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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: ADDL.BENCH : AT  
HYDERABAD.

O.A. No. 749 of 1992

Between:

B.K.Nagpal

.. Applicant

and

Union of India, rep. by its  
Secretary (Defence Production),  
Ministry of Defence, DHQ PO,  
New Delhi and 2 others

.. Respondents

REJOINDER TO THE REPLY DATED: FEB '93 (SWORN IN BY  
COL.D.B.BHIDE)

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I, B.K. Nagpal, son of Shri Jagan Nath, aged about 49 years, working as Junior Scientific Officer, Office of the Controllerate of Quality Assurance Systems (DGQA), 156, Gough Lines, Trimulgherry, Secunderabad, do hereby solemnly and sincerely affirm and state as follows:

1. I am the applicant herein.
2. I read the reply to the rejoinder filed on behalf of the respondents sworn by Col.D.B.Bhide dated: Feb, 1993 and I hereby deny all ~~the~~ the allegations made therein except those that are specifically admitted hereunder and the respondents are put to strict proof of the same.
3. I submit that an attempt is being made once again to confuse the main issue in the O.A. In this connection refer to paragraphs 3 and 4 of my rejoinder. I am ~~xxxxxx~~ not extracting the same to avoid repetition. I may be permitted to read the rejoinder and especially para 3 and ~~xx pxxx and pxxx ex xxix my xxjxinder~~ of my rejoinder dt.15.11.1992 as part and parcel of this rejoinder. I categorically stated in paragraph 5 of my rejoinder

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Deponent

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dated 15-11-1992 that "....I opted on 5.4.1980 well within the time to be posted out of the DGQA Organisation. I am herewith enclosing my option letter dt.5.4.1980 enclosing my bio-data(Annexure.III)X. I submit that the annexure R.II filed with the reply affidavit of the respondents is the additional information required to be submitted to the respondents. I submitted the additional information required. ~~xxx~~ Thus it is clear that my request was unjustifiably rejected though submitted in time on 5.4.1980. My request for option and posting to the subject of Flight Science cannot be read in isolation. I submit that my request was originally unjustifiably rejected and therefore this Hon'ble Tribunal by its order dated 1-3-1990 in O.A.No.184/87 directed reconsideration. No consideration was made".

I submit that no attempt is made to meet the above averments. I submit that at the time of the argument the counsel for the respondents stated that the original documents are with the Ministry and they cannot be produced. I call upon the originals to be produced. I submit those documents were not able to be produced at the time of hearing of O.A.No.184/87 and therefore, ~~xxx~~ a direction was issued to reconsider. It is thus not open to the authorities to say once again that the option form has been negatived as belated. The respondents are estopped from raising the question of delay both on the ground of resjudicata and also on the ground that the original of my representation dt.5.4.1980 was not able to be produced. The option form now produced should be treated as ~~xxx~~ a continuation of my option dated 5-4-1980. I submit that in the absence of the production of the original records the contentions raised are not valid and unsustainable in law. I am not

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*Amritpal Singh*

Deponent

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meeting the points raised in the present reply dated Nil Feb, 1993 as it would be a ~~repetition~~ repetition of my points once again.

4. I pray that the O.A. be allowed.

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DEPONENT

Solemnly and sincerely affirmed on this the 13th day of February, 1993 and signed his name in my presence at Hyderabad.

V. Surya SSJ  
Advocate, Hyderabad.

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