

# CENTRAL ADMINISTRATIVE TRIBUNAL

## AHMEDABAD BENCH

C.A.11/94 in  
O.A.NO. /514/89  
T.A.NO.



DATE OF DECISION 6-11-996

Mohmad Hussain A.Zalori Petitioner

Mr.P.H.Pathak Advocate for the Petitioner [s]  
 Versus

Union of India & ors. Respondent

Mr.Akil Kureshi Advocate for the Respondent [s]

CORAM

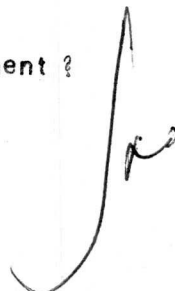
The Hon'ble Mr. V.Radhakrishnan

Member (A)

The Hon'ble Mr.

### JUDGMENT

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ?
- 2, To be referred to the Reporter or not ?
- 3, Whether their Lordships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ?





Mohmad Hussain A. Zalori  
Navavas, Opp. Post Office,  
Sidhhpur.

Applicant

Advocate Mr. P. H. Pathak

versus

1. Shri V. Balaguru,  
The Post Master General,  
(Gujarat Circle),  
Ashram Road, Ahmedabad.
2. Shri N. S. Solanki,  
The Sr. Supdt. of Post Office,  
Mehsana Division,  
Mehsana.
3. Shri Keshabhaji,  
The Sub-Post Master,  
Post office,  
Sidhhpur.

Respondents

Advocate Mr. Akil Kureshi

ORAL ORDER

C.A. 11 of 1994

in

O.A. 514 of 1989

Date: 6-11-1996

Per Hon'ble Mr. V. Radhakrishnan

Member (A)

As ~~now~~ the applicant is satisfied,  
that the judgment of this Tribunal has <sup>now</sup> been fully

CA-84 89/94

II

Filed by Mr. P.H. Pathak  
Learned Advocate for Petitioners  
with second copy of Petitioners  
copies copy served to  
other side  
10-2-94  
By Registrar CAJ (U)  
Ahmedabad Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AT AHMEDABAD.

CONTEMPT APPLICATION NO. 11 OF 1994  
in

ORIGINAL APPLICATION NO. 514/89

Mohmad Hussain A. ~~Zalor~~ Zalori. ..Applicant.

Versus :-

Shri Keshubhai.  
The Post Master General  
and others.

..Respondents.

I N D E X

<u>Sr. No.</u>	<u>Annex.</u>	<u>Particular</u>	<u>Pages.</u>
1.	-	Memo of the application	1 to 4
2.	A	Copy of the judgement dated 9.6.93	5 to 8
3.	A/1	Copy of the charge	9
4.	A/2	Copy of the advocate notice dated 15.12.93	10

0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-

Date :-

Ahmedabad.

P.H. Pathak  
Advocate for the applicant.



Received copy  
for A.H. Kuremi  
Adv.  
clerk to A.H.  
28/11/94.

Copy served  
to Mr. Aleilal  
for Respondent  
No. 1

1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT AHMEDABAD.

CONTEMPT APPLICATION NO. 11 OF 1994

IN

ORIGINAL APPLICATION NO. 514/89

Mohmad Hussain A. Zalori  
Navavas, Opp. Post Office,  
Sidhhpur- 384 151.

..Applicant

Versus

1. Shri V. Balagiri

The Post Master General  
(Gujarat Circle )  
Ashram Road, Ahmedabad.

2. Shri N.S. Solanki

The Sr. Supdt, of Post Office,  
Mehsana Division,  
Mehsana.

3. Shri Keshubhai

The Sub-Post Master,  
Post Office,  
Sidhhpur.

..Respondents.

Application under Contempt  
of Court Act.

MAY IT PLEASE THE HON'BLE TRIBUNAL :

1. That the present applicant is the original applicant in Original Application No. 514/89 whereby the applicant has challenged the decision of the respondents terminating the service of the applicant without following the due procedure of law. That this Hon'ble Tribunal was pleased to allow the application and has quashed and set aside the decision on the part of the respondents and vide its order and judgement dt.



9.6.93 directed the respondents to reinstate him in service and grant the back wages. It was directed that the applicant should be deemed to have continued on duty and required to be paid back wages accordingly. Copy of the judgement of the Hon'ble Tribunal dt. 9.6.93 is annexed and marked as Annexure- A to this application. The said copy of judgement is received by the respondents on 16.7.93.



2. It is submitted that after the judgement of the Hon'ble Tribunal, immediately the applicant has reported to the respondents for resuming his duty. That the respondents have said that they are waiting for the appropriate order from the higher authority and thereafter only the applicant will be allowed to resume his duty. That the applicant has time and again requested the respondent No.2 to reinstate him in service as he is facing great difficulty for maintenance of his family. The respondents were given two months time for payment of back wages to the applicant. That after a long delay, the applicant is reinstated in service by the respondents after laps of more than 3 months time. That the applicant is till date not paid the back wages which is required to be paid by respondents to the applicant within 3 months i.e. on or before 16.10.93. That the applicant has reported immediately for resuming duty but due to communication gap between the responden authorities the applicant was not reinstated forthwith and it was delayed. That there is no justification available to the respondents not complying fully with the direction of the Hon'ble Tribunal. That the action on the part of the respondents is ex facie arbitrary, illegal and in violation of the direction issued by this Hon'ble Tribunal.

3. It is submitted that the time limit granted by the

Hon'ble Tribunal has expired in October'93 and for such a long spell till date the applicant is not paid the back wages. That time and again the applicant has required the respondents ~~and therefore the~~ to pay him back wages but no action are initiated by the respondents and therefore the present contempt application is required to be filed.

4. It is submitted that there is no justification available to the contemptners for not complying with the direction issued by this Hon'ble Tribunal. That the amount of back wages which is required to be paid to the applicant before about 3 months is amount of back wages which is required to be paid to the applicant and therefore the applicant is entitled to get 18% interest on the amount which is illegally withheld by the contemptners. That the above action on the part of the contemptners is in clear violation of the direction issued by this Hon'ble Tribunal and therefore it is an offence punishable under the Contempt of Court Act. It is a clear case of flouting the direction of the Hon'ble Tribunal and therefore the present application is required to be filed. Copy of the charge is annexed and marked as Annexure- A/1 to this application. A copy of advocate notice is annexed and marked as Annexure- A/2 to this application. In spite of the said notice respondents have not implemented the order of the Hon'ble Tribunal.

5. That in most of the cases, the respondents are not complying with the direction of this Hon'ble Tribunal and therefore the employees have to come again by filing Contempt Application. The present case is also of a casual labourer, who has to knock the door of this Hon'ble Tribunal again and therefore for such habitual act of flouting the direction of the Hon'ble Tribunal, the respondents are required to be directed to pay special cost of Rs. 5000/- to the applicant.



: 4 :

6. In the abovementioned facts and circumstances of the case, the applicant pray that :-

- A) The Hon'ble Tribunal be pleased to punish Shri V. Balaguru, Chief Post Master General, Gujarat Circle Ahmedabad or his successor in office and Shri N.M. Solanki Sr. Supt. of post office Mehsana or his successor in office, for their willful disobedience of the order of the Hon'ble Tribunal.
- B) Be pleased to direct the contemptners to pay back wages to the applicant, with 18% interest.
- C) Any other relief to which the Hon'ble Tribunal deems fit and proper in interest of justice together with special cost of Rs. 5000/- for the present litigation.

Date :- 4/2/94

Ahmedabad.

( P.H. Pathak )  
Advocate for the applicant.

AFFIDAVIT

I, Shri M.H. Zalori, adult, residence of Sidhpur do hereby solemnly affirm that what is stated above is true to best of my knowledge and information and I believe the same to be true.

Solemnly affirmed at Ahmedabad on this 4th day of Feb 1994.

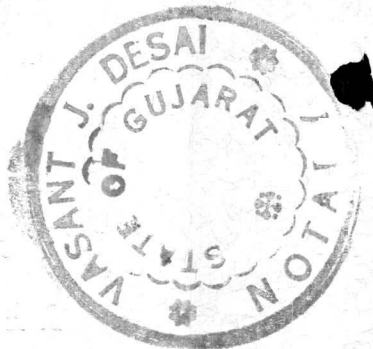
N.M. Solanki  
Deponent.

Explained and interpreted  
in Gujarati by me

Advocate.

Identified by me

Advocate's Clerk.



S NO 2065 194  
SOLEMNLY AFFIRMED  
BEFORE ME  
NOTARY  
01/4/2/94



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Annexure- A/

Shri Mohmad Hussain A. Zalori,  
Navavas. Opp. Post Office,  
Sidhpur- 384 151.

..Applicant.

(Advocate : Mr. P.H. Pathak )

Versus :-

1. Union of India  
Notice to be served through  
The Post Master General  
(Gujarat Circle )  
Ashram Road, Ahmedabad.
2. The Sr. Supdt. of Post Office,  
Mehsana Division,  
Mehsana.
3. The Sub Post Master,  
Post Office,  
Sidhpur.

..Respondents.

(Advocate : Mr. Akil Qureshi )

ORAL ORDER

O.A. NO. 514 OF 1989

Date : 9.6.1993.

Per : - Hon'ble Mr. R.C. Bhatt, Juridical Member.

Heard Mr. P.H.P. Pathak, learned advocate for the applicant and Mr. Akil Qureshi, learned advocate for the respondents.

2. The applicant, a daily wage Night Watchmen under the respondent No.3 has filed this application under section 19 of the Administrative Tribunals Act, 1985, for a declaration that the impugned order Annexure- A/2 dated 21st January, 1989 passed by the respondent No.3 terminating the services of the applicant as illegal, invalid and the respondents be directed to reinstate the applicant on his original post with full backwages and continuity of service.

3. The fact that the applicant was serving as night watchmen under the respondent No.3 from 26th November, 1984 to 31st January, 1989 is not in dispute as stated by both the learned advocate before us at the time of hearing of this application.

The applicant has been terminated by the impugned order Annexure A-2 on the ground that as per the order of Senior Supdt. Mehsana, the watchmen on the contingency post should not be engaged from 1st Feb., 1989 without the previous sanction of DPS and hence the applicant was directed not to resume duty till the approval was given by Sr. Superintendent. The applicant has averred in the application that the termination of his services by this order dated 31st January, 1989 was in clear violation of the mandatory provision of Section 25F of the I.D. Act, 1947 and hence the same deserves to be quashed and set aside. The applicant has averred in the application that he has produced the certificate dated 11th August, 1988 Annexure A regarding his satisfactory work. The applicant has averred in the application that the reason for termination of the services of the applicant cannot be accepted. He had also made representation Annexure A-2.

4. The respondents in the reply have not disputed that the applicant had served upto 31st August, 1989 as a daily wager. The contention of the respondents as found in the reply is that the applicant's post was not on the approved authorised post and the post was created temporarily in view of continued communal riot in the form during the year 1984. It is contended that the impugned order cannot be termed as termination of the services of the applicant. It is contended that on the release of the applicant the post of night guard stand discontinued/abolished as no further retention was considered necessary in view of the departmental policy.

5. The applicant has filed rejoinder controverting all the contentions taken by the respondents in their reply.

6. It is not in dispute that the applicant is a workman and the respondents 'an industry' under the provisions of I.D. Act. It is not in dispute before ~~that~~ that the applicant had put more than 240 days of work before he was terminated by the impugned order Annexure A-2 dated 21st January, 1989. The contention of the respondents that the impugned order was not a termination order cannot be accepted because reading that order, it is clear that the applicant was asked not to resume the duty which is in substance a termination order. The respondents were bound to following the mandatory provision of section 25F of the I.D. Act before terminating the services of the applicant which is admittedly followed in this case. We have perused the records and heard the learned advocate of the parties. The action of the respondents in terminating the services of the applicant by telling him not to resume duty as per order Annexure A-2 dated 31st January, 1989 amounts to retrenchment which is not legal as the mandatory provision of Section 25 F of the I.D. Act is not followed. Hence in our opinion the said order is illegal and it is quashed and the respondents are directed to reinstate the applicant in his original post with full backwages. Hence we pass the following order :-

ORDER

The application is allowed. The impugned order dated 31st January, 1989 vide Annexure A-2 passed by the respondent



No.3 is quashed and set aside and the respondents are directed to reinstate the applicant in service with full backwages and continuity of service. The respondents are directed to reinstate the applicant within one month from the date of the receipt of the order of this Hon'ble Tribunal and to pay full backwages within three months from the receipt of the order of this Tribunal. The applicant to file an affidavit before the respondents, if he has made any gainful earning during this period. The application is disposed of accordingly with no order as to costs. The applicant at liberty to make representation to the concerned respondents for regularisation of his services and the concerned respondents then to dispose of the representation is made, according to rules.

sd/-

(M.R. Kolhatkar )  
Member (A)

Theray  
R

sd/-

( R.C. Bhatt )  
Member (J)

C H A R G E

That Mr. N.H. Solanki & Mr. Keshubhai,  
have received the copy of the judgement and direction  
issued by the Hon'ble Tribunal in O.A. 514/89. ~~As~~ They  
have to carry out the direction of the Hon'ble Tribunal  
on or before 16.8.93 for ~~reinstatement~~ reinstatement and 16.10.93  
for payment of backwages. Ignoring the request of the  
applicant to comply with the direction of this Hon'ble  
Tribunal, Mr. N.H. Solanki & Keshubhai have  
intentionally and wilfully not complied with the direction  
of the Hon'ble Tribunal dt. 9.6.93. Thereby Mr.  
& Mr. ~~N.H.~~ have committed an offence under sed. 12  
of the Contempt of Court Act. 1971.

True  
R



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Annexure- A/2

Date : - 15.12.1993

To,

Sr. Supdt. of Post Office  
Mehsana Division  
Mehsana.

Sub : - Contempt of Court.

Under the instruction of my client Shri M.H. Zalori who was the applicant before the Hon'ble Tribunal in O.A. No. 514/89, I the undersigned advocate inform you by this notice as under :-

That my client has approached to the Hon'ble Tribunal by filing the abovementioned application against your action of illegally terminating the service of my client. That the Hon'ble Tribunal was pleased to allow the application and directed you to reinstate my client with full back wages and continuity of service. Copy of the order of the Hon'ble Tribunal is received at your end in July '93.

That inspite of above clear direction by the Hon'ble Tribunal, till date you have not granted the benefits of continuity of service to my client and you have not paid the back wages to my client. That your application for seeking extension of time is also disposed of by the Hon'ble Tribunal and therefore there is no justification available to you to delay the granting of benefits of back wages to my client and benefits of continuity of service. That the said inaction on your part is a clear case of disobedience of the order of the Hon. Tribunal for which you can be punished for 6 months imprisonment under the provisions of Contempt of Court Act.

In these circumstances by this final notice I inform you that if within 10 days of receipt of this notice, you will not fully comply with the direction issued by the Hon'ble Tribunal, it will be presumed that you are intentionally flouting the direction of the Hon'ble Tribunal and for that my client shall be constrained to move the contempt of Court proceeding.

Looking to the seriousness of the charges proceeding of Contempt of Court, against you. I hope that you will do the needful immediately for fully complying with the direction of the Hon'ble Tribunal.

Date : - 15.12.1993  
Ahmedabad.

( P.H. Pathak )  
Advocate

CC to : - Post master General  
Gujarat Circle,  
Khanpur,  
Ahmedabad.

. For information and necessary  
action.

*Pathak*

14/6/94



BEFORE THE HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABD BENCH AT AHMEDABAD

CONTEMPT APPLICATION NO. 11 OF 1994

IN

ORIGINAL APPLICATION NO. 514 OF 1989

Shri M.A. Jalori

Applicant

Vs.

The Union of India & Ors.

Respondents

Written Reply on behalf of the respondents

I, N. H. Solanki

working as Sr. Supdt of Pos. Maheswar, Maheswar,  
as respondent No. 2 herein, do hereby state in reply  
to the above application as under:

1. That I have perused the relevant papers and files pertaining to the above matter and I am conversant with the facts of the case and I am authorised to file this reply on behalf of the respondents.

Reply  
Received/written submission  
Filed by Mr. AKIL Kureshi  
learned advocate for petitioner/  
Respondent with record on  
Copy sent to learned & other side

8-6-94  
Dy. Registrar C.A.T. (T)  
A'bad Bench



2. At the outset I say and submit that the application is misconceived, untenable and requires to be rejected.

3. At the outset I say and submit that no part of the application shall be deemed to have been admitted by the respondents unless specifically stated so herein. All the statements, averments and allegations contained in the application shall be deemed to have been denied by the respondents unless specifically admitted by me herein.

4. At the outset I say and submit that the respondents have not committed contempt of any of the order of direction issued by this Honourable Tribunal and the respondents always hold this Honourable Tribunal with highest regards. The respondents have not disobeyed any of the order or direction issued by this Honourable Tribunal and the application is required to be rejected.

5. It is submitted that the applicant herein was originally engaged as an outsider as contingent paid daily wages at Siddhpur (LSC) Post Office from

26.11.1984 on account of continued riots and disturbances in the town. The applicant <sup>had</sup> ~~and~~ challenged his termination before this Honourable Tribunal by filing Original Application No. 514 of 1989. This Honourable Tribunal by its judgment dated 9.6.1993 directed the respondents to reinstate the applicant in service with full backwages with continuity of service. The directions regarding reinstatement and backwages were to be complied with within one month and three months respectively from the date of receipt of the judgment. It is submitted that copy of the judgment was ready on 12.7.1993 and the same was received through the concerned Addl. Central Government Standing Counsel on 16.7.1993. The applicant was initially offered the post of EDA Sadrana Near Sidhpur. Vide letter dated 6.8.1993 he declined to accept the said post and requested to be reinstated as a full time watchman and not as an EDA. Subsequently the applicant was appointed as outsider Group "D" in the Sidhpur (LSG) P.O. with effect from 14.9.1993.

6. Thereafter the Misc. Application No. 576 of 1993 was filed in the aforesaid original application by respondents for extension of time limit for payment of backwages. This Honourable Tribunal by its order

dated 1.11.1993 granted extension of two months and the last date for payment of backwages was 19.12.1993. Another letter was addressed by the respondents to the Addl. Central Government standing Counsel on 14.11.1993 to request this Honourable Tribunal for granting further extension of two months ~~for~~ implementation of the direction regarding payment of backwages to the applicant. However, it was indicated by the Addl. Central Government standing Counsel that it will be extremely difficult to seek further extension as substantial time has already passed.

7. It is submitted that thereafter the higher authorities directed the Unit concerned to file a review application in the matter and accordingly the concerned Addl. Central Government standing Counsel was contacted between 17.3.1994 and 24.3.1994 and the review application came to be filed after the same was drafted by the Addl. Central Govt. Standing Counsel on 31.3.1994.

8. In reply to para-2 of the application I say that copy of the judgment in O.A. No. 514 of 1989 was received on 16.7.1993 through the Addl. Central Govt. Standing Counsel. It was submitted to the Chief

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Postmaster General, Gujarat Circle, Ahmedabad on 19.7.1993 for perusal and further order. The Chief Postmaster General had asked the Sr.Suptd. of Post Offices, Mehsana to consult the Central Govt. Standing Counsel for filing Misc. application for extention of time and for his opinion. He had given his opinion and intiamted that it is not a fit case for filing appeal. As such it was decided to appoint the applicant as EDA as no post of Group D was vacant. The applicant was informed accordingly on 6.8.1993, But he had declined to accept the said post vide his applciation dated 8.8.1993. As such the Chief Postmaster General was again addressed on 13.8.1993 requesting him to advise as to how the appointment of the applciant should be regularised. The Chief PMG had informed vide his letter dated 27.10.1993 to examine as to whether the applicant can be posted on any equivalent rank in or around Sidhpur. It was also informed by the Chief PMG vide his above letter that matter for payment of backwages has been referred to the Directorate for method of calculation of backwages in the cases of casual labourers and asked to keep this aspect pending. As per the above letter case for accommodating the applicant was examined and circle office was informed on 1.19.1993. The circle office had asked the Sr.Suptd.



of Post Offices, Mehsana vide his letter dated 7.9.1993 to accommodate the applicant in Group D cadre accordingly. He was informed on 10.9.1993 to contact the Sub Postmaster Sidhpur for his ~~appointment~~ <sup>engagement</sup> 24 as Group D. The Sub Postmaster Sidhpur had taken him on duty on 14.9.1993 A/N. It is further submitted that simultaneously the Standing Counsel was asked to file an application for extension of time limit for compliance of the direction contained in the order of this honourable Tribunal Accordingly Misc. Application No.576 of 1993 was filed for extension of time on 22.10.1993. It was heard by this Honourable Tribunal and extension of time was granted upto two months vide judgment dated 4.11.1993. Thereafter the Chief PMG was periodically reminded on 24.11.1993, 13.12.1993, 21.12.1993, 3.2.1994, 4.2.1994 and requested to give order for payment of backwages. The addl. Central Govt. Standing Counsel was also requested vide office letter dated 14.12.1993 to request the Honourable Tribunal to grant further extension of time limit but he ~~has~~ intimated vide his letter dated 20.12.1993 that it is difficult to seek further extension of time limit. The Chief PMG had intimated by his letter dated 11.3.1994 that now the Directorate has advised to file a review application in this honourable Tribunal as substitute outsider appointed on stop gap arrangement due to one

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or the other reason has no claim as such and that the department cannot treat them as employees as such thereby attracting the provisions of ~~the~~ Industrial Disputes Act. or the service Rules of the Department. Accordingly a review application was filed on 31.3.1994.

9. In reply to para-2 of the application I say that from the facts stated above it can be seen that the applicant is reinstated as Group D as per the judgment of this Honourable Tribunal and all the steps are taken for payment of backwages. The delay has been caused due to official procedures, etc. and there is no bad intention on the part of the respondents.

10. In reply to para-3 of the application, I say that the case for payment of backwages was referred to the Directorate and the case was actively pursued by the respondents.

11. In reply to para-4 of the application, I say that the respondents have taken all the steps for making payment of backwages but since the case was referred to the Directorate regarding method of calculation etc. the delay is caused. I say that now the order is received from the higher authorities and a



review application has been filed before this Honourable Tribunal on 31.3.1994.

12. In reply to para-5 of the application, I say that there is no such cases like this in this division.

13. In reply to para 6 of the application I say that ~~there~~ is no intention delay on the part of the respondents.

14. In view of what has been stated above, the application is totally misconceived and requires to be rejected forthwith.

Ahmedabad,

Dt. 2-5-1994.,

N.H. Solanki  
Sr. Supt of Pos.  
Mahesana Dn, Mahesana.

Affidavit

I, N.H. Solanki  
working as Sr. Supt of Pos, Mahesana Dn, Mahesana  
~~as~~ respondent No. 2 herein, do hereby state that what  
is stated above is true to my knowledge, information and  
belief and I believe the same to be true. I have not  
suppressed any material facts.

Ahmedabad

Dt. 2-5-1994.

N.H. Solanki  
Sr. Supt of Pos.  
Mahesana Dn, Mahesana.



33281 984  
SOLANKI V. J. DESAI  
BEFORE ME  
V. J. DESAI  
NOTARY  
2-5-94

no 139/85

Adil Kure...

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE  
TRIBUNAL, AHMEDABAD BENCH AT AHMEDABAD

Contempt Application No.11 of 1995/94

in

Original Application No.514 of 1989

Shri M.A. Zalori

: Applicant

Versus

Union of India and others

: Respondents

Affidavit in Reply on behalf of the respondents.

I, Shri N.H. Solanki working as  
Sr. Supdt. of Pw. Mahans with respondent No. \_\_\_\_\_

herein, do hereby state in reply to the above application as  
under;

1. That I have read the contempt application. I am  
conversant with the facts of the case and I am authorised to  
file this reply on behalf of the respondents and therefore,  
I am competent to file this reply.

2. At the outset, I say and submit that no part of  
the application shall be deemed to have been admitted by the  
respondents unless specifically stated so herein. all the  
statements, averments and allegations contained in the  
application shall be deemed to have been denied by the  
respondents unless specifically admitted by me herein.

3. I say that the contents of the contempt



Presented by

Mr. Adil Kureishi

Adv

21032 6/4/95

BEFORE THE HON'BLE CENTRAL BOARD OF EXAMINERS  
OFFICE OF THE HON'BLE CENTRAL BOARD OF EXAMINERS  
application are not correct. The respondents always hold this Hon'ble Tribunal in highest regard and have not violated any writ, order or direction.

4. I further say and submit that the applicant is reinstated as Outsider Gr. D Sidhpur with effect from 14.9.93 A/N to comply with the judgment passed by the Hon'ble C.A.T. on 9.6.93. In past the applicant was engaged as daily wager night guard w.e.f. 26.11.84 as Outsider and was being paid at flat rate from the contingent grant. Thereafter, as a matter of Policy framed by the Department, review of this post was taken up and retention of this post was not found justified and hence, engagement was discontinued from 1.2.1989.

5. I further say and submit that on receipt of judgment the case was examined to reinstate the applicant, but there was no such post of Chowkidar(NTC), at Sidhpur SO and hence, the applicant was taken up as Group D, (Test Category) Sidhpur as a contingent paid outsider to honour the judgment. The applicant is not possessing the requisite qualification for the post of Group D. The applicant is eligible for the post of non-test category only, but, at present no such post is vacant and hence he is taken up as outsider, Group D. Thus, this officer has already honoured the judgment and the applicant is reinstated.

As per judgment of Hon'ble Tribunal, dated 9.6.93 this office has already paid amount of backwages of



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Rs.69,621/- to the applicant on 13.2.1995. It is incorrect that we have obtained understanding from him that he will not withdraw the amount from the Bank and he is constraint to deposit the amount in Fixed Deposit, before the Bank, on certain conditions. This is totally wrong.

Since the applicant is taken up as Contingent paid outsider, he is not entitled for bonus, and other benefits.

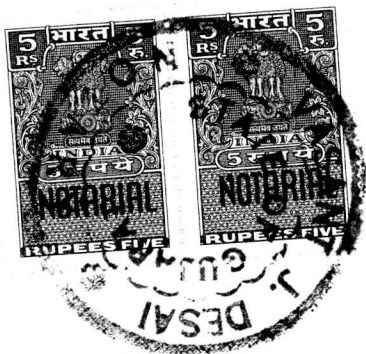
Ahmedabad,  
Dt:06.04.1995.

NAAS  
SR. SUPDT OF POST OFFICES  
MAHESANA DN, MAHESANA-384001

**Affidavit**

I, Shri N.H. Solamai working as  
Sr Supdt of Ps Mahesana with respondent  
No.\_\_\_\_herein, do hereby state on solemn affirmation that  
what is stated above is true to my knowledge, information  
and belief and I believe the same to be true. I have not  
suppressed any material facts.

Solemnly affirmed Ahmedabad on this 6th day of  
April, 1995.



*Solamai*  
*H. Desai*  
*IPo*  
*Mahesana*

NAAS  
SR. SUPDT OF POST OFFICES  
MAHESANA DN, MAHESANA-384001

S. NO: 25871 1995-  
SOLEMNLY AFFIRMED  
BEFORE ME

*v.g. Desai*  
NOTARY

6/4/95