
 4. All groups and section
 5. Personal case file
 6. ACR Task Holder

C.T.C
C. T. C
Adv

Before the Hon'ble C.A.T. Allahabad at Lucknow

CA No. ————— 90.

(13)

RE Batra Vs Union of India & others

CONFIDENTIAL

NO. N/1/1028D/HIS/LKO
OFFICE OF THE CDA IN CHARGE

DATE: 21-5-90

MEMORANDUM

Ann^o 5^o

Please state within 3 days of the receipt of this communication as to why disciplinary action should not be against you for the following serious acts of misconduct on your part which constitute acts unbecoming of a Govt. servant.

2. " On 15.5.90 at about 5.50 P.M. you alongwith some employees of the PNO (ONS/PRO) and 11 CRRC tried to stop the vehicle of the CDA while he was moving out of the office.

3. When you could not succeed to stop the vehicle of the CDA, you alongwith others shouted slogans against the CDA and the C.D.A.

4. Thereafter you alongwith others of the PNOs assembled outside the residence of the CDA at about 6.30 PM. On Shri R.C. Pandey being informed by the CDA to meet him in the office at 10 AM the following day, you alongwith others again raised slogans outside the residence of the CDA before dispersing.

In case your reply is not received within 3 days of the receipt of this letter, it may be presumed that you have nothing to say in your defence.

M. H. S.
(NN)

To

Shri R.C. BATRA, SA
(A/c no. 8300228)
O/C RAO MES LUCKNOW

C. T. C

C. T. C
Adv

Before the Hon'ble C.A.T at Lucknow

OA No _____ 90

RC Batra vs Union of India & others

14

Ann - 6

सेवा में:

श्रीमान, २११ लखनऊ निवास
श्रीमान - लखनऊ

(उचित मादरग द्वारा)

लिखा:- अनुरोधित न्यायवादी के सम्बन्ध में:-

संकेत:- आदेश नं. २११/१०२०-D/मिसे/लखनऊ
दिनांक २१-५-९०

श्रीमानजी, आपके द्वारा उपरोक्त नं. परा २, ३ तथा ४
के अन्तर्गत में मेरी शिकायत २११/१०२०
आप माता इन शब्दों में पुलत करे कि मैं
इस लिखी न्याय में एक जिम्मेदार सरकारी
न्यायाधीश के तौर पर नहीं अनुचित न्याय
में गारा नहीं लगा रहा न ही मैं इस लिखी
न्याय का समर्थन ही करता हूँ। मेरी लिखी
मैं इस न्यायवादी में व्यक्तित्व गारावादी
लिखी PAO (ORS) Ann तथा ११ जं. R.C.
के लोगों के साथ न माना जाय।
मेरी व्यक्तित्व रूप से लिखी पुनर्वादी विचारणा
लिखी तथा व्यक्तित्व व्यक्तित्व या अपने
मेरा से विचारणा नहीं है। मैं लिखी अपने
समय में अनुचित न्याय में अपने न्यायवादी
की मान सम्मान के क्षति नहीं पहुँचाने देना
चाहता हूँ। अतः मेरे सम्बन्ध में लिखी पुनर्वादी
की गारावादी यदि सम्मानित न्यायवादी के
विचार में पैदा नहीं गारा है तो मैं तब भी
इस सम्बन्ध में अपने सम्मानित २११ लखनऊ - निवास
से व्यक्तित्व रूप से क्षमा-प्राप्ति हो जाता हूँ।

लखनऊ

आप न्यायवादी

आप न्यायवादी

न्यायवादी १०

आप न्यायवादी (MFS) लखनऊ निवास २११/१०२०

२३-५-९०

Before the Hon'ble C.A.T at Lucknow
OA No. _____ 90 (15)
Re Batra Vs Union of India

Annex 7

OFFICE OF THE CONTROLLER OF DEFENCE ACCOUNTS LUCKNOW
PART II OO NO. 460 Dated: 14/6/90
SUBJECT: DISCIPLINE DAD ESTT

.....

The explanation dated 23/5/90 submitted by Shri R.C. Sr. Auditor, Account No. 830022C with reference to this Office Memorandum No. AI/I/1020D/MISC/LKO dt. 21/5/90 has been examined and found unsatisfactory. Accordingly he has been treated as Dies-non for 15/5/90 without pay and allowances constituting break in service for the following acts of misconduct:-

- (i) For attempting alongwith some employees of the PAOs to stop the vehicle of the CDA while he was moving out of the office in the evening when the plan to stop the vehicle earlier in the forenoon did not succeed as he left abruptly earlier than scheduled for discussion at the Command Headquarters.
- (ii) Thereafter for shouting slogans against the office and the C.D.A.
- (iii) Later on for shouting slogans outside the premises of the C.D.A.

HO.AI/I/1020D/MISC/LKO
Dated: 14/6/90

Wd
AC (ADMN)

Copy to :-

1. The CCDA (Pensions) Allahabad - 2 copies.
2. The LAC(S) OD Fort, Allahabad - 2 copies - One copy of the Part II OO to be handed over to the individual concerned.
3. The GHA Allahabad (Pensions) LKO
4. All groups in All Section
5. Personal case file
6. ACR Task holder.

Sh. K. S. S.
AC (ADMN)

C.T.C
C. V. Sharma
Adv

Before the Honble C.A.T Allahabad
Circuit Bench, Lucknow

16

OA No _____ 90

RC Batra vs Union of India & Ors.
Ann^o 8th

CONFIDENTIAL

No : M/I/1004/LTC

Office of the C.A.T.

Lucknow

Dated :- 5/6/90

To

The P.O (SES) Lucknow
The LIC (S) Lucknow

Sub : TRANSFER ORDER : P.A.D

It has been decided to transfer the following individuals on administrative grounds with immediate effect.

Sl No	Name, Grade & A/C No S/Chri	Office from which and to which Transferred From	To
1.	R.C. Patra SA (8300228)	RAC (SES) Lucknow	LAC (S) OD Port Allahabad
2.	P.L. Bhardwaj SA (8307325)	-do-	LAC (S) OD Cheoki Allahabad
3.	Ranjeet SA (8282680)	SLA (SES) Lucknow	UL DSO Chakeri Manpur

TA/DA and joining time is admissible as authorised under rules.

Relieving/joining reports in r/o above named individual(s) may be sent to this office and all concerned urgently.

Sd/Signature

LAC (S)

Copy for information to :

1. The RAC (SES) OD Cheoki Allahabad
2. The LAC (S) OD Port Allahabad
3. UL DSO Chakeri Manpur
4. M/ File
5. M/ III Local
6. M/ Local
7. M/ II Local
8. One copy for the individual concerned
9. The SLA (SES) Lucknow

Sd/Signature
LAC (S)

C.T.C
RcVH ^{and} Adv

Before the C.A.T. Allahabad at Lucknow
OA No _____ 90

RC Batra Vs Union of India & others

(17)

From : Sri R.C. Batra, Sr ~~Assistant~~ Auditor
C-4/1 Vivek Vihar Memo 8300228
Lucknow Cantt

To

The C.D.A.
Lucknow

Ann 9⁶

Subject : APPEAL AGAINST PUNISHMENT/TRANSFER

Sir,
Most respectfully, I submit my appeal against the order of punishment, treating 7.5.90 as Dies-Non Constituting break in service, ~~by the authority~~ ~~only break in service~~ passed by D.C.D.A Lucknow vide his order dated 6.6.90 and also, against the transfer order dated 5/6/90, passed by the same authority. The following grounds of appeal may kindly be considered by your honour judicially and sympathetically.

1. That on 10.5.90, I was served with a confidential office memo directing me to reply certain allegations, which were, 1. That I arranged to collect some employees and tried to disturb smooth working of the office, 2. that I tried to stop CMA's car at lunch time, 3. I forced AO (AN) to pay full salary to Sri Jhabbu Ram and participated in Gate meeting.

2. That as all these charges were false, I replied and submitted my explanation and I specifically stressed that I am a dedicated Govt servant and I cannot associate myself in activities as alleged.

3. That my explanation was held non-satisfactory without giving any reasons. In the normal course when a Govt servant denies allegations, the normal course is

Contd page 2

C.T.C

R. C. Batra
AV

that an enquiry is order to ascertain truth of the allegations, but in my case without holding any enquiry or evidence on record against me, I was awarded the punishment of break in service. I may point out that I was ill on 7.5.90 for which I have evidentiary proof. But this was not at all considered and my appointing authority in order to creat terror among other staff made me a scape-goat and chose to punish me eventhough I was innocent.

4. That a similar letter of even number dated 21.5.90 was also served on me on identical allegations and that too was replied by me again pleading my integrity and dedication, denying all the allegations.

5. That as if this harrassment was not sufficient, I ^{am} ~~xxx~~, most arbitrarily and without any exigencies of services, directed to report to Allahabad on permanent transfer, which clearly is by way of punishment, vide DCDA Lucknow order No AN/I/1004/Lko dated 5.6.90 and my RAO has shown extra-ordinary promptness in relieving me on 5.6.90 itself.

6. That both these orders are illegal, unwarranted and against the provisions of law and are liable to be quashed as it amounts to punishment without any enquiry or chance to defend.

7. That apart from the above, I am a permanent resident of Meerut and have constantly been praying for voluntary transfer to Meerut. I have very old parents and my only younger brother who was looking after them, died in april last year. Sending me further away from my home town tell a lot about the intentions of my appointing

contd 3

C.T.C
P. C. Sharma

19

11

authority.

8. That this appeal is being filed against the punishment under the mandatory provisions. As transfer is a consequential punishment, it is prayed that the appeal is decided, the appellate authority may be pleased to stay the same.

9. That I am confident that the appellate authority will look into the case judicially, with open mind, and shall decide it in a just and unbiased manner. I may emphasize that ^{till} the appeal against the punishment is pending, the move will be against law and therefore the appellate authority will be ~~just~~ just in staying it.

That in view of the above I pray that the appeal be allowed and the impugned punishment and the transfer be set aside and quashed.

Thanking you.

Yours Faithfully,

(R C Batra)

Sr. Assistant Auditor

Alno 8300228

Lucknow

Dated : 16 Jun 90

Copy to:-

C.T.C

C. V. Sharma

The C.G.D.A.
West Block II
R. K. Puram
New Delhi

For information and n/a at your end.

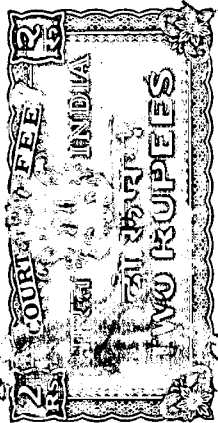
C.T.C
C. V. Sharma

(R.C. Batra)
Sr. Auditor
Alno. 8300228

Shri. R.C. Batra

Supplementary Affidavit in re:

C.A. No. - - - - - 90



R.C. Batra - - - - - Petitioner

Verus

Union of India & others - - - - - Respondents

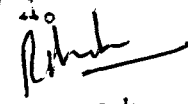
1990
AFFIDAVIT
S.M.
COURT

I, R.C. Batra, aged about 44 years, s/o Sri
H.L. Batra, r/o C-4/1, Vivek Vihar, Lucknow Cantt
do hereby solemnly affirm and state on oath as under :

1. That the deponent is the applicant in the above application and is fully conversant with the facts of the case.
2. That the deponent is a ' Group C ' employee and his appointing authority is the C.D.A Lucknow, vide Govt. of India notification, copy of which is Ann '1' to this affidavit.
3. That the break in service awarded to the deponent vide impugned orders contained in Ann '4' and Ann '7' to main application, is by Dy CDA Lucknow which is only Disciplinary authority and not competent authority within the meaning of AR-17 A.

Lucknow

Dated : 28 Jun 90


Deponent

Verification

I, the deponent named above do hereby verify the contents of paras 1 to 3 of this affidavit as true to my own knowledge. Signed and verified at Civil Courts Lucknow, this 28 day of Jun 90.


Deponent

I identify the deponent
who has signed in my
presence.

(C.R.C. SHARMA)
Adv

28-6-90

Ann - 1st to Affidavit

To be published in the Gazette of India, Part II Section 3.

GOVERNMENT OF INDIA, MINISTRY OF DEFENCE (FINANCE)

NOTIFICATION

S.R.O. In exercise of the powers conferred by sub-rule (2) of rule 12 and sub-rule (1) of rule 24, read with rule 33 of the Central Civil Service (Classification, Control and Appeal) Rules, 1965 and in supersession of Notification of the Government of India in the Ministry of Finance (Defence Division) No. S.R.O. 629 dated the 26th February, 1957, in so far as it relates to Group 'C' and Group 'D' posts covered under the heading 'Defence Accounts Department', the President hereby makes the following order, namely:-

1. Short title and Commencement:- (1) This order may be called the Appointing Authority and Appellate Authority for Group 'C' and Group 'D' posts in the Defence Accounts Department Order, 1986.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. Specifying of authorities :- In respect of the posts in the General Central Service Group 'C' and Group 'D' specified in column 1 of Parts II and III of the Schedule to this order, the authority specified in column 2 shall be the appointing authority and the appellate authority specified in column 3 and 4 shall be the disciplinary authority and the appellate authority respectively in regard to the penalties specified in column 4.

SCHEDULE

PART II (Group 'C')

2. OFFICE OF THE CONTROLLER OF DEFENCE ACCOUNTS

Description of post.	Appointing Authority	Appellate Authority
1. All posts of Controller of Defence Accounts.	2. Joint Controller of Defence Accounts or Deputy Controller of Defence Accounts or Assistant Controller of Defence Accounts or Accounts Officer.	3. All posts of Controller of Defence Accounts. (iv) Controller of Defence Accounts.

(1)

BEFORE THE HON'BLE CENTRAL ADM. TRIBUNAL,
CIRCUIT BENCH, LUCKNOW

Misc. Application No - - - - - 90

In re : O.A. No 209/90
F.T. : 27.7.90

V.O. Batra - - - - - Applicant

VERSUS

Union of India & others - - - - Respondents

APPLICATION FOR PERMISSION TO WITHDRAW PETITION
IS NOT PRESSED

That the above named petitioner/applicant
most respectfully prays that this Hon'ble Tribunal
may kindly direct the present petition as not pressed.


(V O Batra)
Applicant

For Union
Dated : 27.7.90

(2)

IN THE COURT OF THE JUDGE, DISTRICT COURT,

WILSON JUDGE, DISTRICT COURT

Case No. 503/90

Disc. Application No. - - - - - 90

In re : Case No. 503/90
F.D. : 27.7.90

M.C. Petre - - - - - Applicant

For us

Union of India & others - - - - - Respondents

IN THE COURT OF THE JUDGE, DISTRICT COURT

WILSON JUDGE, DISTRICT COURT

That the above no. of petitioner/applicant
most respectfully prays that this Hon'ble Tribunal
may kindly dismiss the present petition as not pressed.

*Received
27/7/90*

Witness
Dated : 27 Jul 90

Pinh
(M. S. Petre)
Applicant

*I hereby declare
of applicant
signature of M.C. Petre*

*For the Respondent
27/7/90*

C2

In the Central Administrative Tribunal Allahabad.

No. 209 of 1990

R. C. Batra

Petitioners

Appellant

Applicant

VERSUS

Union of India

Respondent

Opposit Party

I, in the above matter hereby appoint and retain
SHRI KRISHNA CHANDRA SINHA, Advocate High Court

to appear, act and plead for me/us in the above matter and to conduct/prosecute and defend the same in all interlocutory or miscellaneous proceedings connected with the same or with any decree or order passed therein, appeals and or other proceedings there from and also in proceedings for review of judgment and for leave to appeal to Supreme Court and to obtain return of any documents filed therein, or receive any money which may be payable to me/us.

2. I/We further authorise him to appoint and instruct any other legal practitioner authorising him to exercise the powers and authorities hereby conferred upon the Advocate whenever he may think fit to do so.

3. I/We hereby authorised him/them on my/our behalf to enter into a compromise in the above matter, to execute any decree order therein, to appeal from any decree/order therein and to appeal, to act, and to plead in such appeal or in any appeal preferred by any other party from any decree/order therein.

4. I/We agree that if/we fail to pay the fees agreed upon or to give due instruction at all stages he/they is are at liberty to retire from the case and recover all amounts due to him/them and retain all my/our monies till such are paid.

5. And I/we, the understand do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my own acts, as if done by me/us to all intents and purposes.

Executed by me/us this day of 19 at

Signature *[Signature]* (AN)
before me

Executant/s are personally known to me he has/they

have/signed

Satisfied as to the identity of executant/s signature/s.

(where the executant/s is/are illiterate blind or unaquainted with the language of vakalat)

Certified that the content were explained to the executant/s in my presence in.....the language known to him/them who appear/s perfectly to understand the same and has/have signed in my presence.

Accepted

[Signature]
K. C. SINHA

Advocate

High Court, Allahabad

Counsel for Applieant/Respondents

No.....

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCAIT BANGK BUCKNOW

O.A. NO.203 of 1990 (L)

Shri R.C. Batra Applicant.
(Defence) Versus
Union of India & Others Respondents.

27.7.1990

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

Hon'ble Mr. K. Obayya. A.M.

This is an application by the applicant Shri R.C. Batra, identified by Shri R.C. Sharma, advocate for dismissing the petition as not pressed. Shri K.C. Sinha is present for the respondents. The Original Application is dismissed as not pressed.

Sd/-

A.M.

Sd/-

V.C.

/// True Copy ///

[Signature]

*checked
Sinh
3/8/90
rmv*

*The Court
4945*

1018

54/3/90

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

O.A. NO.209 of 1990 (L)

Shri R.C. Batra

.....

Applicant.

Versus

Union of India & Others

.....

Respondents.

27.7.1990

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

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

This is an application by the applicant Shri R.C. Batra, identified by Shri R.C. Sharma, advocate for dismissing the petition as not pressed. Shri K.C. Sinha is present for the respondents. The Original Application is dismissed as not pressed.

Sd/-

Sd/-

A.M.

V.C.

/// True Copy ///

27/7/90

27/7/90