Run By Shorthand Dictation Legal Matters

(Sir Isaac Pitman's Shorthand)

Since 2005

Krishna Shorthand Institute

कृष्णा आशुलिपिक संस्थान

(English Only)

By. A.V. Kushwaha

(For Govt. Jobs, SSC (Group D & C), Supreme Court, High Court, District Courts, ASRB, CRPF, Railway, CBSC & all other departments requiring "English Stenographer/ Personal Assistant/Private Secretary"

(87, Sulem Sarai, Prayagraj, Uttar Pradesh)

(Contact No. 7355504435)

Note: You will get following:

1. Passage (in two parts)
2. Important Outlines

NOTE: Very important latest created passage for Supreme Court/High Court/District Court/Tribunal etc. related skill tests apart from speed building.

Topic: Service Matter: *Misconduct and Rule Violations*

Volume 1, Dictation No. 11, Part 1

Note: Outlines of all highlighted words/phrases are given at the end of the passage. Adopt all better outlines than yours.

The charge-sheet records that Sri Khanna has acted in a mala fide manner and in gross violation of established norms and procedure of government functioning and in utter disregard of All India Service Rules, principles of objectivity, fair play, integrity and the high morals expected of a senior civil servant. The notification pertains to acquisition of assets disproportionate to the known sources of income by a civil servant and it is in processing these cases that the aforesaid charge as emphasized has been levelled against Sri V.K. Khanna. We, however, have not been able to appreciate whether initiation of an enquiry

against the civil servant, would be in gross violation of established norms and procedure of government functioning. The processing was further stated to be in utter disregard of All India Service Rules. We are not aware neither any rules have been placed before this court wherein initiation of an enquiry for assets disproportionate to the known source of income can be termed to be in disregard of the service rules or fair play, integrity and morals. Do the service rules or concept of fair play, integrity or morals excepted of a senior civil servant provide a prohibition for such an initiation or such processing, if that is so, then of course one set of consequence would follow but if it is other way round then and in that event, question of any violation or a mala fide move would not arise.

The second charge is in regard to undue hurry and undue interest not being actuated by the nature of cases and as an illustration therefore, note of the Chief Minister was taken recourse to the effect that there was no direction in either of the notes that the cases were to be handled at brake-neck speed. The note noted above, however, records that the CBI enquiry be initiated and the reference

may be made immediately to the direction of the Chief Minister that the recording of action immediately if understood to mean undue haste and if acted accordingly then again one set of consequence follow but in the normal course of events, such a direction from the Chief Minister ought to be adhered to with promptitude and no exception can thus be taken in that regard.

Sri V.K. Khanna was also said to have faulted government instructions under which it is stipulated that in the event of any impending change, no important decisions would be taken by the secretaries without having its seen by the new ministers, who were to take office shortly. Sri Khanna has been charged of failure to put up the cases for information to the Chief Minister and allegations have been levelled that statutory notification issued on 7th February 1997 were neither sent to the Legal Remembrancer as required by the rules of business of Punjab Government nor were they sent for gazetting as required by law. Both charges together however cannot be sustained at the same time. If the Chief Secretary is not supposed to act by reason of

the impending change then he cannot possibly be accused of not acting.

Further, Khanna was accused of ignoring instructions that no major decisions should be taken during a change of ministers. Allegations also mention failure to follow procedures for statutory notifications. Yet, both charges cannot be sustained together, since one blames him for acting too fast and the other for not acting at all. The case of Sri V.K. Khanna revolves around allegations of malafide conduct and violation of service norms in processing matters relating to disproportionate assets. It was alleged that he acted in disregard of All India Service Rules, principles of fair play and integrity expected of a senior officer.

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Total Words: 617

Outlines of all highlighted words and phrases. Note: Adopt only those outlines which are better than yours.

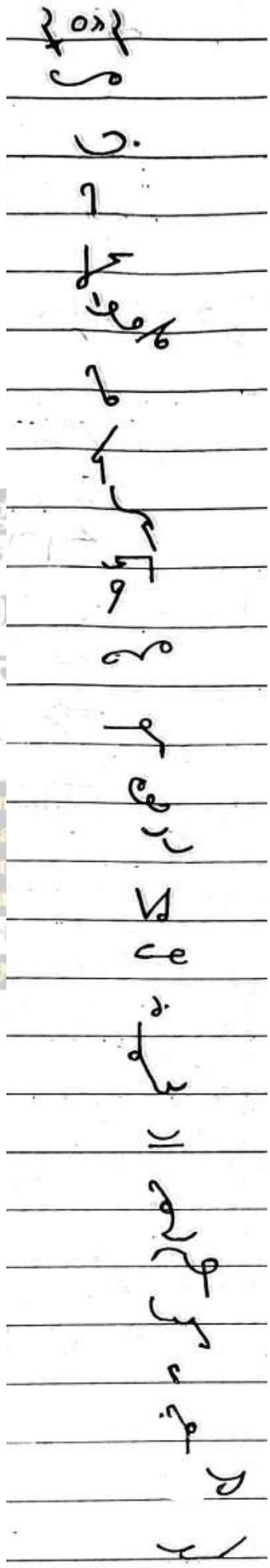
charge-sheet

acted

malafide vs. mala fide

in gross violation

established
norms
functioning
utter
disregard
All India Service Rules
principles
objectivity,
fair play
integrity
high
morals
expected
civil servant
notification
pertains
acquisition
assets
disproportionate
income
processing
emphasized
have not been
able to
appreciate
initiation
enquiry



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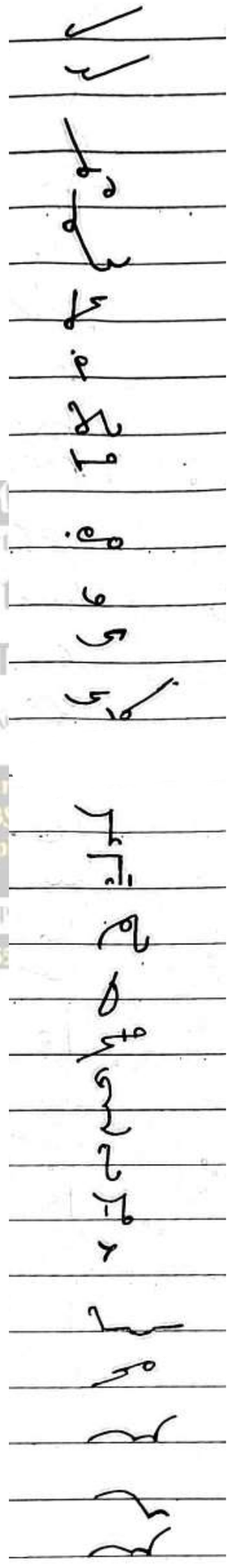

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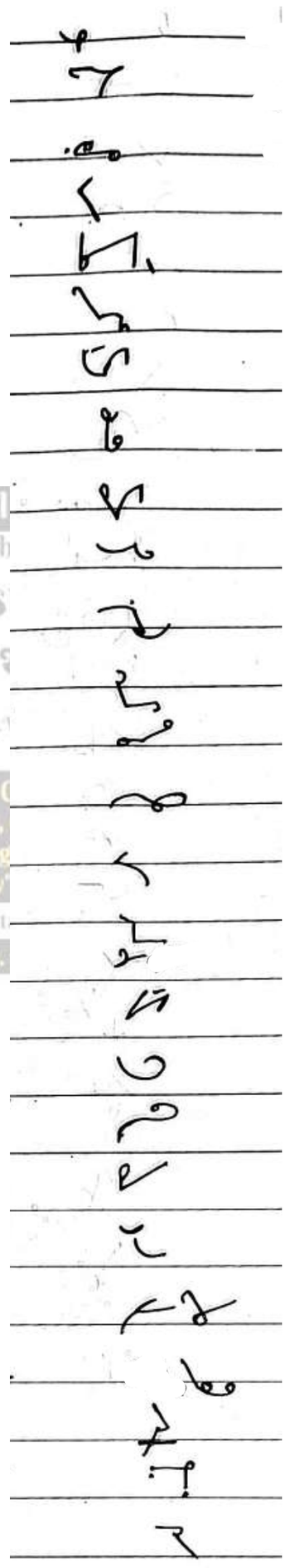

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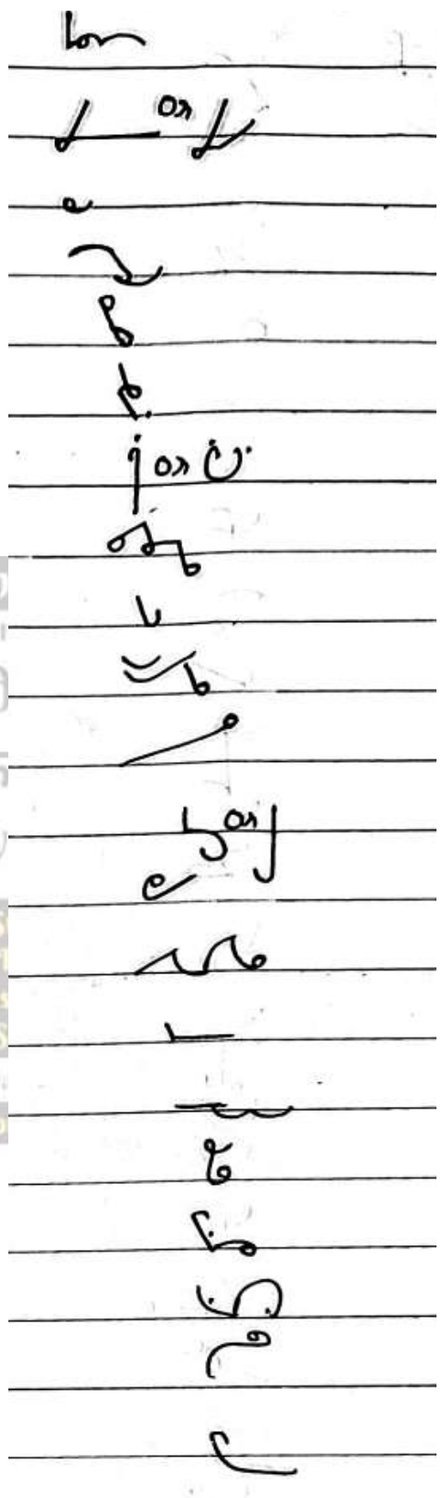

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NOTE: Very important latest created passage for Supreme Court/High Court/District Court/Tribunal etc. related skill tests apart from speed building.

Topic: Service Matter: *Workman/Labour Laws*

Volume 1, Dictation No. 11, Part 2

Note: Outlines of all highlighted words/phrases are given at the end of the passage. Adopt all better outlines than yours.

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(Contact No. 7355504435)

In the present case, the benefit which is sought to be claimed by the workman was benefit of the higher pay scale which flows from the revised pay scale revised by the authorities themselves. The workman is not claiming any scale which has not yet been sanctioned to the employees. The question as to whether the workman was entitled for the higher pay scale after completion of 10 years or 20 years period is not a question which requires any adjudication apart from computation only. The fixation of the salary according to the higher pay scale sanctioned by the pay scale itself is a claim of pre-existing

right which flows from the relevant government orders sanctioning the pay scale and the condition for the grant of higher pay scale. The judgment relied by learned counsel for the petitioner in State of Bihar's case (supra) was a case in which the workman had filed a Misc. case before the Labour Court for payment of salary from 4.7.1987 till July, 2025 and the bonus.

Earlier, the matter was pending in the High Court against the order terminating his services in which interim order was granted by the High Court. The Apex Court in the facts of the said case took the view that the question of back wages could be decided only in a forum to which a reference under Section 10 of Industrial Disputes Act is made. The Apex Court held that the Labour Court in the facts of that case could not entertain the claim made by the respondent which was not based on existing right but which could have appropriately been made subject matter of industrial dispute. The said case is clearly distinguishable and is not applicable in facts of the present case. Another case relied by the petitioner's counsel is State Bank of India's case (supra).

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In the aforesaid case, the workmen were terminated and the industrial dispute was raised. The Tribunal passed an award of reinstatement of the workmen with effect from 16.8.1969. The award was, however, silent in regard to payment of wages for the period of termination and reinstatement. The High Court also did not interfere with the award. After dismissal of the writ petition, application was filed under Section 33C(2) claiming back wages on the basis of award. The Labour Court allowed the application and computed the amount payable to the workmen. In the facts of the above case, the Apex Court allowed the appeal and held that the said back wages were not the pre-existing right of the workmen. Principles were laid down in paragraph 8 of the said judgment which have already been extracted above. Another case relied by petitioner's counsel is Bihar State Road Transport Corporation's case (supra). The above case was a case in which an application under Section 33C(2) was filed claiming overtime allowance for a period 20.2.1984 to 31.12.2025. This Court held that under Section 33C(2) the claim must

necessarily be pre-existing benefit and one flowing from pre-existing right.

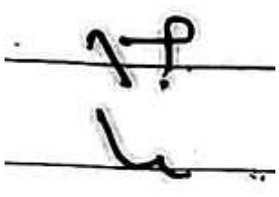
First, if the allegations were wholly irrelevant and even if true, they need not have been answered and the appellant could derive no benefit from the respondents not answering them. We have already dealt with this matter and have made it clear that if they were true and made out by acceptable evidence. Secondly, it is well settled that the jurisdiction of the Labour Court under Section 33C(2) is in the nature of an executing forum, and it cannot create or adjudicate upon rights which do not already exist. The Court is confined only to computation of benefits that have been crystallised by law, award or binding government order.

Total Words 610

Total 617+610=1227

Outlines of all highlighted words and phrases. Adopt only those outlines which are better than yours.

pre-existing
benefit



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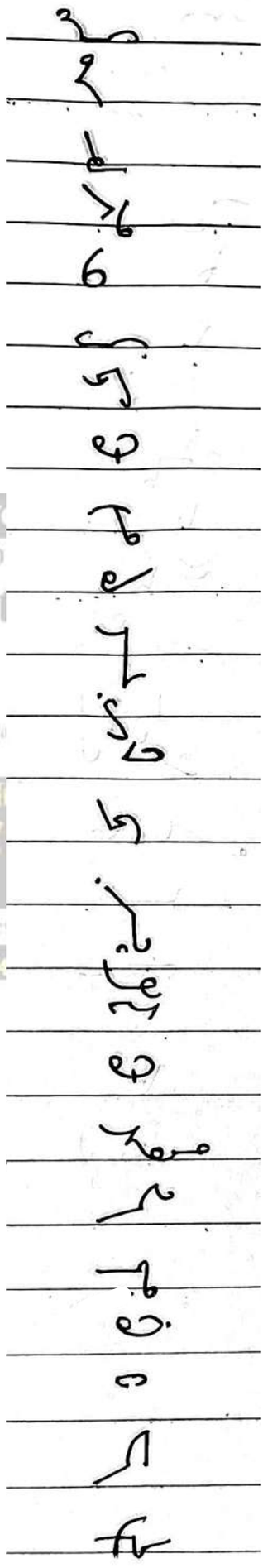

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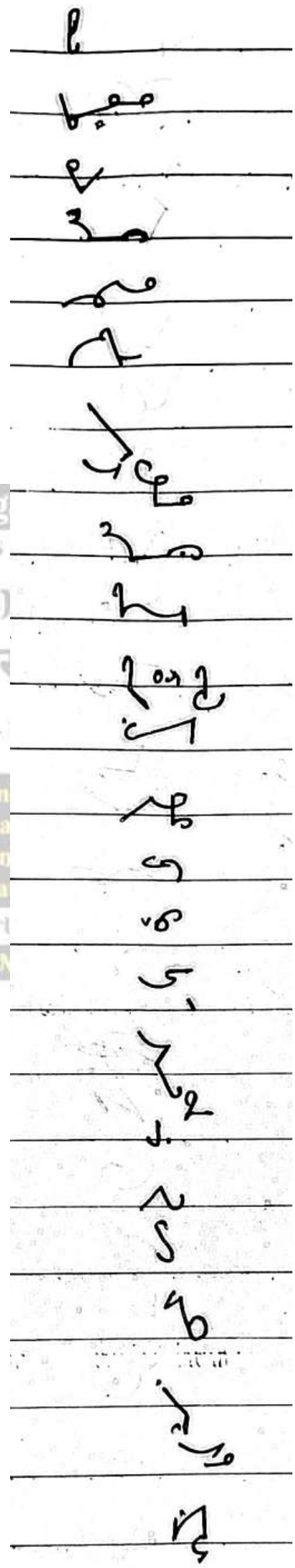

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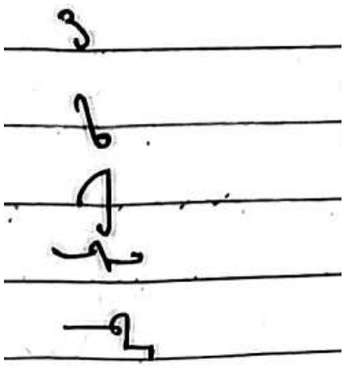

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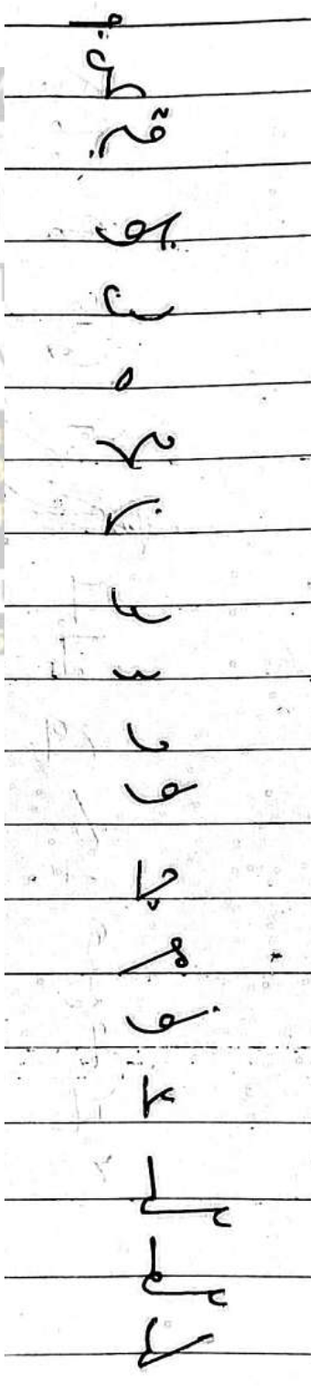

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Secondly
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well settled
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cannot
create
adjudicate
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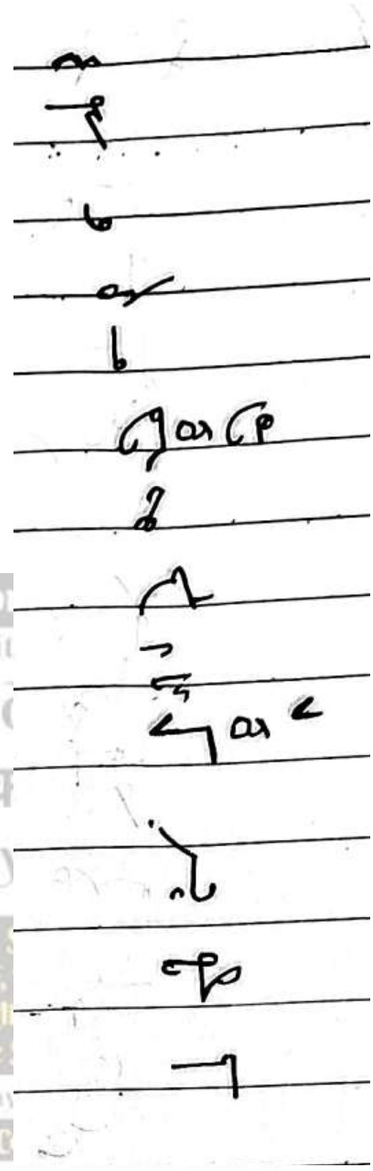

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