

affidavit
2 Sets of reply filed by R₂
Please to file and note
25/7/94

26-7-94

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE



OA NO 922/94

Between

MVS Rao

... Applicant

Vs

Union of India & Others

... Respondents

AFFIDAVIT

I, Lt Gen Jagdish Narain, Engineer-in-Chief, Army Headquarters, New Delhi do solemnly affirm and state as under :-

1. I am the respondent No 2 in the OA.
2. I am the Head of the Department of Military Engineer Services (MES) as prescribed in Para 21 of Regulation for the MES and SRO 19E published in Jul 1989 and in the capacity of Head of the Department of MES, I am fully competent to issue posting orders of MES Civilian Officers from one place/pest to another. The applicant has been posted out from Engineer (Air Force) Bangalore to a staff appointment in my office at Delhi.



I have gone through the application and I notice

that the applicant has levelled allegations against me personally of animosity against him. I categorically deny the allegations. I, in the capacity of Engineer-in-Chief and as the Head of the Department of MES, have considered various aspects of functional requirement and personnel management as well as the policy on the posting issued on 21 Feb 91, before issue of posting order of the applicant in the interest of the State.

4. As regards the allegation levelled against me in para 6.27, it is humbly submitted that the applicant has been a junior to me in all ranks all along. I became a Brigadier in Nov 82 and then Chief Engineer of an important Zone in 1983 when the applicant was only an Executive Engineer. He only became a Chief Engineer in 1988. At no point of time I was drawing less pay than the applicant as alleged. In 1988, I was drawing pay of Rs. 7705.00 pm whereas the applicant was drawing only Rs. 6767.00 pm. I have never felt or expressed any grouse against the applicant at any time as alleged nor I have written anything adverse against the applicant at any time. He was never

drawing more pay than me. The allegation has been levelled with malafide intention by the applicant to mislead this Hon'ble Tribunal. There is no basis whatsoever for such allegation and it is pure imagination



of the applicant that his posting has been issued with malafide intention. I refute the allegations.

5. With reference to allegations levelled in Para 6.27 of the OA, it is again submitted that at no point of time the applicant was drawing more pay than me. Posting order of the officer is issued under my directions in the interest of the State and is in consonance with the existing posting policy issued on 21 Feb 91. As per policy, Executive tenure is 2 to 3 years and the applicant has already served at Chief Engineer (Airforce) Bangalore for 2 years 9 months and before that he has served as Chief Engineer at Trichy for 2 years 2 months. He has thus been on Executive tenure as Chief Engineer continuously for 4 years and 11 months. It is not the concern of the applicant to contend that since projects (none of national importance) are in full swing and hence he should not be posted out. The responsibility is of the Engineer-in-Chief, being

advisor to Chief of Air Staff on all Airforce works and

ensure timely completion of works/projects. In MES, progressing of various projects/construction are continuous process and no officer can be allowed or

entitled to hold a particular executive appointment/

post longer than laid down tenure. Transfer is only an incident of service and not a condition of service.

I, in the capacity of Head of the department of MES, is competent to issue posting orders of all civilian



officers of MES from one place/post to another. In a big department like MES, the credit does not go exclusively to any particular individual but to the organisation, as the work is carried out by a team of individuals.

6. In reply to allegation levelled in Para 6.28, it is submitted that IDSE is a part of MES. IDSE is not only a part of the body of MES Department, but one of the five cadres which make up the MES. There is never a conflict or tug of war as alleged between the civilians and service personnel in MES. There is no encroachment on the posts tenable by civilian officers and service officers as prescribed in SRO 19E and SRO 4E. Service personnel and civilian personnel are governed by two separate terms and service conditions and also the systems of induction are different and thus there cannot be a comparison between the two unequals. The allegation has been levelled with the sole intention of misleading this Hon'ble Tribunal. I vehemently deny the allegation. It is a fact that Army Officers of the Corps of Engineers are not part of IDSE being of different streams but they are very much part of the MES (a composite organisation) as provided in SRO 19E.

7. With reference to Para 6.29, I submit that posting order of the applicant annexed as 'A' in the OA has been issued under my orders as Head of the Department of



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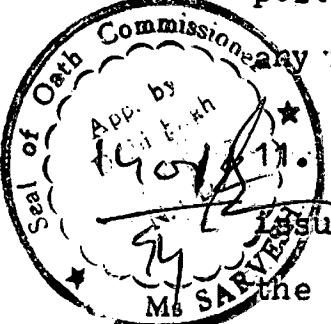
after the works and not by the DGOF, who has subsequently on 18 Jun 91 endorsed the citation. The said award has not been conferred on the applicant.

9. All the above allegations as raised by the applicant are baseless and denied. In view of the above submission made by me, there has never been any malafide intention(s) in issuing his transfer orders. However, the responsibility to prove the malafide action, if any, lies on the applicant and he has not placed any material to prove the allegations.

I identify the deponent who has signed/put T. L. in my presence
Phanam Dua
DoS

10. There is no legal force in the application as the posting order of the applicant has not been issued with any malafide intention but only in public interest.

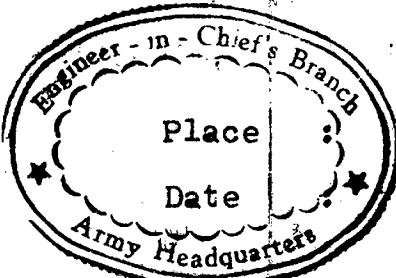
11. The posting order of the applicant has been issued by me as Head of the Department of MES and in the interest of the State and as per the existing policy.



12. All other averments in the application are met by a separate reply filed by the respondents.

13. Wherefore, it is prayed that this Hon'ble Tribunal

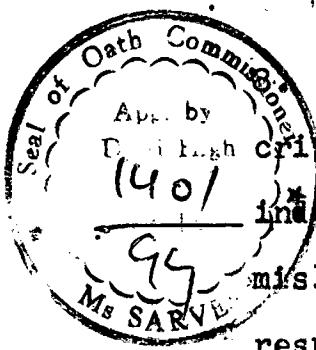
*Solemnly affirmed before me on 19 JUL 1994
explained to the deponent to be correct
application against me and dismiss the application in
the interest of justice.*



New Delhi
19 Jul 1994

(Jagdish Narain)
Lt Gen
Engineer-in-Chief
"Deponent"

MES as powers have been conferred to me by the Govt as per provisions contained in FR6. The Air Force authorities are not departmental officers of MES, they are only users of all civil engg assets created by the MES. I have considered all the recommendations made by the Air Force authorities and taken a conscious decision to post out the applicant from Bangalore after giving due weightage to recommendations made, on completion of his extended tenure on executive appointment and in the interest of the State. The annexure 'C' has been passed with directions of this Hon'ble Tribunal of 4th May 94 in OA 800/94. My decision was communicated by the Head of the Personnel Directorate who is my senior staff officer on personnel management.



I submit that the recommendation or award is no criteria to allow an individual on a particular post indefinitely. Here again, applicant has tried to mislead the Hon'ble Court by mentioning that the second respondent had issued his posting as a spite because the applicant was recommended for the Ati Visisht Seva Medal by the Chairman and Director General of Ordnance Factory Board. As per the Annexure 'D' attached with OA 922 by the applicant himself, it can be clearly seen that his case for the said award was initiated on 13 Jun 91 by the Director General of Works, who is a General Officer of Engineer-in-Chief's Branch, looking

A handwritten signature in black ink, appearing to be "J. S." or a similar name.

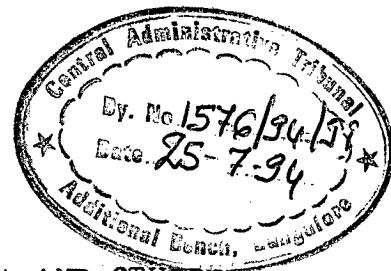
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT BANGALORE

OA NO 922/94

MVS RAO

V/S

UNION OF INDIA AND OTHERS



I N D E X

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Place : New Delhi
 Date : 18 Jul 94

Sreedharan GP
 (V Sreedharan)
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 For respondents

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

OA NO 922/94

Between

MVS Rao

... Applicant

Vs

Union of India & Others

... Respondents

REPLY STATEMENT OF RESPONDENTS 1 TO 4

Under Rule 12 of the Central Administrative Tribunal (Procedure) Rules, the respondents 1 to 4 submit as follows :-

1. The applicant in the above application has prayed this Hon'ble Tribunal to (a) quash the impugned order No 70003/CE/05/94/E1A dated 7.4.94 issued by R2 to assume the said appoint on 16.5.94; (b) quash the confirmation order vide Annexure 'C'; and (c) consequently quash the posting order No 384870/MS(BRIG)/47 dated 26.4.94 posting out Brigadier Budhraja to be the CE (AF) Bangalore assuming the appointment on 10.5.94, since there is no "existing vacancy". The applicant has also prayed for an interim order.
2. The respondents respectfully submit that the applicant is not entitled for any of the reliefs, for the following reasons and facts :-
3. The applicant is a civilian Chief Engineer working

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in Military Engineer Services (MES). He is liable to be transferred anywhere in India as per the requirements of the administration. The applicant while working as Chief Engineer, Air Force at Bangalore was transferred as Deputy Director General (CSCC) to work at Army Headquarters in the Engineer-in-Chief's Branch, New Delhi. The applicant has been transferred by a competent authority i.e. Engineer-in-Chief, who is the Head of the Department of the Corps of Engineers and that of MES.

4. Para 21 of the Regulation of the MES and FR6 have delegated full powers to the Head of the Department to transfer MES employees from one station to another. In exercise of the powers conferred on him vide para 21 of the MES and FR6, the Engineer-in-Chief, who is the competent authority to transfer the applicant, has issued the orders of transfer, transferring the applicant from Bangalore to Delhi.

5. The application No 800/94 filed earlier by the applicant was withdrawn by the applicant and it was dismissed as withdrawn by an order dated 14 Jun 94. However, the representation of the applicant dated 27 Apr 94 was examined and disposed of by the competent authority by a speaking order dated 13 May 94, keeping in view, the provisions of para 23 of the posting policy issued by the Engineer-in-Chief on

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21.2.91 in the supersession of the previous policy issued in 1987. The transfer of an employee is not a condition of service and it is only an incident of service as held in Vardha Rao Vs State of Karnataka reported in AIR 1986 SC 1955. This Hon'ble Tribunal by order dated 19 May 94 vacated the interim order of stay dated 4.5.94 in OA 800/94 and the R4 has reported as Chief Engineer at Bangalore. The process of handing over and taking over has been completed on 24 May 94. Copies of the letters of the applicant in this connection are produced as Annexure R1 and R2.

6. R4 after taking over charge, has been functioning as Chief Engineer at Bangalore from 25.5.94. A copy of the arrival report is annexed herewith and marked as Annexure R3. The applicant in his letter dated 28.5.94 has accepted the taking over charge by R4, who is functioning as Chief Engineer (AF) Bangalore from 25.5.94 vide annexure R2. The applicant is not holding charge of any stores as Chief Engineer at Bangalore and the question of items being verified do not arise. Signing of handing over and taking over note was a mere formality between the two. The applicant after withdrawing OA 800/94 has filed the present application questioning the authority of the Head of the Department, Engineer-in-Chief, to issue posting order. In reply to which, it is submitted by the respondents that para 21 of MES regulations and FR6 empowers the Engineer-in-

Chief, Head of the Deptt. to effect transfer of civilians including Chief Engineers like the applicant.

The order of transfer of the applicant from Bangalore to Delhi is in accordance with law and is issued by R2 in exercise of the powers vested in him by virtue of para 21 of MES regulations read with FR6. It is incorrect to contend that it is only the Ministry of Defence, who is competent to issue posting orders of officers of Indian Defence Service Engineers, who form part and parcel of MES organisation as has been brought out in SRO 4E and 19E. A copy of which is produced herewith and marked as Annexure R4 and R5. As seen in Annexure R4 & R5, the composition of Military Engineer Services is as follows :-

MILITARY ENGINEER SERVICES

Comprising of officers, Junior Commissioned Officers and other ranks of the Corps of Engineers and Civilian personnel.

The Engineer-in-Chief of the Army shall be the Head of the Corps of Engineers and MES - as seen in note 2 of SRO 19E (Annexure 5).

However, the post of Engineer-in-Chief, the Director General of Works, the Chief Engineer Command and Additional Chief Engineer Command shall be held by the Army officers only as seen in Note 4 to the Schedule I of SRO 4E (Annexure R4). However, these officers

will not form part and parcel of the service namely Indian Defence Service Engineers (IDSE). The number of posts to be manned by the Civilian Officers and the Army Officers shall be governed by the MES (Army Personnel Regulations 1989) and SRO 4E and may be amended from time to time.

7. The contention of the applicant that he being an IDSE, which does not form part of the MES is totally incorrect and it is denied. The applicant carries with him the MES number before his name and the reporting officer of his ACR is the Command Chief Engineer (Initiating Officer). The Director General of Works at Engineer-in-Chief's office is the Reviewing Officer and the Engineer-in-Chief is the Countersigning officer in ACRs of the applicant. A copy of the instructions is annexed herewith and marked as Annexure R6.

8. The transfer order of the applicant is issued by the competent authority namely the Engineer-in-Chief and even the representation dated 27.4.94 of the applicant is made to the Head of the Department namely the Engineer-in-Chief at Army Headquarters. The fact that the applicant had chosen to make the representation dated 27.4.94 to the Engineer-in-Chief establishes that it is not the Ministry of Defence, who is competent to transfer him as otherwise his representation should have been addressed to Govt of

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India. Before filing OA 922/94, the applicant could have appealed to Govt of India against the order of the Engineer-in-Chief, who has disposed of his representation and thus he has not exhausted the alternative remedy available to the applicant before approaching this Hon'ble Tribunal.

9. The MES is responsible to provide work service to the Army, Navy and Air Force, Ordnance Factories and R&D Organisations. The organisation of MES to the level of Zonal Chief Engineer is appended below :-

Engineer-in-Chief

(To be held by Lt Gen of the Corps of Engineers of the Indian Army)

Command Chief Engineer

(Southern, Eastern, Western, Northern & Central Commands)

(To be held by the Major General of the Corps of Engineers of Indian Army)

Zonal Chief Engineer/Chief Engineer (Project) etc.

(To be held by Army officers of the rank of Brigadier of the Corps of Engineers of Indian Army/Civilian Chief Engineers of MES)

10. The Engineer-in-Chief is a Principal Staff Officer and Head of Corps of Engineers including MES.

R2 is responsible for combat engineering as well as work services and is the adviser to the Chiefs of the Army, the Navy and the Air Force staff and Ministry of Defence on all matters concerning engineer work services and camouflage policy. R2 is responsible for

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all personnel matters of MES employees as well as for technical planning etc. On combat engineering side, he is responsible to General Staff of Army Headquarters on operational planning, intelligence and logistic planning in the Corps of Engineers. The Engineer-in-Chief and all other subordinate officers at the zonal level, which is headed by the Zonal Chief Engineer are assisted by various engineers, who carry different designations.

11. On 17 Sep 91, Govt of India re-organised the MES by creating dedicated service-wise, MES formations upto Zonal Chief Engineer's level. Hence four Zonal Chief Engineers for Navy and five for Air Force were re-designated while implementing Govt of India directions and they are called as Zonal Chief Engineers. The rest of the details of the different zones are not relevant for the purpose of this case. The Chief Engineer, Air Force and Navy are responsible for providing dedicated work services to the Air Force and Navy, who are part of the MES and are directly under Army Sub Areas for local administration and under the technical control of the Chief Engineer, Army Command and Engineer-in-Chief as Head of the Department.

12. The Engineer officers cadre of MES consists of following officers :-

(a) Army officers of Corps of Engineers in the Indian Army.

(b) IDSE (MES) civilian officers of the engineer cadre.

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(c) Officers promoted from the subordinate cadre of MES.

There are also other four cadres in the MES like Surveyor cadre, Architect cadre, Adm cadre and Barrack & Stores cadre, which are not relevant for the purpose of this case. At no point of time Navy or Air Force officers have ever been posted to MES on any work assignment. It is clear from the foregoing that Engineer-in-Chief is Head of MES Organisation, which consists of both Army Engineers and civilian engineers. Notwithstanding what is stated above, the respondents submit as follows :-

13. Regarding para 1(iii) of the application :- The contention that the applicant is still the Chief Engineer Air Force at Bangalore is incorrect and he has been replaced by R4 with effect from 25.5.94. This Hon'ble Tribunal has also rejected the prayer for interim order of stay of Annexures 'A' & 'B'.

14. Regarding para 1(iv) of the application:- The address given by the applicant in this para is incorrect as he has been relieved of his duties as Chief Engineer with effect from 25.5.94.

15. Regarding para 2 of the application:- R4 is already discharging as Chief Engineer (AF) Bangalore since 25.5.94.

16. Regarding para 5 of the application:- The main

ground, on which the present application is filed, that the Engineer-in-Chief is not competent authority to issue transfer orders. For the reasons already submitted, the transfer order of the applicant has been issued by the Engineer-in-Chief, who is Head of the Department, in exercise of the powers conferred under FR6. If the applicant is aggrieved by the order of his disposal of his representation by the Engineer-in-Chief, it was open for him to approach Govt of India by way of an appeal. The application is not maintainable under section 19 of the Administrative Tribunals Act, as he has not exhausted the alternative remedy. The application is liable to be dismissed. It is a fact that the applicant was posted as Chief Engineer (Project) Factory at Trichy. It is also a fact that he was recommended for the award of Ati Vishisht Seva Medal, which was not ultimately conferred upon the applicant. As seen in Annexure 'D' to the application, the case for the said award was initiated on 13.6.91 by the Director General of Works in Engineer-in-Chief's Branch and not by Director General Ordnance Factory (DGOF) who has endorsed the citation on 18.6.91. The applicant has violated the norms of Official Secrets Act in disclosing the confidential recommendation. However, this recommendation for award has not been accepted by the competent authority.

17. Regarding para 6.4 of the application:- It is a fact that the applicant was transferred from Trichy to

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Bangalore as contended by him. The receipt of Commendation from Chief of the Army Staff by the applicant as per Annexure 'F' is nothing to do with the transfer order in question.

18. Regarding para 6.5 of the application:- Since the project at Trichy was completed and the organisation at Trichy was wounded up, the applicant was transferred as Chief Engineer (Air Force) Bangalore. This order of transfer was also issued by the Engineer-in-Chief. The transfer of the Chief Engineers including that of the applicant will be effected on administrative requirements. There are 28 Chief Engineers in the department, who have been executing prestigious projects in different parts of the country. The Chief Engineer is responsible to plan and execute the work, which falls within his jurisdiction. Although the final responsibility of the MES works rests with the Engineer-in-Chief, who is advisor to all 3 Chiefs and to the Ministry of Defence on engineer works matters.

19. Regarding para 6.6 of the application:- The Air Force authorities have recommended earlier that the applicant be continued as Chief Engineer till December 93 or March 94. They have now stated that the services of the applicant are not required any more. A copy of Air Headquarters letter in this respect is produced herewith and marked as Annexure R7.

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20. Regarding para 6.7 of the application:- The allegation made by the applicant against R2 will be separately met by R2 by way of an affidavit. However, the allegations of the applicant against R2 are not borne out of records or any other facts. The applicant has not produced any material to substantiate his allegation.

21. The Army Officer at the rank of Brigadier is not comparable to the Chief Engineer of the civilian ranks as they carry different scale of pay and salary. Brigadier carries a total pay of pocket of Rs.7705/- while the applicant in 1988 was drawing a pay of Rs.6767/-. R2 became Brigadier in 1982 and Chief Engineer in 1983 while the applicant became Chief Engineer in 1988. The comparison of service records between the applicant and R2 are totally irrelevant to the issues involved in this case. Each one of them have climbed in the ladder in the service, based on their own merits. At any rate the applicant is not senior to the R2 even as Chief Engineer.

22. Regarding para 6.8 of the application:- R2 was promoted as Brigadier in 1982 while the applicant was promoted as Chief Engineer in 1988 and the allegations are denied by the respondents. The fact remains as on today or on the day of issue the transfer orders, R2 is the Engineer-in-Chief, who is Head of MES, whose position is not questionable by the applicant.

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23. Regarding para 6.14 of the application:- It is submitted that in Schedule I of SRO 4E, IDSE Civilian Officers will be holding 17 posts of Chief Engineer out of the authorised 44 posts in MES. Remaining 27 posts will be held by Army Officers of the rank of Brigadiers as given in the Table of SRO 19E. This clearly establishes the fact that IDSE Cadre is part and parcel of MES.

24. Regarding para 6.15 of the application:- It is submitted that the service as mentioned in Note 4 of Schedule I is Indian Defence Service of Engineers (IDSE) and not MES as understood by the applicant. Under definition para 2 of SRO 4E, service is clearly defined as the Indian Defence Services of Engineers constituted under Rule 3.

25. Regarding para 6.16 of the application:- It is submitted that as per SRO 4E, the post of the Engineer-in-Chief, Director General of Works, Chief Engineer Command and Additional Chief Engineer shall be held by Army officers only. The 4E shall be read in conjunction with SRO 19E wherein the posts to be tenanted in MES in Engineer Cadre by Army officers and civilian officers has been specified. The Engineer-in-Chief is the Head of MES and hence the applicant is under the administrative control of the Engineer-in-Chief and he has authority to transfer the applicant.

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26. Regarding para 6.17 of the application:- It is submitted that Ministry of Defence, Govt of India is the controlling authority but it is not the administrative authority as contended by the applicant. Since publication of SRO 4E, all posting orders of the officers of the IDSE, including the officers of the rank of the applicant has been issued by Engineer-in-Chief.

27. Regarding para 6.18 of the application:- It is submitted that under FR6, Head of the Department have power of postings of their subordinates.

28. Regarding para 6.19 of the application:- The applicant is a MES Civilian Officer and continues to be so. He is under the administrative control of Engineer-in-Chief and reorganisation of MES to provide dedicated works service has not affected the position of the Engineer-in-Chief. In this connection Air HQ letter No Air HQ/S 37501/107/W(P&C) dt 24 Jun 94 annexed as Annexure R7 is relevant. Also Engineer-in-Chief's Branch vide their letter No A/09043/CC/MIS Plg dated 30 Mar 92 has issued the Command and Control set up of dedicated MES formations which is annexed as Annexure R8. As per the Inter Service Committee Report, Para 62 is relevant wherein it is stated that the Engineer-in-Chief is Head of the Arm. The annexure 'K' is not the IRC Report but only a presentation done by one of the officers in the initial stages. It has no legal

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sanctity.

29. Regarding para 6.22 of the application:- It is submitted that SRO 4E clearly defines in Rule 10 sub 5 that where no provision has been made in the rules, the existing provisions ~~are~~ applicable as to that of Central Civil Services will continue. As per Para 21 of Regulations of MES (RMES), Engineer-in-Chief is the Head of the Department and continues to exercise powers of Head of Department as defined FR6.

30. Regarding para 6.23 of the application:- It is submitted that Engineer-in-Chief is competent to exercise power of posting in respect of his subordinates, hence the order issued is neither illegal nor without authority and the Annexures 'A', 'B' & 'C' have been issued by lawful authorities.

31. Regarding para 6.24 of the application:- It is submitted that there is no provision in the policy to intimate reasons for posting. His posting has been issued in the interest of the state. His request for interview has been deemed to have met when the applicant saw the Engineer-in-Chief on 06 May 94 and he was explained the logic of his posting as he has completed 4 years 11 months as Chief Engineer, and subsequently his representation was disposed off on 13 May 94 by a speaking order as directed by this Hon'ble Tribunal.

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32. Regarding para 6.25 of the application:- It is submitted that there is no clause 27 in the existing posting policy issued on 21 Feb 91. The relevant extracts of last leg posting are as under :-

Para 12(e)

"No officer has a right to posting at or near home station/selected place of residence on the plea of last leg posting. However, they may be offered such posting provided a suitable staff post is available and is in the interest of the organisation".

Para 18(e)

"The facility of last leg posting may not be available in all cases especially for officers holding senior grades i.e. SE or equivalent and above".

33. There is no staff appointment available at Bangalore and he has already served at Bangalore for 2 years 9 months as Chief Engineer, thereby serving in the executive appointment for 4 years 11 months as CE continuously as against a tenure of 2 to 3 years, as laid down in the posting policy. Also, by now, he has served for more than 8 years at Bangalore itself which is his Home station.

34. Regarding para 6.26 of the application:- It is submitted that Para 12 of the IRC Report, is only the

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recommendation of a Committee and has no legal force.

The posting policy issued on 21 Feb 91 by the Engineer-in-Chief's Branch still holds good. MES is the biggest construction agency in the country and various projects are executed by the MES throughout India.

It is also submitted that progressing and completion of sanctioned projects and sanctioning of new projects are a continuous process. The overall responsibility of work services and timely completion of works rests in Engineer-in-Chief and not with Zonal Chief Engineers.

35. Regarding para 6.27 of the application:- It is submitted that the posting order and the Speaking Order passed by the 2nd respondent do not suffer from any legal infirmity as alleged, as both the orders have been passed by the competent authority. At present there are no projects of national importance either under planning or execution with the Chief Engineer (Air Force) Bangalore. Air Force authorities have confirmed vide Annexure-7 that the applicant can be moved out on posting as ordered by the Engineer-in-Chief's Branch and there is no further requirement of retaining him at Bangalore as Chief Engineer (Air Force).

36. As regards allegations against the 2nd respondent are concerned, the same will be replied by the respondent No.2.

37. Regarding para 6.28 & 6.29 of the application:- The 2nd respondent will reply.

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38. Regarding para 6.30 of the application:- It is submitted that transfer order is not vitiated by the fact that Maj Gen AV Sathe is working as Addl Director General (Pers) and applicant has been posted as DDG(CSCC). The DDG has to work under Addl DG who is holding higher appointment and rank as per the organisational structure. The pay drawn by Maj Gen AV Sathe is immaterial. Both are from separate streams serving in MES and have climbed up the ladder and reached present ranks as per their service conditions. The status of the appointment is more important than the pay drawn by the individuals.

39. Regarding para 6.31 of the application:- It is submitted that the contention of the applicant; when the projects are halfway he cannot be posted out is incorrect. The functioning of MES is continuous where new projects keep coming up and old projects keep getting completed. It is administratively not feasible and correct to allow one officer to remain in the same post and station, for his personal aspiration over the interest of the state. The allegations about the competence of the 4th respondent by the applicant are in bad taste. It is not for the applicant to state that the 4th respondent will not be able to carry out duties efficiently. It is mischievous statement and has been levelled with ulterior motive. The 4th respondent is fully competent and qualified to

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efficiently discharge the duties of Chief Engineer (Air Force) Bangalore.

40. The Air HQ vide their letter dated 24 Jun 94 annexed as R-7 has categorically stated that "It is hereby confirmed that Shri MVS Rao can be moved out on posting as ordered by E-in-C's Branch. There is no further requirement of retaining him at Bangalore as CE (AF)".

41. Regarding para 6.32 of the application:- It is submitted that the posting order of the applicant was correctly issued on 07 Apr 94 by the 2nd respondent and was correctly despatched in time to Chief Engineer (Air Force) Bangalore with a copy to him and it is not possible to ascertain when the said posting order was received by Chief Engineer (Air Force) Bangalore. The date of receipt of posting order cannot be ground to allow him to continue as Chief Engineer (Air Force) Bangalore.

42. Regarding para 6.33 of the application:- It is submitted that MES is a composite organisation consisting of Army Officers and other personnel of Corps of Engineers of the Indian Army and MES Civilian officers/employees. The Engineer-in-Chief, being Head of the MES, is fully competent to issue posting orders of MES Civilian personnel. The Military Secretary, Army HQ is the competent authority to issue posting order of the 4th respondent, being an Army Officer.

g/s

In Army, it is a normal practice to issue postings of senior officers by signal. The posting of an Army officer in place of a civilian officer of equivalent rank, and vice versa to man the post in MES is legally tenable. This Hon'ble Tribunal has no jurisdiction to go into the legality of the transfer order of the 4th respondent.

43. Regarding para 6.34 of the application:- It is submitted that the posting of applicant in no way amounts to abuse of power by the 2nd respondent. It is not the fundamental right of the applicant to continue on a particular post in a particular station. The Hon'ble Supreme Court has held in the case of Shilpi Bose Vs State of Bihar AIR 1991 SL 532 stating that "the courts should not interfere with the transfer orders which are made in public interest and for administrative reasons unless the transfer orders are made in violation of any statutory rules or on the ground of malafide. A Govt servant holding a transferrable post has no vested right to remain posted at one place or the office. Transfer orders issued by the competent authority do not violate any of his legal rights. Even if a transfer order is passed in violation of executive instructions or orders, the Courts ordinarily should not interfere with the order, instead affected parties should approach the higher authorities in the Department".

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44. There is no violation of the fundamental right of the applicant guaranteed under Article 16 and 21 of the Constitution of India as alleged and his posting also does not amount to any violation of legitimate expectations.

45. Regarding para 7 of the application:- It is submitted that on dismissal of OA No 800/94, if the applicant feels that Ministry of Defence is only competent to issue his posting order, he should have represented to Ministry of Defence against his posting which he has not done. Thus he has not exhausted the remedies available before approaching this Hon'ble Tribunal. Hence the OA is premature and deserves to be dismissed in limine on this ground alone.

46. In view of the averments made above and the Law laid by the Hon'ble Supreme Court and various Benches of this Hon'ble Tribunal, posting/transfers falls within the domain of administration. We invite kind attention of this Hon'ble Tribunal to the following important judgements of Hon'ble Supreme Court and that of this Hon'ble Tribunal, in support of the contention of the respondents :-

(i) Union of India V/S HN Kirtinia
(1989) 3 SCC 447

(ii) Shilpi Bose & Ors V/S State of Bihar & Ors.

(1991) SCC 659

22

(iii) Rajendra Roy v/s Union of India
AIR 1993 SC 1236

(iv) Varsha Rao v/s State of Karnataka
AIR 1986 SC 1955

(v) Shri Venkatesh K Chowdapurkar v/s
The Controller of State Accounts & Ors
SLJ 1994 (1) 280

(vi) Gujarat Electricity Board v/s
Atmaram Sungonmal Poshani
(1989) 10 ATC - 396

(vii) Joginder Singh v/s Union of India (Copy
annexed
as R9)
(1994) OA 1223-PB/1993
(CAT Chandigarh Bench)

47. All averments, submissions and contentions of the applicant which are contrary to and inconsistent with what is stated herein and above are denied as if such statement is specifically set-out herein and traversed.

48. The respondent crave leave of this Hon'ble Tribunal to add to, amend and alter this written statement and to produce further documents if and when found necessary during the proceedings.

49. Wherefore, it is prayed that this Hon'ble Tribunal be pleased to dismiss the application in the interest of justice.

M. Mohanraj
Advocate
For Respondent

VERIFICATION

I, Colonel V Sreedharan, working as Director of Personnel, Engineer-in-Chief's Branch, Army HQrs, New Delhi, do hereby solemnly affirm and state that the contents of the paras 1 to 49 are true to my knowledge and that I have not suppressed any material facts. This verification is signed by me at New Delhi on Eighteenth July, 1994.

New Delhi
Date : 18 Jul 94

V Sreedharan Col
(V Sreedharan)
Col



MVS Rao, IDSE

Chief Engineer

OFF : 34 8273

RES : 33 1385

MVSR/PF

- 23 -

Chief Engineer (Air Force)

No. 2 DC Area

MES Road

Bangalore-560 022.

26 May 94

Brig DK Budhraja
 Chief Engineer (AF)
 Bangalore-22

TRANSFER OF CHARGE - HANDING OVER NOTES

1. On 21.5.94 (Saturday) I explained to Col Sreedharan, Dir Pers, Shri DR Mardia, reps of E-in-C and yourself that I was very unwell and the medical authorities had advised me rest for one week from 18.5.94.
2. In the wake of Hon'ble CAT's decision of 19.5.94 vacating the interim order, I did attend the office as per the request of Col Sreedharan, Dir of Pers of E-in-C despite my sickness and against medical advise on 21.5.94 (Saturday) I thus wished to reassure you that I had no intention of dallying my handing over. I therefore put on record on 21.5.94 (Saturday) that the handing over had commenced. However I continued to remain unwell and in fact my condition aggravated from 23.5.94. In the circumstances I was unable to attend office on Sunday the same being closed holiday on account of Bakrid also when the staff would not be attending the office.
3. However as per your request I ensured that the office was kept open on Sunday so that you could attend as you were of the view that the 4 days permitted for handing/taking over under relevant Army Order would also include a Public Holiday like Sunday.
4. On 23.5.94 my condition worsened and on reporting sick, the medical authority advised me for admission in the hospital and treatment. I refused admission inspite of my ailment just to keep the word I had given you that I shall co-operate with you in taking over so that you are not held responsible for delay, if any.
5. Meanwhile I explained to you under relevant MES Regulations (para 67) if more time is taken in actual handing/taking over than what may be reasonable, the unreasonable element is to be deducted from the leave entitlement of the person concerned. I am under advise of bed rest for one week i.e. from 23.5.94 to 30.5.94. In

.....2



MVS Rao, IDSE

Chief Engineer

OFF : 34 8273

RES : 33 1385

- 24 -

Chief Engineer (Air Force)

No. 2 DC Area

MES Road

Bangalore-560 022.

- 2 -

my present state I am unable to attend office and to continue with the handing over of my charge which I very much wished to do ~~now~~ to avoid giving any wrong impression.

6. In view of my physical inability to proceed with in the circumstances stated above, I expect to hand over from my side commencing from 01.6.94 (31.5.94 being next EOG day) and concluding the same by 15.6.94. The entire time taken due to my sickness would indeed be subject to its reasonableness under the circumstances by the competent authority concerned.

7. I would like to reassure you that I have no intention to cause any avoidable delay but on account of financial implications and chances of possible embarrassment in future if I were only to sign as having handed over exactly after 4 days as you seem to desire; I would perforce have to do it meticulously even at the expense of my own leave as provided in the MES Regulations.


(MVS Rao)
Chief Engineer



MVS Rao, IDSE
Chief Engineer
OFF : 34 8273
RES : 33 1385

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Annexure R-2

Chief Engineer (Air Force)
No. 2 DC Area
MES Road
Bangalore-560 022.

MVSR/PF

26 May 94

Brig DK Budhraja
Chief Engineer (AF)
Bangalore-22

TRANSFER OF CHARGE - HANDING OVER NOTES

1. Reference your letter No.17534/DKB/PERS dt 26 May 94.
2. I am grateful to you for your concern on the state of my health and for your good wishes for my speedy recovery. I totally agree with you that we mutually decided that in view of my ill-health you may occupy the chair of CE (AF) Bangalore on 24 May 94 and start functioning. But your desire that I may sign the handing over notes prepared by the Staff Officers on 26 May 94 could not be fulfilled as I explained to you on telephone on 26 May 94 that signing the handing over notes at the residence while one is sick would not satisfy the purpose for which the handing over notes is given to the new incumbent. Hence I requested you that the handing over notes will be prepared by myself immediately after the Doctor clears me with fitness and in the shortest period which you may consider reasonable or by CE SC, the handing over notes will be made in your presence and in your office and the same presented to you and will be handed over to you. I may be struck off strength the next day with the Movement Order. This has been discussed with Maj Gen NR Khanna, CESC on 27 May 94 and he has agreed for the same and he also said that he would convey the same directions to you.
3. Regarding Board of Officers, the same is normally ordered only when a present incumbent refuses to hand over charge. As I had already agreed for you to function as CE (AF) Bangalore due to my sickness and you ~~were~~ are functioning from 25 May 94 and also that I had ordered the respective section heads to prepare the draft handing over notes with which there will be no difficulty in your functioning, ordering a Board of Offrs may tantamount to forcibly taking over which the present circumstances do not warrant as I have already agreed for your taking over and functioning. My personally preparing the handing over notes/prepared by the Staff Officers is in your interest and in the interest of the organisation and I would be doing my duty. Particularly on reorganisation with



MVS Rao, IDSE

Chief Engineer

OFF : 34 8273

RES : 33 1385

Chief Engineer (Air Force)

No. 2 DC Area

MES Road

Bangalore-560 022.

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the Govt sanction for dedicated Chief Engineers and as a newly raised CE's formation I feel it is my duty to put across all the important decisions taken from the date of starting of raising this formation till the day that you have taken over charge and started functioning i.e. 25 May 94.

4. Once again I am grateful for all the facilities given and my only further request is to issue my Movement Order only after I am cleared by the Doctor and I hand over my handing over notes, which I assure to prepare in the shortest time which you would be witnessing.

MVS Rao
(MVS RAO)
CHIEF ENGINEER

Copy to:-

Chief Engineer
Southern Command
Pune-411 001

- (for personal attn of Brig Rai, VSM
DW Wks and Addl CE Pers)

A copy of my letter dt 26 May 94 and copy of Brig DK Budhraja's letter dt 26 May 94 after he had started functioning are enclosed for your information please.

~~RESTRICTED~~

Tele : 365908

Chief Engineer (Air Force)
No 2 DC Area (MES Road)
Bangalore - 560 022

10002/ 347 /EM

May 94

MS Branch (MS Brig)
Army Headquarters
DHC PO, New Delhi - 110 011

ARRIVAL REPORT : OFFICERS (AA/1164)

1. Refer to SAO 16/S/74.
2. On being struck off strength from E-in-C's Branch, Army HQ, IC-17534F Brig DK Budhraja, CDA (U) A/C No XVI/152/126708, reported arrival on perm't duty on 21 May 94 (FN) and assumed the appointment of Chief Engineer (Air Force) Bangalore wef 25 May 94 (FH).

Auth : Army HQ Sig No 384870/MS(Brig)/47 dt 26 Apr 94.

CC: E-in-C

(CS Seshagiri Rao)
Addl Chief Engineer
Chief Engineer (AF)

Copy to :-

1. MS Branch (MS-4CR), Army HQ, DHC PO, New Delhi - 110 011
2. AG's Branch (org-9(c), Army HQ, West Block III, RK Puram, New Delhi - 110 066
3. Army HQ (PS-8/AOBF), West Block III, RK Puram, New Delhi - 110 066
4. AGI Dte AGI Bhavan, Rao Tula Ram Marg, Vasant Vihar, PB No. 14, New Delhi - 110 057
5. ADG Systems (MISO/PSG), GS Branch, Army HQ, West Block III RK Puram, New Delhi - 110 066
6. E-in-C's Branch (EIA), Kashmir House, New Delhi - 110 011
7. E-in-C's Branch (MIS), Kashmir House, New Delhi - 110 011
8. E-in-C's Branch (E2 WPC & E2 Air), Kashmir House, New Delhi - 110 011
9. Air HQ, (DAFW) Vayu Bhavan, New Delhi - 110 011
10. HQ Southern Command Engrs Branch, Pune - 411 001
11. HQ TC IAF, Bangalore - 560 006
12. HQ Southern Air Command, Trivandrum - 695 006
13. HQ Maintenance Command, IAF, Nagpur - 410 007
14. HQ ATNKK & G Area, Island Ground, Madras - 600 009
15. HQ K & G Sub Area Bangalore - 560 001
16. Office of the CDA (U), Goliber Maidan, Pune - 411 001
17. Station HQ, Bangalore - 560 001
18. Station HQ AF Jalahalli, Bangalore - 560 015
19. Station HQ AF Yelahanka, Bangalore - 560 063
20. HQ BEG & Centre, Roorkee (U.P) - 247 667
21. Editor Sarvatra, CME Journal, CME, Pune - 411 031

New Delhi, the 9th July, 1991

S.R.O. 4-E.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment, and the conditions of service of persons appointed to the INDIAN DEFENCE SERVICE OF ENGINEERS in the Ministry of Defence subject to the regulations notified in S.R.O. 19-E dated, the 31st July, 1989 under section 192 of the Army Act, 1950 (46 of 1950), relating to the number of posts, appointments and percentages of Army Officers of the CORPS OF ENGINEERS IN THE MILITARY ENGINEER SERVICES DEPARTMENT, namely :—

1. Short title and commencement :—These rules may be called the Indian Defence Service of Engineers (Recruitment and conditions of service) Rules, 1991.
- (2) They shall come into force on the date of their publication in the official Gazette.
2. Definitions :—In these rules, unless the context otherwise requires,
 - (a) "Commission" means the Union Public Service Commission;
 - (b) "Controlling Authority" means the Government of India in the Ministry of Defence;
 - (c) "Departmental candidate" means a person who has been appointed on regular basis after consultation with the Commission or on the recommendations of a Departmental Promotion Committee;
 - (d) "Departmental Promotion Committee" means a Committee specified against each post in Schedule IV to consider promotion or confirmation in the said post;
 - (e) "Duty posts" means any post specified in Column 4 of Schedule I;
 - (f) "Examination" means a Combined Competitive Examination conducted by the Commission for recruitment to various Engineering services or posts as may be notified by the Government from time to time ;
 - (g) "Government" means the Government of India;
 - (h) "Grade" means a grade of the Service specified in Column 1 of Schedule I;
 - (i) "Military Engineer Services (Army Personnel) Regulations, 1989" means regulations made by the Central Government in exercise of the powers conferred by section 192 of the Army Act, 1950 (46 of 1950) regarding the number of posts, appointments and percentage of the Army Officers, Junior Commissioned Officers and other ranks of the Corps of Engineers in the Military Engineer Services ;
 - (j) "regular service" in relation to any grade means the period of service in the grade rendered after selection according to procedure laid down by the Government for long term appointment to that grade and includes any period or periods:—
 - (i) taken into account for purpose of seniority in the case of those appointed at the initial constitution of the service;
 - (ii) during which an officer would have held a duty post in the grade but for being on leave or otherwise not being available for holding such post.
 - (k) "Schedule" means a Schedule annexed to these rules;
 - (l) "Scheduled Castes" and "Scheduled Tribes" shall have the meanings respectively assigned to them under clause (24) and clause (25) of article 366 of the Constitution;
 - (m) "Service" means the INDIAN DEFENCE SERVICE OF ENGINEERS constituted under rule 3.

3. CONSTITUTION OF INDIAN DEFENCE SERVICE OF ENGINEERS:—There shall be constituted a service to be known as the Indian Defence Service of Engineers consisting of posts specified in Schedule I.

4. GRADE, AUTHORISED STRENGTH AND ITS REVIEW:—(1) The duty posts included in various grades of the service, their names, numbers and scales of pay shall be as specified in Schedule II.

(2) The Government may make temporary additions to or reductions from the strength of the duty posts in various grades as it may deem necessary from time to time.

(3) The Government may, in consultation with the Commission, include in or exclude from the service such posts as may be deemed to be equivalent to the posts included in the service, in status, grade, scale of pay and professional content, other than those included in Schedule I.

(4) The Government may, in consultation with the Commission, appoint an officer whose post is included in the service under sub-rule (3) to the appropriate grade of the service in a temporary capacity or in a substantive capacity, as it may deem fit and fix his seniority in that grade in accordance with the general orders or instructions issued by the Government from time to time in this regard.

5. MEMBERS OF THE SERVICES:—The following persons shall be members of the service, namely:—

(a) Persons deemed to have been appointed to the service under rule 6; and

(b) Persons appointed to the service under rule 7.

6. INITIAL CONSTITUTION:—All the existing officers in the Military Engineer Services (Engineer cadre) holding Group 'A' posts on regular basis on the date of commencement of these rules shall be deemed to have been appointed to the corresponding posts and grades in the service in the substantive or officiating capacity, as the case may be, at the initial constitution stage.

7. FUTURE MAINTENANCE OF THE SERVICE:—After the commencement of these rules, the vacancies, excluding the vacancies reserved for ARMY OFFICERS under the Military Engineer Services (Army Personnel) Regulations, 1989, shall be filled in the manner as provided in Schedules II, III and IV.

8. SENIORITY:—(1) The relative seniority of members of the service deemed to have been appointed to any grade under rule 6 shall be governed by their relative seniority obtaining on the date of commencement of these rules:

Provided that if the seniority of a member has not been specifically determined on the said date, the same shall be determined by the Government in accordance with the rules applicable to members of similar service under that Government.

(2) Officers who join the service in any grade after the commencement of these rules, shall rank below those deemed to have been appointed to the service in that grade under rule 6. The seniority of persons recruited to the service after the initial constitution shall be determined in accordance with the general instructions issued by the Government from time to time in this regard.

(3) Seniority of officers not covered by the above provisions, shall be determined by the Government in consultation with the Commission.

9. PROBATION:—(1) Every officer on appointment to the service either by direct recruitment to the Junior Time Scale through the examination or by promotion from Group 'B' post of Assistant Engineer shall be on a probation for a period of two years:

provided that the Controlling Authority may extend the period of probation in accordance with the instructions or orders issued by the Government from time to time in this regard.

provided further that any decision for extension of the period of probation shall be taken ordinarily within eight weeks after the expiry of the previous period of probation and the decision in writing shall be communicated to the concerned officer together with the reasons for so doing within the said period.

CE (AF) Bangalore.

(T.D. (20))

On completion of the period of probation, officers shall, if considered fit for regular appointment, remain in their appointment on regular basis and be confirmed in due course.

(3) If, during the period of probation referred to in sub-rule (1) or any extension thereof, as the case may be, the Government is of the opinion that an officer is not fit for retention or if, at any time during such period of probation, or extension thereof, the Government is satisfied that the officer will not be fit for permanent appointment on the expiration of such period of probation, or extension thereof, the Government may for reasons to be recorded in writing, discharge him from the service, or revert him to the post which he has been holding before his promotion, as the case may be, or pass such orders as it may deem fit.

(4) During the period of probation, the officer may be required by the Government to undergo such courses of training and instructions and to pass such examination and tests (including examination in Hindi), as it may deem fit for the purpose of satisfactory completion of period of probation.

(5) As regards other matters relating to period of probation, the members of the service shall be governed by the instructions or orders issued by the Government from time to time in this regard.

10. LIABILITY FOR SERVICE:—(1) The officers appointed to the service shall be liable to serve anywhere in India or outside.

(2) Any person appointed to the service, if so required, be liable to serve in any Defence Services or post connected with the Defence of India, for a period of not less than four years, including the period spent on training, if any, provided that such person—

(a) shall not be required to serve as aforesaid after the expiry of ten years from the date of his appointment; or

(b) shall not ordinarily be required to serve as aforesaid after attaining the age of forty years.

(3) The members of the service shall be liable to attend and participate in the courts of enquiry ordered under the Army rules against the army officers appointed to the service under the Military Engineer Services (Army Personnel) Regulations, 1989. The members of the service who are not governed by the Army rules shall be governed by the rules and other provisions as may be made applicable to them from time to time by the Government.

(4) A member of the service shall also be liable to undergo professional courses as and when he is deputed for that.

(5) The conditions of the service of the members of the service in respect of matters for which no provision is made in these rules, shall be the same as are applicable to the officers of the Central Civil Services from time to time.

11. DISQUALIFICATION:—No person,—

(a) who has entered into or contracted a marriage with a person having a spouse living; or

(b) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to any of the posts specified in Schedule 1.

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

12. RULES NOT APPLY TO ARMY OFFICERS.—These rules shall not apply to the Army Officers appointed on tenure basis in accordance with provisions of the Military Engineer Services (Army Personnel) Regulations, 1989, as they shall be governed by the Army Act, 1950 (46 of 1950) and the rules framed thereunder.

13. APPLICATION.—The posts specified in Schedule I are to be manned by Civilians and Army Officers in accordance with the provisions of the Military Engineer Services (Army Personnel) Regulations, 1989, as amended from time to time and at no time can be held by another person unless the Government so decides by specific orders in writing.

14. POWER TO RELAX.—Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order for reasons to be recorded in writing and in consultation with the Commission, relax any of the provisions of these rules with respect to any class or category of persons.

15. SAVING.—(1) Nothing in these rules shall affect reservations, relaxations of age limits and other concessions required to be provided for the persons belonging to the Scheduled Castes, the Scheduled Tribes, Ex-servicemen and other special categories of persons in accordance with the orders issued by the Government from time to time in this regard.

(2) All appointments, promotions or confirmations, made in consultation with the Commission, under Establishment orders issued from time to time before notification of these rules shall be deemed to have been made under these rules.

16. INTERPRETATION.—If any question arises relating to the interpretation of these rules, it shall be decided by the Central Government.

17. REPEAL.—The following rules are hereby repealed, namely:—

- (1) the Military Engineer Services, Class I (Recruitment, Promotion and Seniority) Rules published vide notification No. 1581, dated the 17th September, 1949, in their application to the post of Assistant Executive Engineer;
- (2) the Military Engineer Services (Additional Chief Engineer) Recruitment Rules, 1985;
- (3) the Military Engineer Services (Superintending Engineer) Recruitment Rules, 1985;
- (4) the Military Engineer Services (Executive Engineer) Recruitment Rules, 1986; and
- (5) the Military Engineer Services (Chief Engineer) Recruitment Rules, 1989.

Provided that such repeal shall not affect anything done or omitted to be done or any action taken or omitted to be taken under the aforesaid rules before such repeal.

SCHEDULE J

[See rules 2(c), (h) 3 and 4(1) and (3)]

Grade and scale of pay@ @(for civilian officers)	Name of the post	Total number of post	Number of posts to be held by civilian officers
Additional Director General (Rs. 7300—7600)	Additional Director-General	4	1
Chief Engineer (Rs. 5900—6700)	Chief Engineer	44	17
Additional Chief Engineer (Rs. 4500—5700 plus Rs. 400 as special pay)	Additional Chief Engineer	93	27
Superintending Engineer* (Selection Grade) (Rs. 4500—5700)	Superintending Engineer		
Superintending Engineer (Ordinary Grade) (Rs. 3700—5000)	Superintending Engineer	282	141
Executive Engineer (Rs. 3000—4500)	Executive Engineer	890	445
Assistant Executive Engineer (Rs. 2200—4000)	Assistant Executive Engineer	497	249

(ii) *15% of the Senior duty posts (Executive Engineer and above) subject to the condition that the number shall not exceed the total number of posts sanctioned in the Junior Administrative Grade post of Superintending Engineer.

NOTE: 1. Any increase or decrease in posts due to variation in workload from the numbers given above shall be shared equally by the Officers of the Corps of Engineers and Civilian Officers, subject to ensuring percentages wherever laid down.

2. Additional appointments, if held, shall be treated as temporarily transferred vacancies due to functional requirements of the Organisation.

3. Superintending Engineers with not less than fourteen years regular Group 'A' service shall be eligible for appointment to the post of Superintending Engineer (Non-functional Selection grade).

4. The posts of Engineer-in-Chief, Director General of Works, Chief Engineer (Command) and Additional Chief Engineer (Command) shall be held by the Army Officers as laid down in the Military Engineer Services (Army Personnel) Regulations, 1989. However, these officers shall not form part of the service. The number of posts to be manned by the Civilian Officers and Army Officers shall be governed by the Military Engineer Services (Army Personnel) Regulations, 1989 as may be amended from time to time.

SCHEDULE II

[See rule 7]

Minimum educational qualifications and age limits for direct recruits to the post of Assistant Executive Engineer Group 'A' to be filled on the results of the Examination to be conducted by the Union Public Service Commission.

A candidate must have :

- (i) a degree in Engineering from a University incorporated by an Act of the Central or State Legislature in India or other educational Institutions established by an Act of Parliament or declared to be deemed as a University under section 3 of the University Grants Commission Act, 1956 (3 of 1956) or a degree or diploma in Engineering from such foreign Universities, Colleges or Institutions and under such conditions as may be recognised by the Government from time to time or possesses qualifications which have been recognised by the Government for the purpose of admission to the Examination; and
- (ii) attained the age of twenty years but must not have attained the age of twenty eight years on the first day of August of the year in which the examination is held.

SCHEDULE III

[See Rule 7]

Method of recruitment, field of promotion and minimum qualifying service in the next lower grade or feeder grade for promotion to duty posts in the various grades of the Indian Defence Service of Engineers (Group 'A')

S. No.	Name of post and scale of pay	Method of recruitment	Whether selection Departmental Promotion Committee or non-selection	Field of selection and minimum qualifying service for promotion
1	2	3	4	5
1.	Additional Director General (Works) (Rs. 7300-7600)	By promotion	Selection	Chief Engineer (Civil) with 3 years regular service in the scale of Rs. 5900-6700.
2.	Chief Engineer (Rs. 5900-6700)	By promotion	Selection	Additional Chief Engineer with 8 years regular service in the grade (JAG)-including service if any, rendered in the non-functional selection grade failing which 8 years combine regular service in the grades of Additional Chief Engineer or Superintending Engineer or 10 years' regular service in Group A posts of which at least 8 years' regular service should be in the grade of Superintending Engineer (JAG) and possess a degree in Engineering from a recognised University or equivalent.

1	2	3	4	5
3.	Additional Chief Engineer (Rs. 4500-5700 plus Rs. 400 as special pay)	By promotion	Selection	Superintending Engineer with 3 years' regular service in the grade possessing degree in Civil, Mechanical or Electrical Engineering from a recognised University or equivalent.
4.	Superintending Engineer (Non-functional selection grade) (Rs. 4500-5700)	By promotion	By appointment on the basis of seniority based on suitability taking into account overall performance, experience matters	Superintending Engineer (Ordinary Grade) who has entered 14th year of Group A service on 1st July of the year calculated from the year following the year of Examination on the basis of which the member was recruited.
5.	Superintending Engineer (Ordinary Grade) (Rs. 3700-5000)	By promotion	Selection	Executive Engineer with 5 years' regular service (in the scale of Rs. 3000-4500) in the grade with degree in Civil, Mechanical or Electrical Engineering or equivalent from a recognised University/Institution.
6.	Executive Engineer (Rs. 3000-4500)	By promotion	(i) 66-2/3% posts to be filled on non-selection basis from the grade of Assistant Executive Engineer. (ii) 33-1/3% posts to be filled on selection basis from the grade of Assistant Engineers.	Assistant Executive Engineer with 4 years' regular service in the grade with degree in Civil, Mechanical or Electrical Engineering or equivalent from a recognised University/Institution.
7.	Assistant Executive Engineer (Rs. 2200-4000)	By direct recruitment		Assistant Engineer with 8 years' regular service in the grade and possessing degree in Civil, Mechanical or Electrical Engineering or equivalent from a recognised University/Institution.

Note : Persons holding the post of Assistant Engineer on regular basis on the date of promulgation of the Indian Defence Service of Engineers Rules and, possessing diploma in Civils, Mechanical or Electrical Engineering from a recognised University/Institution will continue to be eligible for promotion to the grade of Executive Engineer.

The vacancies shall be filled by direct recruitment on the basis of Examination.

SCHEDULE IV

[See rule of 2(d) and 7]

Composition of Group 'A' Departmental Promotion Committee for considering cases of promotion and confirmation to Group 'A' posts in the Indian Defence Service of Engineers.

Sl. No.	Name of post	Group 'A' Departmental Promotion committee (for considering promotion)	Group 'A' Departmental Promotion Committee (for considering confirmation)	
1	2	3	4	5
1.	Additional Director General (Works)	(i) Chairman/Member of Union Public Service Commission—Chairman (ii) Secretary, Ministry of Defence—Member (iii) Engineer-in-Chief—Member	Not applicable.	
2.	Chief Engineer	(i) Chairman/Member of Union Public Service Commission—Chairman (ii) Secretary/Additional Secretary, Ministry of Defence—Member (iii) Engineer-in-Chief—Member	Not applicable.	
3.	Additional Chief Engineer	(i) Chairman/Member of Union Public Service Commission—Chairman (ii) Secretary/Additional Secretary, Ministry of Defence—Member (iii) Engineer-in-Chief—Member	Not applicable.	
4.	Superintending Engineer (Non-functional Selection Grade)	(i) Joint Secretary, Ministry of Defence—Chairman (ii) Additional Director General of Engineers, Engineer-in-Chief's Branch—Member (iii) Deputy Director General, Engineer-in-Chief's Branch—Member	Not applicable.	
5.	Superintending Engineer	(i) Chairman/Member of Union Public Service Commission—Chairman (ii) Joint Secretary, Ministry of Defence—Member (iii) Additional Director General of Engr., Engineer-in-Chief's Branch—Member	Not applicable.	
6.	Executive Engineer	(i) Chairman/Member, Union Public Service Commission—Chairman (ii) Joint Secretary, Ministry of Defence—Member (iii) Additional Director General of Engineers, Engineer-in-Chief's Branch—Member (iv) Deputy Secretary, Ministry of Defence—Member	Not applicable.	

Note: The proceedings of Departmental Promotion Committee relating to confirmation shall be sent to the Commission for approval. If, however these are not approved by the Commission, a fresh meeting of Departmental Promotion Committee to be presided over by the Chairman or a Member of the Commission shall be held.

[No. 85604/CSCC/528/RR]
M. S. SOKHANDA, JL Secy. (E).



भारत का वित्त The Gazette of India

असाधारण EXTRAORDINARY

भाग II—खण्ड 4
PART II—Section 4

प्राप्तिकार से प्रकाशित ।
PUBLISHED BY AUTHORITY

सं. 121

नई दिल्ली, दोपायार, जलाई 31, 1989/श्रावण 9, 1911

No. 12]

NEW DELHI, MONDAY, JULY 31, 1989/SRAVANA 9, 1911

इस भाग में भिन्न पूँछ रंगों की जाती हैं जिससे किंवद्दु अलग संग्रहालय के लिए मिलती हैं।

Separate Paging is given to this Part in order that it may be filed as a separate compilation

रक्षा मंदिरालय

၁၁၁

नई दिल्ली, 31 जुलाई, 1989

1. संविल नाम और प्रारंभ : (1) इन विकासों का संविल नाम होना इंजीनियरों के बाबा (होना चाहिए) विविध, 1989 है।
 (2) वे राजस्व में प्राप्ति की तारीख को प्रदृश होने।
2. होना इंजीनियरों की संवर्गता— (1) होना इंजीनियरी सेवा इंजीनियर कार्य और प्रिवेटियन वर्गिका के अधिकारियों, कंसिल गवर्नरियन प्राप्ति अधिकारियों और अन्य प्रत्यक्षियों से नियंत्रित कर देनें।
 (2) होना का प्रबन्ध इंजीनियर इंजीनियर कार्य और सेवा इंजीनियरों द्वारा का व्यवस्था होना।
3. होना इंजीनियरी सेवा में इंजीनियर कार्य के बेता प्रधिकारियों की काल देखा और क्षमता तथा प्रतिक्रिया— दर्दी के नाम वा प्रकार, देखा इंजीनियरी सेवा में कर्ता की कृत सेवा और सेवा इंजीनियरों के बाबा में प्राप्ति दर्दी का, या इंजीनियरों के बाबा प्रधिकारियों द्वारा प्राप्ति हो, क्षमता वा प्रतिक्रिया दर्दी की विवरण के बाबा होने। (2), (3), (4) के लिए यह को लेखाता होना।

प्रद नेत्रो या दृष्टि
संषया

卷之三

मुमा है किंतु यही मेहमान में पर्याप्त की
मुख्य संदर्भ

में तो एक विवरणी विवरण में दूसरी विवरणी
कोर के बाहर प्रविष्ट होती है औ उपर्युक्त
पद्धति का अध्ययनात्मक प्रतिवेदन होता है ।

			3
1	2		
इंजीनियरी काउंसिल			
1. प्रमुख इंजीनियर		1	1 (स्पेशलिस्ट)
2. निर्माण कार्य महानिदेशक		4	2 (मेजर निर्माण)
3. अपर नियंत्रित विभाग			3 (योना नियंत्रित कार्य में इस विभाग के नियंत्रित कार्यालय)
4. मुख्य इंजीनियर (कामान)		5	5 (नेविटिकल)
5. अपर नुक्स इंजीनियर (कामान)		5	5 (प्रोफेशनल)
6. * मुख्य इंजीनियर जांत/पर्सनल/विभाग/महानिदेशक, रोना नुक्सान, प्रमुख इंजीनियर-नायिक/नियंत्रित कार्य (कामान), नियंत्रित कार्यालय/नियंत्रित कार्य (कामान), नियंत्रित कार्य (कामान) रोना	44	22 (नियंत्रित)	
7. * अपर-नुक्स इंजीनियर, जांत/पर्सनल (नियंत्रित कार्य) कामान/नियंत्रित कार्य रोना मुख्यालय प्रमुख इंजीनियर गाया	93	66 (कामान)	
8. कामान नियंत्रित कार्य इंजीनियर/टाक प्रधिकारी प्रेसी 1 (कामान/नियंत्रित कार्य)	गाया-गाया पर भाग गायार हारा जारी की पहली मंत्रिमंडली के ग्रन्तियार।		50 प्रतिशत (ग्रन्तियार में 284 में 131 वटा)
9. मंत्रिमंडल इंजीनियर/कामान नियंत्रित कार्य इंजीनियर/टाक प्रधिकारी			50 प्रतिशत
10. मंत्रिमंडल इंजीनियर/टाक प्रधिकारी प्रेसी 2 (मेजर)			25 प्रतिशत
11. मंत्रिमंडल इंजीनियर/टाक प्रधिकारी प्रेसी 3 (कामान/नियंत्रित)			25 प्रतिशत
12. मंत्रिमंडल इंजीनियर/टाक प्रधिकारी प्रेसी 4 (कामान/नियंत्रित)			25 प्रतिशत
13. मंत्रिमंडल इंजीनियर/टाक प्रधिकारी (मेजर)			25 प्रतिशत
14. मंत्रिमंडल इंजीनियर/टाक प्रधिकारी (कैप्टन/नियंत्रित)			25 प्रतिशत
वास्तुविद शास्त्र			
15. मुख्य वास्तुविद (विनोटिपर)		"	20 प्रतिशत
16. उपर्युक्त वास्तुविद (नियंत्रित)		"	20 प्रतिशत
17. वास्तुविद (मेजर)		"	20 प्रतिशत
18. उप वास्तुविद (कैप्टन/नियंत्रित)		"	20 प्रतिशत
19. सहायक वास्तुविद (नियंत्रित)		"	20 प्रतिशत
20. तकनीकी प्रधिकारी (तेक्टिकेट)		"	20 प्रतिशत
वैरक्ति थांत्र यांत्र काउंसिल			
21. प्रधान वैरक्ति थांत्र यांत्र प्रधिकारी (कैप्टन/नियंत्रित)		"	33- $\frac{1}{3}$ प्रतिशत
22. उपर्युक्त वैरक्ति थांत्र यांत्र प्रधिकारी (मेजर)		"	33- $\frac{1}{3}$ प्रतिशत
23. उपर्युक्त वैरक्ति थांत्र यांत्र प्रधिकारी (कैप्टन/नियंत्रित)		"	33- $\frac{1}{3}$ प्रतिशत

वैद्युत थंडर फ़ैटर काइर

21. प्रयत्न देवक और मंटार अधिकारी (३० कर्नल)
 22. उपेत्तर्देवक और मंटार अधिकारी (मेजर)
 23. देवक और मंटार अधिकारी (कॉलनेजर)

33-1 ପଲିଗନ୍ଧି

33-35

३३-१ अधिकार

23. वैज्ञानिक संगठन का प्रधानमंत्री (क्रमांक/नं०) _____ 33-3/2014
 * इस सार में पूरी तरह के उत्तरान्तर उत्तर के नहीं लिखा गया है इसमें वृद्धि/समीक्षा की प्रतिशतता का, जो एक प्रधानमंत्री की वर्दि है, नहीं लिखिया गया है।
 यह उत्तरान्तर कार्य अधिकारी का प्रधानमंत्री का उत्तरान्तर नहीं लिखा गया है।

(1) (2)

(3)

(4)

प्रशासनिक कार्यक्रम

24. प्रधान प्रशासनिक अधिकारी (नेतृत्व करने वाले)

संस्थान-कार्यक्रम पर भारत सरकार द्वारा 3.3- 1/3 प्रतिशत
अधिकारी की नई नियुक्ति के प्रत्युत्तर

25. उपर्युक्त प्रशासनिक अधिकारी (नेतृत्व)

प्रतिशत 3.3- 1/3 प्रतिशत

26. प्रशासनिक अधिकारी श्रेणी-1 (कार्यक्रम)

3.3- 1/3 प्रतिशत

27. प्रशासनिक अधिकारी श्रेणी-2 (नेतृत्व के प्रतिशत)

3.3- 1/3 प्रतिशत

4. अधिनस्त पद: इंजीनियर दंसर के उपर्युक्त प्रशासनिक शोध द्वारा द्वारा प्रधानिकी की प्रतिशतता देखा दृष्टिकोण से में कुल प्रधिकृत अधिनस्त पदों का 33- 1/3 प्रतिशत होगी।

टिप्पणी: जहां नियत प्रतिशतता नियांत्रण संस्थान में आती हो, मामला प्रदूष इंजीनियर को नियित किया जाएगा, जो उनका विनियोग करेगा।

5. शिखितांकरण की घट्टी: जहां केन्द्रीय संचार के द्वारा यह राय हो कि ऐसा करना आवश्यक या मनुचीन है तो वह अपने आदेश द्वारा और कार्यक्रमियां के वित्ती दृष्टि या प्रबंधनीय की वावत इन वित्तीयों के उपयोगों का शिखितांकरण कर सकेगी।

[नंबर 16 (4)/89/डी (वक्रता-II)
अर्द्धवर्ष की वर्ष, संस्कृत विद्या

MINISTRY OF DEFENCE

New Delhi, the 31st July, 1989

NOTIFICATION

S.R.O. 19-E.—In exercise of the powers conferred by section 192 of the Army Act, 1950, and in partial supersession of the Regulations for the Military Engineer Services, except as respects things done or omitted to be done before such supersession. The Central Government hereby makes the following regulations regarding the number of posts, appointments and percentage of the Army Officers, Junior Commissioned Officers and Other Ranks of the Corps of Engineers in the Military Engineer Services, namely :—

1. Short title and commencement.—(1) These regulations may be called the Military Engineer Services (Army Personnel) Regulations, 1989.

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

2. Composition of Military Engineer Services.—(1) The Military Engineer Services comprises of Officers, Junior Commissioned Officers and Other Ranks of the Corps of Engineers and Civilian personnel.

(2) The Engineer-in-Chief of the Army shall be the head of the Corps of Engineers and Military Engineer Services.

3. Number of posts and proportion or percentage of Army Officers of the Corps of Engineers in the Military Engineer Services.—The name of category of the posts, the total number of posts in the Military Engineer Services and the proportion or percentage of posts authorised in the Military Engineer Services and held by Army Officers of the Corps of Engineers shall be as given in column numbers (2), (3) and (4), respectively, of the Table given below :—

TABLE

S. No.	Number of Category of posts	Total No. of Posts in Military Engineer Services	Proportion/percentage of post tenable by Army Officers of the Corps of Engineers in Military Engineer Services
(1)	(2)	(3)	(4)
Engineer Cadre			
1. Engineer-in-Chief	1		1 (Lt Gen)
2. Director General of Works	1		1 (Maj. Gen.)
3. Additional Director General	4		3 (Maj. Gen.) for my works, ESP personnel)

(1)	(2)	(3)	(4)
4. Chief Engineer (Command)	5	5 (Maj. Gen).	
5. Additional Chief Engineer (Command)	5	5 (Birg.)	
6. *Chief Engineers Zone/Project/Deputy Director General at Army Headquarters Engineer-in-Chief's Branch/Director of Works (Command)	44	27 (Brig.)	
7. *Additional (Chief Engineer Zone/Colonel (Works) Command/Director Army Headquarters Engineer-in-Chief's Branch	93	66 (Col)	
8. Commander Works Engineers/ Staff Officer Grade I	As per sanction issued by Government of India from time to time.	50% (presently 131 posts out of 284)	
9. Garrison Engineer Deputy Commander Works Engineers/Staff Officer Grade-2	(Major) do-	50%	
10. Assistant Garrison Engineer/Staff Officer Grade-3	(Capt/Lt) do-	25%	
11. Chief Surveyor of Works	(Brig) do-	25%	
12. Superintending Surveyor of Works	(Lt Col) do-	25%	
13. Surveyor of Works	(Major) do-	25%	
14. Assistant Surveyor of Works	(Capt/Lt) do-	25%	
Architect Cadre			
15. Chief Architect	(Brig) do-	20%	
16. Senior Architect	(Lt Col) do-	20%	
17. Architect	(Major) do-	20%	
18. Deputy Architect	(Capt/Lt) do-	20%	
19. Assistant Architect	(Lt) do-	20%	
20. Technical Officer	(Lt) do-	20%	
Barrack and Stores Cadre			
21. Principal Barrack and Stores Officer	(Lt Col) do-	33-1/3%	
22. Senior Barrack and Stores Officer	(Major) do-	33-1/3%	
23. Barrack and Stores Officer	(Capt/Lt) do-	33-1/3%	

*Any increase/decrease in post due to variation in workload/from the numbers given above, will be shared equally by Officers of the Corps of Engineers and Civilian Officers, subject to ensuring percentage wherever laid-down.

[प्रभाग-II--प्रभाग-II]

प्रभाग-II : प्रभाग-II : प्रभाग-II

(2)

(3)

(4)

Administrative Cadre

24. Principal Administrative Officer	(Lt Col)	As per sanction issued by Government of India from time to time.	33-1/3%
25. Senior Administrative Officer	(Major)	-do-	33-1/3%
26. Administrative Officer Grade-I	(Cap:)	-do-	33-1/3%
27. Administrative Officer Grade-II	(Lt/2Lt)	-do-	33-1/3%

4. Subordinate posts.—The percentage of Junior Commissioned Officers and Other Ranks of the Corps of Engineers Shall be 33-1/3% of the total authorised subordinate posts in the Military Engineer Services.

Note : Where the percentage fixed results in a fraction, the matter shall be referred to the Engineer-in-Chief, who shall decide the same.

5. Power to relax.—Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order and for reasons to be recorded in writing, relax any of the provisions of these Regulations with respect to any class or category of persons.

[No. 16(1)(89/12)(Works-II)]

ARVIND KAUL, Jr. Secy. (P&W)

RESTRICTED

Telephone : 372337

PRIORITY

Coord aur Karmik Nideshalaya/MIS(Civ.
 Pramukh Engineer Shakha
 Sena Mukhyalaya
 Coord & Pers Directorate/MIS(Civ)
 Engineer-in-Chief's Branch
 Army Headquarters
 DHQ PO NEW DELHI - 110011

A/42001/MIS(Civ)

18 Oct 84

Lists 'A' & 'B'

CHANNEL FOR RENDITION OF ACRs - MES CIVILIAN
OFFICERS

1. The channel for rendition of ACRs in respect of MES civilian officers has been revised and is laid down in Appendices 'A' to 'F' attached. This may please be disseminated to all MES units/formations for compliance from the current reporting year, ie, for ACRs due on 01 Oct 84.
2. Please acknowledge.

MAIL DATE	395
FROM	468, 471
TO	457A, 470
	512, 516, 517

Encls : As above.

HS Sodhi

(HS Sodhi)
 Maj Gen
 Director of Personnel
 Pramukh Engineer/
 Engineer-in-Chief

Copy to:

InternalE Coord-ICTEDGBRRESTRICTED

RESTRICTED

-2-

Appendix A

CHANNEL FOR RENDERING ACRs OF MES CIVILIAN OFFICERS
EMPLOYED IN MAINTENANCE FORMATIONS

1. AGE
 - GE
 - Reporting Officer
 - Reviewing Officer
 - Countersigning Officer
 - CWE
 - CE Zone
2. AGE (I)
 - CWE
 - CE Zone
 - CE Comd
 - Reporting Officer
 - Reviewing Officer
 - Countersigning Officer
- 3. GE
 - CWE
 - Sub Area/Area Cdr or equivalent
 - CE Zone
 - CE Comd
 - Reporting Officer
 - Formation Commander
 - Reviewing Officer
 - Countersigning Officer
4. GE (I)
 - CE Zone
 - Area Cdr or equivalent
 - CE Comd
 - Reporting Officer
 - Formation Commander
 - Reviewing Officer
5. CWE
 - CE Zone
 - Area Cdr or equivalent
 - CE Comd
 - E-in-C
 - Reporting Officer
 - Formation Commander
 - Reviewing Officer
 - Countersigning Officer
6. CE Zone
 - CE Comd
 - GOC-in-C or equivalent
 - DGW
 - E-in-C
 - Reporting Officer
 - Formation Commander
 - Reviewing Officer
 - Countersigning Officer

RESTRICTED

Tele : 3010231/1634

Air HQ/S 37501/107/W(P&C)

24Jun 94

AIR OFFICER INCHARGE ADMINISTRATION
(Air Headquarters)

RE-ORGANISATION OF MES AND POSTING
OF MES CIVILIAN OFFICERS

1. The re-organisation of MES was carried out as per Govt of India letter No 16(17)/89/5746/D(W.II) dated 17 Sep 91 in order to further streamline the works services to the Indian Air Force and Indian Navy by the MES formations. This arrangement does not in any manner change any aspect of the personnel management of MES Civilian officers/subordinate or any works procedure aspect. The powers exercised by the E-in-C as Head in respect of MES civilian officers continue as hitherto for personnel policy and cadre management of civilian officers/subordinates.
2. It has been brought to the notice of Air HQ that in the past certain requests were made by AF authorities for retention of Shri MVS Rao, CE(AF) Bangalore which E-in-C has agreed upto Apr 94. The officer has completed 2 years and 9 months as CE(AF) at Bangalore. It is hereby confirmed that Shri MVS Rao can be moved out on posting as ordered by E-in-C's Branch. There is no further requirement of retaining him at Bangalore as CE(AF).

Present
(MK Anand)
Air Mshl
AOA

E-in-C
(Army HQ)

CE's Copy.

Telephone : 3019607

Engineer-In-Chief's Branch
Army Headquarters
Kashmir House
DHQ P.O. New Delhi - 110011

A/09043/CC/MIS(Ptg)

30 Mar '92

Headquarters

Southern Command Engineers Branch
Eastern Command Engineers Branch
Western Command, Engineers Branch
Central Command, Engineers Branch

COMMAND AND CONTROL : CE's NAVY AND AIR FORCE

1. Reference Army Headquarters, GS Branch letter No. A/30029/SD2 (S) dated 27 Apr '87.
2. The Command and control instructions of CE Navy and Air Force in your command are attached at Appendix 'A'.
3. Please acknowledge receipt.

Sd/- x x x x x
(R J Joseph)
Brig
DDG Engineers (Pers)
For Engineer-In-Chief

Encls : One

Copy to :-

All concerned - CE's Navy and Air Force as listed in Appendix 'A'.

Internal

DSW
SO to ADG Engrs (Pers)
ADG ESP
ADG (ES)
DDG (P&C)
MIS (Mil)
MIS (Civ)

- 45 -

Appendix 13

RECORDED
(Refer to In-C's Spanish letter
No. A/00043/CC/RIG/PLG) dated
30 Jan '92

CHIEF, A. GENERAL - C.I.s NAVY & AIR FORCE

1. NAVY

2. AIR FORCE

CE AF Ahmedabad Ahmedabad CESC *Sub -do- CESC E-In-C CESC CESC -do- CESC with
 CE AF Bangalore Bangalore CESC Areas/ -do- CESCC E-In-C CESCC CESCC -do- CESCC concurrence
 (i Sub -do- CESCC of AF Cdrs.
 CE AF Shillong Shillong CEEC Areas -do- CEEC E-In-C CEEC CEEC -do- CEEC
 CE AF (WAC) Jalandhar CEWC -do- -do- CEWC E-In-C CEWC CEWC -do- CEWC

*Auth : Army Headquarters, GS Branch letter No. A/30029/SD2(B) dated 27 Apr '87.

By Dte General of Works (P&C)
 Engineer-In-Chief's Branch
 Army Headquarters
 C.H.Q. P.C. New Delhi -110011

No. A/00365/EST/E2 (P&C)

19 Nov '92

E-In-C's List 'A' & 'B'
 (For dedicated CEs AF only)

COMMAND & CONTROL OF DEDICATED MES FORMATIONS

1. Consequent to the re-organisation of MES and operation of dedicated MES formations for Navy and Air Force upto Zonal CEs level, the issue relating to the Command and Control of the dedicated MES formations were deliberated at length with the Service HQ.
2. It has been decided in consultation with Air HQ that temporary duty moves, leave etc will continue to be exercised by the Engineer Authorities with the prior concurrence of the Formation HQ of Air Force. In this connection a copy of Air HQ letter No. Air HQ/37501/107/W (P&C) dated 29 Jan '91 is enclosed. The instructions issued by this HQ on the Command and Control of dedicated CEs vide letter No. A/9043/CC/MIS(Plg) dated 30 Mar '92 is in accordance with instructions issued vide Air HQ letter ibid (Copy enclosed for ready reference). In respect of a dedicated CSE and GE's prior concurrence of the concerned Air Force Formation Commanders will be obtained. This position has been reiterated by DDG in a recent meeting at Air HQ where the SOAs of the respective Air Commands and the dedicated Zonal CEs were present.
3. Please ensure that the above instructions are strictly complied with.

Sd/- x x x
 (M Prabhakara Rao)
 Chief Engineer
 DDG(W&C)
 for Engineer-In-Chief

Int.

DDGW(AF) - W.r.t. their Note 12 dated 12 Nov '92 on file No. 27025/Re-Org/T&C/E2 Air.

Tele : 3010231/1620

← 47 →
Air Headquarters
Vayu Bhawan
New Delhi - 110011

Air HQ/37501/107/0 (P&C)

29 Jan'91

Headquarters
Western Air Command, IAF
Central Air Command, IAF
Eastern Air Command, IAF
Maintenance Command, IAF
Training Command, IAF
South Western Air Command, IAF
Southern Air Command, IAF

(For SAASO/SOA)

RESTRUCTURING OF MES ORGANISATION

1. Further to this HQ letter of even number dated 21 Nov'90.
2. Para 2 (a) of instructions issued vide our letter under reference reads as under:-
 - (a) Creation of dedicated GE's for the Air Force and their placement under the control of the Station Commander through C Ad O.
3. The placement of the GE under Station Commander has conveyed an impression that Air Force authorities would assume full command and control over the GE. It appears that the extent of control over the GE by Air Force authorities in respect of administrative activities like moves on TB/Leave etc, has left an area of doubt. It is clarified that while the formal sanction thereof will be accorded by the competent Engineering Authority but it shall have the prior concurrence of Stn Cdr.
4. As regards the channel of ACR, the existing instructions issued vide Army HQ letter No. 03981/6/MS 40 (Channels) dated 18 Oct'89 circulated vide letter Air HQ/37501/33/W(P&C) dated 10 Oct'90 and A/42001/RIS(CIV) dated 18 Oct'84 (Copy enclosed for ready reference) will continue in respect of the dedicated GE, CWE and Zonal CE.
5. The ACR channel in respect of proposed Addl CE at HQ SC, Pune will be as under:-

IO	- Chief Engineer, HQ Southern Command.
RO	- AOA, Air Force Air HQs.
SRO	- VCNS, Naval HQ.

After the report from VCNS, as SRO is finalised, the same is to be routed to the E-In-C's Branch for requisite endorsement by the E-In-C as the head of the Army.
6. Command HQs are requested to apprise the Stns/Units accordingly.

(PK Varma)

A V M

D A F W

For Air Office I/C Administration

Copy to:-

1. DSW - Your note No. A/66161/Reogn/Est/E2(WPC) dated 15 Jan'91 refers. (Without enclosures)
2. DDM-I(WAC, CAC, SAC)
3. DDU-II(EAC, SWAC, TC)
4. DDU (HC)

- 48 -
CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH

Annexure - R-9

O.A.No.1223-PB of 1993

Decided on: April 22, 1994

Joginder Singh s/o Natha Singh
Executive Engineer
O/o The Chief Engineer, Chandigarh Zone,
Chandigarh.
Resident of 2155, Phase II,
Urban Estate Dugri Road, Ludhiana.

.....Applicant

Versus

1. Union of India, through the Secretary,
Ministry of Defence, Army Head Quarter, New Delhi.

2. Engineer-in-Chief, Army Head Quarter,
Kashmiri House DHQ PO, New Delhi-110011

.....Respondents

Present: Sh.D.R.Sharma, Advocate-For the applicant.

Sh.Arun Walia, Advocate-For the respondents.

ORDER

S.C.VAISH(AM)

The applicant, Joginder Singh, is an Executive Engineer in the office of the Chief Engineer, Chandigarh Zone of the Military Engineering Service. He was promoted to this rank of Executive Engineer in October 1989 and since then he has been posted in the office of the Chief Engineer, Chandigarh Zone as a Staff Officer and has completed more than four years. He is of about 53 years of age and has another 5 years' service. He has come to the Tribunal seeking a direction to the respondents to give him an executive appointment as opposed to the staff appointment he is holding. In seeking this direction he has relied upon a circular "Career Planning & Posting Policy - MES Civilian Officers" issued by Engineer-in-Chief's Branch by their No.41254/Policy/ELB dated 21.2.1991.

2. I have heard Sh.D.R.Sharma, learned counsel for the applicant and Sh.Arun Walia, learned counsel for the respondents and have examined the record.

3. The learned counsel for the respondents contested the claim of the applicant. He urged that the present posting of the applicant at Chandigarh was on the basis of his request for a compassionate posting. Moreover, when the applicant was holding ~~the~~ executive appointment from 1977 to 1987 for a period of 10 years, he was awarded punishment of withholding of one increment. Taking all the facts into account, the respondents have kept him on his present staff appointment.

4. It is settled law that guidelines and policy regarding posting do not confirm a justiciable right on a person to ask for a particular post or a type of post or a station for posting. In the facts of the present case, there is no occasion to intervene in the present posting of the applicant. The Application has no merit and is rejected.

5. There is no order as to costs.

(S.C.VAISH)
ADMINISTRATIVE MEMBER

22-4-94

Dated: April 22, 1994

Chandigarh
22-4-94
S.C.VAISH
ADM. MEMBER
S.C. V.A.I.S.H
22-4-94
S.C.VAISH

बीमा नहीं NOT INSURED

इताएं गये डाक टिकटों का मूल्य 50/-
Amount of Stamps affixed Rs. 50/-

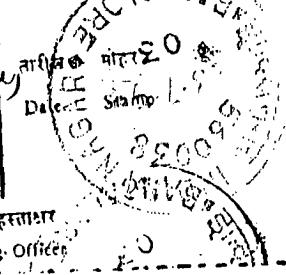
एक रजिस्ट्रेड - 1/- प्राप्त किया
Received a Registered - 1/- Received

पानवाले का नाम - 1/-
Addressed to 1/-

81-31

क्रमांक No.

2067



पानवाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

From	: <p>MV Sathyanarayana Rao, IDSE Chief Engineer (on leave) 438, 'J' Block Sena Vihar, AWHO Kammanahalli Main Road Bangalore-560 084</p>	Official Address	: <p>Chief Engineer (AE) No.2 DC Area MES Road Bangalore-560 022</p>
To	: <p>The Secretary Ministry of Defence Government of India New Delhi</p>		

NOTICE FOR VOLUNTARY RETIREMENT UNDER
RULE 48 (PENSION) AND FR 56

Respected Sir,

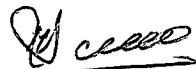
1. I have completed 33 years of service in Oct 94 and 56 years of age as on 23 Apr 94 (date of birth being 23.4.38).
2. I have been transferred to E-in-C's Branch, New Delhi as DDG (CSCC). But I am not well since 18 May 94 and under treatment and I am on sick leave from 23 May 94 (22 May 94 being Sunday). As per Doctor's advise, I have to continue my treatment further and I am not in a position to move to Delhi at this juncture and continue my service any more.
3. Hence I submit this Notice for Voluntary Retirement with effect from 22 Oct 94.
4. As per FR 56 (k) I request the Competent Authority for waiver of three months notice as laid down for voluntary retirement and I may please be permitted to retire with effect from 22 Oct 94, the date of this notice.

Thanking you,

Yours faithfully,

Bangalore-84,

Date: 22 Oct 94


 (MV Sathyanarayana Rao)
 Chief Engineer

Copy to:-

E-in-C's Branch
 Army Headquarters
 Kashmir House
 New Delhi-110 011

Chief Engineer
 Southern Command
 Pune-411 001

This is an SLP against order on interim order
Prayer. O/c of this, with a copy of order dt
28/6/94 on interim prayer; as per R. 143 of Rop '93.

Enter in SLP list, SLP Register & main Register & add to
files, note & return to JI, also A due on 12/12/94 before the
Bench.

From:-

The Registrar
Supreme Court of India
New Delhi.

D. NO. 4448/94 SEC. IV-A
SUPREME COURT OF INDIA
NEW DELHI.

DATED:- 28/10/94
10/11

JI.
ver
Sib

To
The Registrar,
Central Administrative Tribunal,
at Bangalore.

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL/CRL.) NO. 11641/94
(Petition under Article 136(1) of the Constitution of India
from the Judgment and Order dated 28-6-94
of the High Court of Judicature at C. A. T. of Bangalore
in A. No. 922/94).

M. V. Sathyanarayana Rao...PETITIONER(S)

-VERSUS-

U. O. S. & Ors. ...RESPONDENT(S)

Sir,

I am directed to inform you that the petition above
mentioned filed in the Supreme Court was dismissed
by the Court on 1-8-94.

Yours faithfully,

N. M. Khan 10/11
For Registrar

R1

No. 274/Vig.IV/94
Government of India
Ministry of Defence
New Delhi, the 17th January, 1995

ORDER

WHEREAS a disciplinary proceeding against Shri M.V.S.Rao is contemplated.

NOW, THEREFORE, the President, in exercise of the powers conferred by subrule(1) of Rule 10 of the Central Civil Services(Classification Control and Appeal) Rules, 1965, hereby places the said Shri M.V.S.Rao under suspension with immediate effect.

It is further ordered that during the period that this Order shall remain in force the headquarters of Shri M.V.S.Rao should be Bangalore and the said Shri M.V.S.Rao shall not leave the headquarters without obtaining the previous permission of the competent Authority.

(By order and in the name of the President)

[Signature]
Maj Gen
Addl DG Engrs (P & M)
Engineer-in-Chief's Branch
Army Headquarters
New Delhi-110011

M Singh

(Mohinder Singh)
Deputy Secretary to the Government of India

MES127002 Shri M.V.S.Rao,
Chief Engineer.

: through E-in-C's Branch/ElB.

No. 48839/2190/MIB/3143/D(Lab)

Government of India,

Ministry of Defence,

New Delhi, the 17th January, 1995

ORDER

In exercise of the powers conferred under Rule 48(1) of the Central Civil Services (Pension) Rules, 1972, the President after considering the request dated 22-10-1994 of MES-127002 Shri M.V.S.Rao, Chief Engineer for voluntary retirement hereby withholds the permission for voluntary retirement as the Officer is under suspension vide Government of India Order No. 274/Vig.IV/94 dated the 17th January, 1995.

(By order and in the name of the President)


(Kiran Kochhar)
Under Secretary to the Government of India

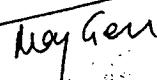
To,

✓ Shri M.V.S.Rao,
Chief Engineer - through E-in-C's Branch, Army HQrs.

Copy to : DS(Vig), Ministry of Defence


CTC


Maj Gen
Addl DG Engrs (Pers)
Engineer-in-Chief's Branch
Army Headquarters
New Delhi-110011


Maj Gen

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 038.

Dated: 14 MAR 1995

APPLICATION NO. 922 of 1994.

APPLICANTS: **M.V.Sathyanarayana Rao,**

V/S.

RESPONDENTS: **Secretary, Ministry of Defence, New Delhi
and three others.,**

To

1. Smt. Pramila Nesargi M.N.
Advocate, No. 844/A,
100 Ft Road, Indiranagar,
Bangalore-560 038.
2. Sri. M. S. Padmarajaiah, Senior
Central Govt. Standing Counsel,
High Court Bldg, Bangalore-1.

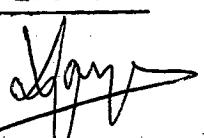
Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

---XXX---

Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on 02-03-1995.

Issued on
14/3/95

9/
R


for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO. 922/1994

THURSDAY THIS THE SECOND DAY OF MARCH, 1995

MR. JUSTICE P.K. SHYAMSUNDAR

VICE CHAIRMAN

MR. T.V. RAMANAN

MEMBER (A)

1. M.V. Sathyanarayana Rao,
Indian Defence Service of
Engineers, Chief Engineer
(Air Force),
Yeswanthapur PO,
Bangalore - 560022

Applicant

(By Advocate Smt. M.N. Pramila Nesargi)

v.

1. Union of India
represented by the
Secretary, Ministry of Defence,
South Block, New Delhi-11

2. Engineer-in-Chief (E-in-C),
Ltd. Gen Jadish Narain,
Army Headquarters,
Kashmir House,
New Delhi - 11

3. Military Secretary (MS),
Lt. Gen Ravi IPE,
MS Branch
Army Headquarters
DHQ PO New Delhi 11

4. Brig. D.K. Budhraja, DDG,
E-in-C's Branch,
Army Headquarters,
Kashmir House,
DHQ PO New Delhi-11
now at Bangalore Sub Area,
Officers Mess, Cubbon Road,
Bangalore - 42

Respondents

(By learned Standing Counsel)
Shri M.S. Padmarajiah

ORDER

MR. JUSTICE P.K. SHYAMSUNDAR, VICE CHAIRMAN

Learned counsel for the applicant has
filed a Memo today seeking leave to withdraw
this application with liberty to file a fresh



application for appropriate reliefs against some impugned orders apropo which the applicant is said to be aggrieved. We permit the applicant to withdraw this application with liberty to file a fresh application, if necessary.

2. There are some statements in the Memo made stating that the applicant deems himself to have retired with effect from 21st January, 1995. Apropo such assumption, we do not propose to say anything except notifying our non-commitment. Likewise, all other contentious issues raised in the Memo are not liable to be treated as having been noticed and considered by us. No costs.

Sd/-

MEMBER (A)

Sd/-

VICE CHAIRMAN

TRUE COPY

John V 14/3/95
Section Officer
Central Administrative Tribunal
Bengalore Bench
Bangalore

