

25-6-93

Central Administrative Tribunal

Lucknow Bench

Cause Title - 2 of 92 (T) vs. A/1168/87

Parties ... Jagdish Basad ... Petitioner.

... & R.S.U.C.

... Union of India ... Respondents

Part A.P.C.

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C- File

(T - C5)

File B/C. Weeded out / Destroyed

S.O.D.

on
29/10/12

RECEIVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 11 of 1987

2/92-T.1

APPLICANT (s) Jagdish Pandey

RESPONDENT(s) U.O.I. thrings Chairman Central Board of Excise

— Customs (Dept of Revenue) New Delhi & 3 others

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	Ys
2. (a) Is the application in the prescribed form ?	Ys
(b) Is the application in paper book form ?	Ys
(c) Have six complete sets of the application been filed ?	2 sub filed [Respondent's copies retained replied by Dr. M. B. Singh for standing Counsel]
3 (a) Is the appeal in time ?	Ys
(b) If not, by how many days it is beyond time ?	—
(c) Has sufficient cause for not making the application in time, been filed ?	—
4. Has the document of authorisation, Vakalat-nama been filed ?	Ys [without Court fee stamp]
5. Is the application accompanied by B.D /Postal-Order for Rs. 50/-	Ys
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	Ys except order dated 26-11-86
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Ys
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Y-3.

order book

CA - 1168/87.

(P.3)

16/12
8.4

Hon. S. Zahoor Hasan - Vc
Hon. Azfar Iqbal - Am

No one is present
on behalf of the
petitioner. Adjudicated
to 20/1/88 for admission
of application of the applicants
concerned.

3

3/

Re:

Am.

Shy

20/1/88

Hon S. Zahoor Hasan - Vc
Hon E. S. Sharmin - Am

No one is present on behalf of
the petitioner. It appears that the
applicants' cause has not been
informed as circuit on 16/12/87
adjourned to 23-2-88 for admission
to inform the applicants concerned

ATI

5/17

OK

Original file
bureau (C. 11)
by Inst. /C

Hon. S. Zahoor Hasan - Vc

1. 23-2-88, Am

No one is present
on behalf of the petitioner.

✓

W

31/8/88

(AU)

Hon. D.S. Misra - A.M.
Hon. G.S. Sharma - J.M.

None is present
 for the applicant. The
 case is adjourned.

✓

A.M.

App
Fly

Wide Hon'ble
 Court's Orderd.
 31.8.88, This case
 was adjourned without
 date by Hon'ble Bench
 case is remitted for
 fixing date for admission
 & fixing date for A.M.
 21.5.89

DR placed before me today. List
 notice to
 Applicnts. Counsel placed before court for admission
 on 12.7.90 and inform the B. Counsel
 for parties. Office is warned to be more
 careful in future in not putting the cases
 before Registrar / DR in time.

DR (J)

Hon' Mr D.K. Agrawal, J.M.

Hon' Mr K. Obayya, A.M.

12/7/90

None appears for the applicant. We have perused the file.

ADMIT. Notice has already been received by Shri N.B.Singh
 on behalf of the respondents. Respondents are directed
 to file counter within 6 weeks to which the applicant
 may file rejoinder within 2 weeks thereafter. List this
 case before DR (J) on 12-9-90 for listing it for a
 hearing as the case may be.

OK.

NO Counter
 Affidavit has
 been filed

- 1c

(AS)

O.A. No. 1168 of 1987

4.3.1991

Hon. Mr. D.K. Agrawal, J.M.
Hon. Mr. K. Obayya, A.M.

None appears on behalf of the applicant. Sri K.C. Sinha appears on behalf of the respondents and inform us that Counter Affidavit has been filed on 4.10.1990 but due to inadvertent mistake, wrong case number has been given or it has been placed on the wrong file. Let learned counsel for the applicant get trace the counter affidavit, keep it in this through D.R. 'J'. R.A., if any, may be filed with 4 weeks thereafter. List this case for hearing on 2.7.1991.

A.M.
(n.u.)

J.C.
J.M.

J.F.
No counter 2-7-91 No bill of recovered
Received in the ^{on my seat} ⁱⁿ ^{given to}
Section, so far. ⁱⁿ
Submitted

Sd/-
27-6-88,

28.10.91 Received from
Restoration vide order
dt 28.10.91 B.O.
R

(AE)

ORDER SHEET
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD. M.P. NO. 1733/91,

C. No. 1168 OF 1987

VS.

Sl. No.

Date

Office Report

Order

1

2

3

4

28/3/91

Hon. Mr. A.B. Gorain, A.M.

Hon. Mr. S. N. Basu, I.M.

Hence, the learned Counsel for the applicant Sini Farooq Ahmed
C.R. M.A. No. 1733/91.

This is an application for restoration of the original application dismissed for default of the applicant on 30/3/91. The facts stated in the Affidavit accompanying with the M.A. No. 1733/91 disclosed satisfactory grounds on which restitutions application may be allowed. Accordingly the restoration Appln. is allowed and the original application is restored to its original number. Office to take further action.

Issue notice to respondents with a direction to file a Counter affidavit within four weeks failing which the case may be heard ex parte. In case the counter is filed within the stipulated time, the rejoinder may be filed within two weeks thereof. DR(J) will fix a date of hearing after the records are completed.

J.M.

d

A.M.

20.00

T.A. 2/92 (T.L.)

28.1.92
D.R.

(A)

Both the parties are absent. Applicant to file Rejoinder by 16/4/92. ✓

16.4.92
D.R.

This case has been taken up today because on the date fixed office was closed. Case is listed for filing Rejoinder on 27/5/92

27.5.92
D.R.

Both the parties are present. C.A/R.A have been exchanged. Now this case is listed for final hearing on 17/7/92 before the Hon. Ben M. ✓

(A8)

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH.

...

Registration O.A. No. 1168 of 1987

Jagdish Prasad Applicant.

Versus

Union of India

and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Chayya, Member (R)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

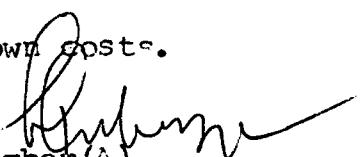
The applicant was appointed as a waterman (contingent paid staff) in the Divisional Office Sitapur, in the office of the respondent no. 4 @ a monthly salary of Rs. 100/- vide order dt. 11.5.1983. In the year 1984, the applicant was posted as Chaukidar. There were vacancies in Group-D services for the post of Sepoy. The applicant also offered his candidature for the same and after test and interview, he was selected and appointed as Sepoy as per order dated 16.4.1986. But vide order dt. 22.11.1986, he was reverted back to the post of contingent paid staff, and against his reversion order, he has approached to the Tribunal.

2. The respondents in their reply have pointed out that at the time of scrutiny of the records, it has come to the notice of the respondents that the applicant was over-age and he was not eligible for being absorbed in the cadre of Sepoy, as such, there was no way left except to revert him. As such, the action taken by the respondents was not arbitrary. It is stated that the question of relaxation of maximum age limit for the purposes of regularisation of casual workers who were engaged after 20th March, 1979 was considered in consultation with the department of personnel and training but they have not, however, agreed to the same. When the applicant was promoted as Sepoy, his

(AP)

- 2 -

age was 34 years , 8 months . It was for the respondents to relax his age but if ^{they do} ~~he does~~ not relax his age, the applicant does not claim a right for relaxation of his age. As we do not find any force in this application, the application is accordingly dismissed. However, as the applicant was appointed at the age of 34 years and 8 months, it is still open for the respondents to consider this matter and in case, they feel that the applicant's work is good, relaxation should be given to him and the case of the applicant shall have to be considered sympathetically. The application is dismissed with the above observations. Parties to bear their own costs.


Member (A)


Vice-Chairman

Dated: 17.7.1992

(n.u.)

Ref No (190)
of 190)

6/12/87

(Chandor

12

Ref No
6/12/87
Chandor
12

(D)

- 2 -

7. Minister S. S. Desai to the C. S.
1. 1. 31. 40

40

8. Minister S. S. Desai to the C. S.
1. 1. 31. 40

40

9. Minister S. S. Desai to the C. S.

40

10. Minister S. S. Desai to the C. S.

40

Assam

1. 4-12-1961.

... 210
... 92311
... 210215

Vote. Shri N. B. Singh senior. Standing Council
for the ~~respondent~~ Union of India
or Central Govt. has received the copy
on behalf of the respondent

Assam
1. 12-57

Ass. Secy. E. S. K. S.

APPENDIX C. COMPARISON OF THE STATE AND FEDERAL ADMINISTRATIVE
REGULATORY ACTS.

1.0 0.8 0.6 0.4 0.2 0.0

A HISTORY OF THE CHINESE IN AMERICA

¹³ See, for example, the discussion of the 1992 Constitutional Convention in the *Journal of African Law* 36 (2002).

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1. *Principles of the Organization of the State* (1992) 2. *Principles of the Organization of the State* (1992)

2000-2001: The first year of the new millennium, marked by the 9/11 attacks and the start of the Iraq War.

¹⁰ See, for example, the discussion of the 'right to be forgotten' in the European Union's General Data Protection Regulation (GDPR), Article 17(1).

222 *Journal of Health Politics*

T.C.

Aksanof. Ach
11-12-87

157014287454115

13

2. The following is a list of the following 34 items

and the date of the original copy of each item

is as follows.

3. The following is a list of the following 34 items

and the date

4. The following is a list of the following 34 items

and the date

5. The following is a list of the following 34 items

and the date of the original copy of each item

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and the date of the original copy of each item

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and the date of the original copy of each item

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and the date of the original copy of each item

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and the date of the original copy of each item

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and the date of the original copy of each item

and the date of the original copy of each item

and the date

T.C

Arson of Adi Vittigiri Esq

4-12-87

③ α^4

JOURNAL OF CLIMATE VOL. 17, NO. 10, OCTOBER 2004

—L. C. ——

1. *Chlorophytum comosum* (L.) Willd. (Liliaceae) (Fig. 1)

C. 75. 20

2018-07-10

11. *U. S. S. T. C. S.*

5.

ANSWER

10. $\frac{1}{2}$ 6. 8. 10. 12.

مکالمہ نامہ

1100 *Journal of Health Politics, Policy and Law*

¹⁴ See, for example, the discussion of the 'right to be forgotten' in the European Union's General Data Protection Regulation (GDPR), Article 17(1).

— 5 —

LESSON 104.

1. $a^2 + b^2 = c^2$ (Pythagorean Theorem)

C. 9. - 2. 8. 2.

2010 年 1 月 1 日起，新修订的《中华人民共和国会计法》开始施行。

T.C

Ksanal
1-12-87 Akm

$$S = \{s_1, s_2, \dots, s_{|S|}\}$$

महात्मा बाबा

(u)
(b7)

2. And also O. No. II (31. 145-Estt/D/85/35473) application
is being made :-

(i) Order No. G. No. II (31. 145-Estt/D/85/35473
by
passed/Respondent no. 5/1. 10. 11. 86
said staff.

2nd Order No. TT/3 42/1. 1054552 dt. 25. 11. 86
passed by Respondent no. 4 placing the applicant
to the concerned authority.

Order No. G. No. II (31. 145-Estt/D/85/35473
by
passed/Respondent no. 5/1. 10. 11. 86
said staff.

Order No. G. No. II (31. 145-Estt/D/85/35473
by
passed/Respondent no. 5/1. 10. 11. 86
said staff.

Order No. G. No. II (31. 145-Estt/D/85/35473
by
passed/Respondent no. 5/1. 10. 11. 86
said staff.

Order No. G. No. II (31. 145-Estt/D/85/35473
by
passed/Respondent no. 5/1. 10. 11. 86
said staff.

T.C.
Asmaul
Adv.
4.12.87

U/147/21/87

5
File

- 6 -

400 - 2

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1 2 3 4 5 6

1. *What is the relationship between the two main characters?*

222 *Journal of Health Politics, Policy and Law*

$$f(x) = \int_{-\infty}^x \frac{1}{\sqrt{2\pi}} e^{-\frac{t^2}{2}} dt$$

19.0 20.0 21.0 22.0 23.0 24.0 25.0 26.0 27.0 28.0 29.0 30.0

19. *U. S. Fish Commission, Annual Report, 1883, p. 111.*

For the first time, the results of the 2010 Census are available online at 2010.census.gov.

and the collection of data and information.

1. *Leucanthemum vulgare* L. (L.)

✓ sandy

4.12 Q7 57114 (41 522)

(C)
(P)

REVIEW OF THE LITERATURE

INTRODUCTION

For the last few years, there has been a great deal of interest in the use of infrared and ultraviolet spectrometry for the analysis of organic compounds.

INFRARED SPECTROSCOPY

It is now well known that infrared spectra of organic compounds are very useful for the identification of organic compounds. The infrared spectra of organic compounds are very useful for the identification of organic compounds. The infrared spectra of organic compounds are very useful for the identification of organic compounds. The infrared spectra of organic compounds are very useful for the identification of organic compounds. The infrared spectra of organic compounds are very useful for the identification of organic compounds.

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TC
Aksanof
4.12.87

STRIKING

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10

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1990-01-01 00:00:00 1990-01-01 00:00:00

and the new one is being filled. The new one is being filled.

T-C
~~skunk~~
4.12.87

କାନ୍ତିକା ପାତାଳ

(Q)
(P)

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4. The following is a list of the names of the persons who are known to be members of the Communist Party of India and their addresses.

5. The following is a list of the names of the persons who are known to be members of the Communist Party of India and their addresses.

6. The following is a list of the names of the persons who are known to be members of the Communist Party of India and their addresses.

7. The following is a list of the names of the persons who are known to be members of the Communist Party of India and their addresses.

8. The following is a list of the names of the persons who are known to be members of the Communist Party of India and their addresses.

9. The following is a list of the names of the persons who are known to be members of the Communist Party of India and their addresses.

T.C.
K. S. Nand
4/12/87

15/12/87: 06/12/87

— 3 —

1990-1991: 100.000 (100.000) 100.000

20. 2. 2000 - 2001. 2. 2001. 6. 2001. 2. 2002.

2327. 1921/3177

26. $\Gamma^{(1)} = D\Gamma^{(1)}(T) = 2\pi\delta(\Gamma^{(1)} - \omega)$

THE BOSTONIAN

4. *Scutellaria* *lanceolata* L. (Fig. 20) (Pl. 10, Fig. 10)

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1. *What is the best way to learn a new language?*

2. *Adonis amurensis* (L.) Benth. *Adonis amurensis* (L.) Benth. *Adonis amurensis* (L.) Benth.

are
the Minister and the Ministers of the various departments etc.

1. 2024 is to be a classmate of the
2022-2023 class, while the student has been
and is to be a member of the class, or
is to be a member of the class.

— 1 —

T-C
Arsenal
u.12.87

1515.7 OT 5618

(10)
(A2)

- 20 -

DD 824425

Hanoi Post Office Hanoi

3-12-87

H.P.O. Hanoi

Delivery

Mr. Tran Van Phu,

35/10, 4th floor, 10th street,

Hoan Kiem District, Hanoi, Vietnam

Dear Mr. Tran Van Phu,

I am writing to you to inform you that

you have been selected to receive a special award.

Yours sincerely,

Ministry of Posts and Telecommunications

2-12-87

15

Ministry of Posts and Telecommunications

केन्द्रीय उत्पाद शुल्क समाहतात्मकः फाबपुर

दिनांक

पत्र सं० ३०। ५८-२३०८/८५

सेवा में,
मुख्य दिक्षितसाधिकारी,

रमीतापुर

महोदय,

विषयः- स्थान- केन्द्रीय उत्पाद शुल्क विभाग में बियुक्ति के लिए अम्यथी फी स्वास्थ्य परीक्षा के बारे में-पत्राचार-

श्री/श्रीमती/कुमा-जगदीश पुसाद इस विभाग
में-सिपाही के हृषि भियुक्ति किये गये हैं/फी यही है। कृपया
इनके स्वास्थ्य ली पूरी परीक्षा करें तथा यह सूचित करें कि उक्ता स्वास्थ्य
संरक्षणीय नहीं की में प्रवेश पाने के उपर्युक्त है या नहीं।

संतुष्ट ग्रपत्र को विधिवत भर कर तथा ग्रंथालय के लिए¹²⁸⁸⁸
बित्र को आरोप्य प्रमाण पत्र के साथ लगाकर सहायक/उप-समाहतात्मकोंस्थान
केन्द्रीय उत्पाद शुल्क,--रमीतापुर--को कृपया भेज दें।

मध्यदीय,

१८/—

उप-समाहतात्मकोंस्थान
केन्द्रीय उत्पाद शुल्कः फाबपुर

12888
✓ 16/4

प्रतिलिपि निम्नलिखित को अम्भारित है :-

पंजीकृत पावती

1- श्री/श्रीमती/कुमा-जगदीश पुसाद/कुमी-शमानलल
दिक्षितसाधिकारी के सम्बन्ध तारीख- २५-८-८८ को या पहले
उपरिथित होगा चाहिए।

2- सहायक समाहतात्मकोंस्थान
केन्द्रीय उत्पाद शुल्क को जीवन्धनी
सूचबाथ ।

जीवन्धनी

उप-समाहतात्मकोंस्थान
केन्द्रीय उत्पाद शुल्कः फाबपुर

लालूपुर २५-८-८८

T.C.

Arsoni
11.12.87

Annex

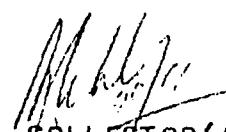
(12) (123)

CENTRAL EXCISE COLLECTORATE : KANPUR

ORDER

Shri Jagdish Prasad, who was appointed as Sepoy from contingent paid staff and posted at I.D.O. Sitapur vide this office letter endorsement C.No.II(31)145-Estt/D/85/12880-86 dated 16.4.86 is hereby reverted back to his original post of contingent paid staff with immediate effect as at the time of his recruitment as contingent paid staff he was over aged.

Consequent upon his reversion Shri Jagdish Prasad shall work at Sitapur Division as contingent paid staff.


DY. COLLECTOR (P&E)
CENTRAL EXCISE: KANPUR

C.No.II(31)145-Estt/D/85/35473

Dated: 20.11.86

Copy forwarded for information and necessary action to

Regd. 1. The Asstt. Collector Central Excise, Sitapur
2. The Chief Accounts Officer, Central Excise, Kanpur
3. The Pay & Accounts Officer, Central Excise, Kanpur.
4. The Superintendent(Hdgs.) Central Excise, Kanpur.
5. The Dy. Office Supdt(Cond.) Central Excise, Kanpur.

Regd. 6. Shri Jagdish Prasad, Central Excise, Sitapur.
7. The General Secretary Group 'D' Officers Association of Kanpur Collectorate C/O Asstt. Collector Central Excise, Farrukhabad.
8. Guard file.

35-513
20/11

Recd. on 25/11/86


DY. COLLECTOR (P&E)
CENTRAL EXCISE: KANPUR

57512/27/86

T.C

Arsan

4.12.87

Am. III

(13)

(P24)

To

The Collector
Central Excise
Kanpur

Through proper channel.

Sir,

Subject:- Estt. Group 'D' Reversion to the post of contingent paid staff-Case of Jagdish Prasad-Representation regarding.-

.....

Kindly refer to the order of Dy. Collector (P&E) Central Excise Kanpur communicated to the undersigned vide his order C. NO. II(31)145-Estt/D/85/35473 dated 20.11.86.

In pursuance of the aforesaid order, the Assistant Collector, Central Excise, Sitapur reverted me to the post of contingent paid staff w.e.f. 25.11.86 vide his order C. NO. II(3) 4-Estt/85/5550 dated 25/27.11.86.

I beg to lay the following few lines for your kind consideration for the gross injustice meted out to me.

(i) That I draw your kind attention to the terms & conditions of appointment as communicated to me in the appointment letter issued vide C. NO. II(31)145-2/ET/D/85/12881 dated 16.4.86 by the Dy. Collector (P&E) Central Excise, Kanpur. My services have been terminated as Group 'D' Officer without giving one month's notice as stipulated in the Declaration appended to the appointment letter and obtained from me.

(ii) That the reversion is in gross violation of natural justice. It is arbitrary, unlawful and not sustainable.

(iii) That the plea for reversion being average at the time of recruitment as contingent paid staff and subsequent promotion to Group 'D' at this stage is unlawful. I had submitted proof about my age and qualifications before and at the time of interview. There was no concealment. The age and qualification was well scrutinised in day light before issuing appointment letter. If I was eligible then I always would remain eligible for promotion. My reversion, therefore, is a miscarriage of justice.

(iv) That I worked as Group 'D' for a period over 180 days. Any order of termination or reversion after serving for over 6 months issued arbitrarily one fresh morning is ultra-vires of the provisions of the constitution.

(v) That I served the Department as contingent paid staff to the best satisfaction of all my superiors in the fond hope of

contd. 2/-

T.C.

5/10/87/21 54912

Arsonal
11.12-82

getting a lift. Thankfully I acknowledged the promotion but it has been snatched due to burocratic misapplication of rules and or orders.

(vi) That the act of commissions and commissions on the part of powers that be, I have been put to serious mental strains and physical agony.

(vii) That I request your honour to re-consider my case in view of above submissions and restore my promotion in Group 'D'. You are requested further to regularise the issue of age for maintaining status-quo.

In the end, I am a poor man and knocking for justice elsewhere would be beyond my means. Your honour would be pleased to do justice due to me.

I shall ever remain grateful for the act of kindness which I hopefully cherish.

Yours faithfully

Jagdish Prasad

(JAGDISH PRASAD)

C/o Office of the Asstt. Collr.
Central Excise, Sitapur

Dated 27.1.87.

✓ Advance copy submitted to the Collector, Central Excise
Kanpur for favourable consideration.

Jagdish Prasad

(JAGDISH PRASAD)

C/o Office of the Asstt. Collr.
Central Excise, Sitapur.

Hand copy
27/1/87

5/2/87 5:55

T.C.

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u.12-87

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4/6

Copy received C.No.II(31)145/D/85/10374 dated 30-3-87 from
Dy. Collector (P & E) Central Excise Kanpur to this office

.....
SUBJECT:- Representation of Shri Jagdish Prasad Contingent
paid staff for his regularisation in the grade of
Sepoy C/Reg-

Please refer to your letter C.No.II(31)-Estt/87/1461 dt.13.3.87
on the above subject.

In this connection it is inform you that actually Shri Jagdish
Prasad, Contingent paid staff was not eligible for regularisation in
the grade of Sepoy due to his over aged. When omission came to notice he
was reverted to the contingent paid staff. It is not a case of
termination of service. As such question of giving of one month notice
does not arise.

3. In this connection it is also mention here that a case of over-
aged contingent paid staff was referred to Board for relaxation of age,
but the Board has not agreed to relax the age. The case of Jagdish Pd.
contingent paid staff is a similar case, Hence his services could not be
regularised. Shri Jagdish Pd. contingent paid staff may be informed
accordingly.

Sd/-
Dy. Collector (P&E)
Central Excise Kanpur

Central Excise Division Sitapur
C.No. II (31)145/D/85/1461

Dated 1/4/87

Copy forwarded to Shri Jagdish Pd. Contingent Paid Staff
Central Excise Division Sitapur for information.

Ram Singh
Administrative Officer
Central Excise Sitapur

Arpana
4.12.87

(H) (A2)

Am ✓

The Chairman
Central Board of Excise & Customs
Govt. of India (Deptt. of Revenue)
New Delhi

Sir:

Subject:- Group 'D'-Representation against termination:-

Most humbly and respectfully I beg to lay the following few lines for your honour's sympathetic consideration:-

1. That sponsored by the Employment Exchange, Sitapur, I was appointed in the divisional office, Sitapur against contingent paid staff (waterman) vide Assistant Collector, Central Excise, Sitapur's order C.NO. II(39)GL/PT/80/360 dated 11.5.83 on Rs.100/- p.m. Thereafter, I was posted as Mali/Chowkidar in the divisional office, Sitapur under Assistant Collector, Central Excise, Sitapur's order C.NO. II(3)12-ACCTS/Contingent/83/124 dated 8.2.84 on Rs.10/- per day. I continued to work as such till 29.4.86.
2. That I passed High School Examination in 1972 and my age as recorded in the certificate is 5th January, 1932.
3. That consequent upon physical test and interview I was selected and appointed sepoy as per Estt. Order of Dy. Collector (P&E) Central Excise Kanpur communicated under his C.NO. II(31)143-Estt/IV/85/12843 dated 16.4.86 (enclosed) I joined my duties on 30.4.86.
4. That under orders of Dy. Collector (P&E) Central Excise Kanpur communicated under estt. C.NO. II(31)143-Estt/D/85/33473 dated 20.4.86, I was reverted back as contingent paid staff and relieved from the post of sepoy on 27.11.86 (enclosed). The reason advanced is "at the time of his recruitment as contingent paid staff he was overaged".
5. That I submitted a representation dated 27.1.87 (enclosed) to the Hon'ble Collector, Central Excise, Kanpur. The representation has been rejected as per communication received, under Assistant Collector, Central Excise, Sitapur's estt. C.NO. II(39)PP/86/2291 dated 5.5.87 (copy enclosed).
6. That it will be evident from the records that grave injustice has been done to me causing undue mental agony.

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Asanal.
4.12.87

sent 1.12/-

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7. That there was no fault on my part regarding overage factor at the time of appointment as contingent paid staff and subsequent appointment based on merits. There was no concealment on my part as the proof of age was duly submitted at each stage.

8. That the authorities woke up after next more than six months of my service as sepoys to find out this omission regarding my age.

9. That notwithstanding nature of contingent paid staff I was always required to discharge duties as a Sepoy viz. Guard duty etc. Ironically, I am still deployed to work as a Sepoy but being paid as a contingent paid staff. My appointment as a sepoys was made on merits and services rendered by me as a contingent paid staff.

10. That the post of contingent paid staff is not a regular post enjoying regular promotional avenue. I was appointed to the post of sepoys and not promoted. As such reverting me from the post of Sepoy (regular cadre) to contingent paid staff does not stand. Therefore, the impugned order dated 20.11.86 of the learned Dy. Collector (P&E) Ct. Ext. Kanpur is bad in law and unconstitutional.

11. That the so called reversion from the post of sepoys to contingent paid staff is in gross violation of natural justice, against the terms and conditions of service. It is arbitrary, unlawful and not sustainable.

12. That in the interest of justice, I request your kind honour Sir, to examine my case and restore me to the post of sepoys by condoning the upper age limit as a special case in view of my long, sincere duties. I am fully qualified, belong to backward class and large family is dependent upon me.

I shall ever remain grateful for this kind act of kindness on humanitarian grounds.

Encls: As above.

Yours faithfully

(JAGDISH PRASAD)
CONTINGENT PAID STAFF
CENTRAL EXCISE DIVISION
SILIAPUR

T.C.

Aman

4.12.87

STAFF 21 9412

Pls. V
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REGISTERED

To

The Chairman
Central Board of Excise & Customs
Govt. of India (Dept. of Revenue)
New Delhi.

Respected Sir,

Subject:- Group 'D' Representation against termination.-
.....

Kindly refer to my representation dated 18.6.87
on the above subject.

2. It is humbly requested that action may kindly be
taken early and decision in the matter may also be communicated
to me.

Yours faithfully

Jagdish Prasad
(JAGDISH PRASAD)
CONTINGENT PAID STAFF
CENTRAL EXCISE: SITAPUR

DATED, 30.7.87.

510187579472

T-C

Assam

4.12.87

(19)
(P30)

Am. 6/11

Central Excise Collector : Kanpur
C.No.II(31)145-Estt/5/35/27032 Dated : 10.1.37
To

The Assistant Collector
Central Excise
Sitapur

Subject: - Request from Shri Jagdish Prasad,
Contingent Aid Group 'D' Employee
against termination of his service
C/ regarding.

In this connection the Board has informed that the
contingent aid workers who had crossed the permissible
age limit and who had been recruited after 1.5.79 cannot
be regularised in Group 'D' posts. Shri Jagdish Prasad,
contingent aid staff may be informed accordingly.

sd/- Z. Tochong
Dy. Collector (P & E)
Central Excise, Kanpur

~~Administrative Office
कार्यालय संस्थान संगठन
Central Excise
लीवारुर SITAPUR~~

07.01.21 42-12

T-C-

Arsanaf
4.12.87

अधिभाषक पत्र (वकालतनामा)
 before the central administrative tribunal Additional
 हाई कोर्ट आफ ज़ंडीकर से इलमाबाद (अ.)
 (Civil No. 16877 dated 21st April
 Jagdish Prasad / वादी/प्रतिवादी
 अपीलान्ट

निमाना - गोविला तथा निमा बुद्धी/प्रतिवादी
रेस्पान्डेन्ट
मेरे किं युगाद्य व्राताच श्री श्री श्याम नाथ
व्यायामी - नियमनाचार गोवारी जालापुर
गोवा राज्य प्रेस

उपरोक्त प्रकरण (मुकदमा) में $\frac{\text{मैं}}{\text{हम}}$ अपना पद समर्थन हेतु

कानूनी निधि वत् 1116, ८/८/८८) - ८१ - त्रिवेदी कानूनी शुल्क (मेहनताना) नियत करके अपना हमारा अभिभाषक (वकील) नियुक्त करता है और वह स्वीकार करते हैं कि उक्त सज्जन हमारी ओर से वाद-पत्र (अर्जीदावा), प्रतिवाद-पत्र (बयान तहरीरी), वाद स्वीकार करते हैं एवं पुनरवलोकन एवं पुनर्निर्णय प्रार्थना-पत्र (दरख्वास्त), शापथिक कथन (हलफनामा), प्रवर्तन-पत्र (दरख्वास्त इजराय), मुजबात अपील, निगरानी इत्यादि हर प्रकार के अन्य प्रार्थना पत्रादि एवं लेखादि की प्रतिलिपियाँ अपने हस्ताक्षर करके न्यायालय में प्रस्तुत करें अथवा किसी पत्र पर आवश्यकतानुसार शापथिक पुष्टीकरण करें और आवश्यक सवाल जबाब करें और लेखादि की प्रतिलिपियाँ एवं हमारे प्राप्य घन को अपने हस्ताक्षरी पावती देकर प्राप्त करें, हमारी ओर से किसी को मट्यस्थ तथा साक्षी (गवाह) मानें और उससे सम्बन्धित प्रार्थना-पत्र प्रस्तुत करें तथा उसका समर्थन करें तथा तसदीक करें, वाद-पत्र उठावें छोड़ें अथवा समर्काता करें तथा सुलहनामा दाखिल करें तथा उसके सम्बन्ध में प्रार्थना-पत्र दाखिल करके उनका समर्थन करें अर्थात् प्रकरण से सम्बन्ध रखने वाली कुल कार्यवाही डिग्री के भर पाई होने के समय तक स्वतः या संयुक्त करें। आवश्यकता होने पर किसी अन्य वकील महोदय को वकील करें।

उक्त सभी कार्यवाही जो उक्त सज्जन करेंगे प्रत्येक दशा में अपने किये को भाँति $\frac{\text{हम को}}{\text{मम को}}$ सर्वथा स्वीकार

मैं कानूनी हम निश्चित शुल्क तथा विशेष शुल्क आविरी वहस के वक्त उक्त सज्जन की न दूँ/दें तो उनको अधिकार होगा कि वह हमारी ओर से मुकदमा की पैरवी न करें। उपरोक्त दशा में उक्त सज्जन का कोई उत्तरदायित्व न रहेगा।

अतएव यह अभिभाषक पत्र लिख दिया कि प्रमाण रूप से समय पर काम आये।

THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

Misc. Application.....of 199

&

Counter Affidavit

On

behalf of Respondent No.....

In

O. A. No. 1168 /1997

..... Jagdish Dasan Petitioner

Vs.

Union of India and Others Respondent

K. C. SINHA
Advocate

2. *RECEIVED* *RECORDED* *FILED* *RECORDED* *FILED*

RECEIVED AT CH : 1. 1. 1991.

....

CIVIL PLEA. APPLICATION NO. _____/1991

ON BEHALF OF RESPONDENTS

IN

REGISTRATION NO. 1168 of 1987

Jagdish Prasad

applicant

Versus

Union of India & others.

respondents.

To

The Hon'ble The Vice Chairman and His
Companion Members of the aforesaid Tribunal.

The humble petition of the abovenamed
MOST RESPECTFULLY STATES :

1. That full facts have been set out in the
accompanying counter affidavit.

2. That it is necessary in the interest of
justice that the reliefs sought by the petitioner
in his aforesaid application may kindly be rejected.

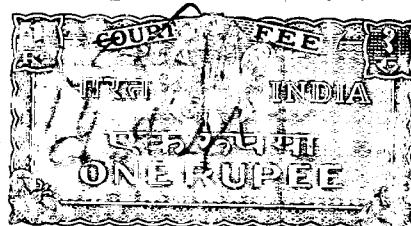
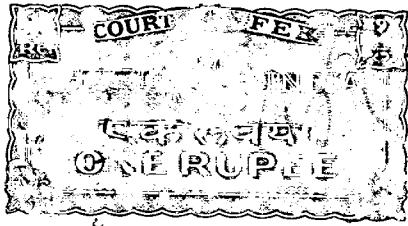
2.

P_R_A_Y_E_R

WHEREFORE, it is most respectfully
prayed that this Hon'ble Tribunal may be pleased
to allow this application and reject the reliefs
sought by the petitioner in his aforesaid petition;
and/or be further pleased to pass such
other and further order, as this Hon'ble Tribunal
may deem fit and proper in the circumstances of
the case.

Dt/- 31.12.91

Unst
(K.C. SINHA)
ADD. STANDING COUNSEL
CENTRAL GOVT.
COUNSEL FOR THE RESPONDENTS.



S.O.(J)

Repon record.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH: ALLAHABAD.

....

COUNTER AFFIDAVIT

ON BEHALF OF RESPONDENTS

IN

REGISTRATION No. 1168 of 1987

Jagdish Prasad

applicant

versus

Union of India & others

Respondents.

Affidavit of Dinesh Chandan Dwivedi

aged about 33 years, s/o Sh. P. B.

Dwivedi posted as Asset Collector
Central Excise, Sitapur (U.P.)

(Deponent).

I, the deponent abovesigned do hereby
solemnly affirm and state on oath as under :

I- That the deponent is Asset Collector

and has been

authorised to file counter affidavit on behalf

2.

of respondents and as such he is fully acquainted with the facts of the case deposed to below.

2~ That the contents of the application filed by the petitioner have been read over by this deponent and he has fully understood them and is in a position to reply the same.

3~ That before giving parawise reply to the application it is necessary to give certain facts which may assist this Hon'ble Tribunal in deciding the controversies involved in the present case.

a/- That on 3rd November, 1983 under the orders of the Assistant Collector, Central Excise, Sitapur, the respondent no.4, the petitioner was appointed as full time paid contingency paid staff as Mali-cum-Chaukidar and posted at Range II Sitapur.

b/- That after reckoning his qualified service as contingency paid staff as on 31.12.1985, the petitioner was found eligible for regularisation

Sh. Divivedi

(P.S.)

3.

in the grade of Sepoy.

c/- That vide an order dated 16th April 1986 the petitioner's services were regularised, as per the orders passed on 16th April 1986, in view of Ministry of Air Force Instruction dated 13th October, 1983. A photostat copy of said instruction dated 13.10.83 is enclosed herewith and marked as Annexure CA-1 to this affidavit.

d/- That after sometime at the time of scrutiny of the records of all those regularised contingent paid staff, it has come to the notice that the petitioner was over-age and he was not eligible for being absorbed in the cadre of Sepoy. Having come to know the said omission, the petitioner was reverted back as a contingent paid staff immediately and he was given a re-appointment to work as Contingent Paid Staff vide an order dated 20th November, 1986 and he was posted at Sitapur. The petitioner represented his case to the Board for his appointment/regularisation in the grade of Sepoy but the said representation was rejected by the Board under letter dated 1st September, 1987. A

Chintwedi

(A37)

4.

photostat copy of said letter dated 1.9.87 is enclosed herewith and marked as Annexure CA-2 to this petition.

4- That the contents of paragraphs 1, 2, 3, 4 and 5 of the petition need no comments.

5- That the contents of paragraphs 6(i), 6(ii), 6(iii), 6(iv), 6(v), 6(vi), 6(vii), 6(viii) and 6(ix), 6(x) and 6(xi) of the petition being matter of record need no comments.

6- That the contents of paragraph 6(xii) of the petition are not correct and as such are denied. It is further submitted that in fact the age of the petitioner escaped the notice of the authorities at the time of regularisation in the cadre of Sepoy and when it was revealed, an order was passed through which he was reverted back and was to work on his original post of the Contingent Paid Staff. Moreover, this decision was sequel to the Board's decision communicated to the answering

G. Bhawedi

5.

respondent vide letter dated 26th August 1986. It is stated that "the question of relaxation of maximum age limit for the purposes of regularisation of casual workers who were engaged after 20th March 1979, was considered in consultation with the Department of Personnel & Training. They have not, however, agreed to the same," and as such there was no way left except to revert him which was neither arbitrary nor unlawful.

7- That ^{in reply to} the contents of paragraph 6(xiii) of the petition ~~xxx~~ it is submitted that the petitioner was not eligible for his regularisation in the grade of Sepoy due to his being over-aged. This omission came to light after sometime when the office records of all these contingent paid staff was re-scrutinised and then he was reverted back immediately to work as -Contingent Paid Staff vide office letter dated 20th November, 1986 and posted at Sitapur Division.

Ch. Bhawivedi

8- That the contents of paragraph 6(xiv) of the petition are not correct and as such are denied. It is further submitted that the petitioner

6.

is not entitled for any notice or opportunity, as referred in para under reply, before the said order was passed.

9- That the contents of paragraphs 6(xv) and 6(xvi) of the petition are not correct and as such are denied. Since the petitioner was not eligible for promotion, as he was over-age for being absorbed in the Sepoy cadre and as such keeping in view his services rendered as a Contingent paid staff, he was reverted to that post on humanitarian ground.

10- That in reply to contents of paragraph 7 of the petition, it is submitted that in view of facts and circumstances mentioned above, the petitioner is not entitled for the reliefs as referred in paragraph under reply.

Om Swami

11- That in reply to contents of paragraph 8 of the petition, it is submitted that petitioner is not entitled for the interim order, as he has failed to make out any case for interference by this Hon'ble Tribunal.

1100

7.

12- That the contents of paragraphs 9, 10,
11 and 12 of the petition being matters of record
need no comments.

That the contents of paragraphs 1
and 2 of this affidavit are true to my
personal knowledge; those of paragraphs
3 to 9 and 12 are based on perusal of
records ; those of paragraphs 10 and
11 are based on legal advice, which all
I believe to be true. No part of it is
false and nothing material has been
concealed in it.

SO HELP ME GOD.


(DEPONENT).

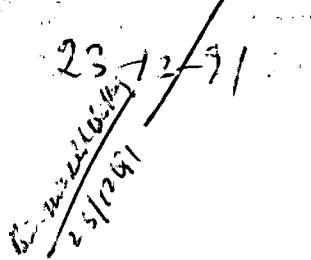
D.C. Dwivedi:

RIC Section Adred

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3 PM.

Banwali
Baths
23/12/31


D.C. Dwivedi
23/12/31

(Full)

8.

R. K. Srivastava D.L.T (C2)
I.P.S. Chauhan, clerk to Shri K.C. Sinha

Advocate declare that the person making this
affidavit and alleging himself to be the deponent
is known to me personally.

D. K. Srivastava
D.L.T (C4) IDENTIFIER
23/12/91

Solemnly affirmed before me on this
December
day of 23rd/1991 at 3 pm am/pm by the deponent, who
is identified by aforesaid .

I have satisfied myself by examining the
deponent that he understands the contents of
this affidavit which has been read over and
explained to him.

Banwari Lal Bajikar
23-12-91
O.M. COMMISSIONER.

D. K. Srivastava

D.C. Docket No.
R.L. Saurai Adyaksh
1060

3 P.M.
23/12/91

Banwari Lal Bajikar
23-12-91

ANNEXURE - C A - 1

(Part 2)

: : :

No. 49014/7/83-Estt. (C)

Government of India/ Bharat Sarkar

Ministry of Home Affairs/Sairi Mantralaya

Department of Personnel & Administrative Reforms

(Karmik Aur Prashikshan Sevika Vibhag)

New Delhi, the 13th October, 1983.

OFFICE MEMORANDUM

Subject:- Regularisation of casual employees in Group 'D' posts.

The undersigned is directed to say that as per the instructions issued by this Department from time to time, casual employees recruited before 21.3.79 in various Ministries/Departments and attached and subordinate offices of the Government of India may be regularised in Group 'D' posts subject to the following conditions:-

- (i) A daily wage worker should have put in at least 240 days of service as such (including broken periods of service) during each of the two preceding years (4 years in the case of part-time casual workers) on the date of appointment against a regular Group 'D' post.
- (ii) A daily wage worker should be eligible in respect of maximum age limit on the date of appointment to the regular post. For this purpose, the period spent by him as daily wage worker is deducted from his actual age.
- (iii) A daily wage worker should possess the minimum educational qualifications prescribed for the post.

It will also stipulate in para 1(d) of O.M. No. 1014/7/77-Estt. (C) dated 10th October, 1979 that casual employees who were engaged till 20th March, 1979 otherwise than through the employment exchange and who are eligible in all other respects may be regularised without insisting on the condition referred to in para 1(d) (i) of the O.M. of 21st March, 1979. It has been brought to the notice of this Department that in certain cases, casual workers, though recruited through Employment Exchanges, have already crossed the upper age limit prescribed for appointment to Group 'D' posts, with the result, that the benefit for regularisation cannot be made available to them. In view of the fact that the casual employees

..... 6/-

Shrivastava

ANNEXURE C N. 2

F.No. A. 12034/88/87-Ad. III-B
Government of India
Central Board of Excise & Customs

New Delhi, the 28th August, 1987.

To

The Collector of Central Excise,
KANPUR.

Subject : Request from Shri Jagdish Prasad, Contingent
paid Gr. 'D' employee against termination of
his services - CCE Kanpur.

Sir,

I am directed to refer to your letter C.No.
II(31)145-Estt./D/85/22196 dated 23.7.87 on the above
subject and to say that in terms of Deptt. of Personnel
& Training's O.M.No. 49014/7/83-Estt(C) dated 13.10.83,
the contingent paid workers who had crossed the permissible
ago limit and who had been recruited after 20.3.79 cannot
be regularised in Gr. 'D' posts. Shri Jagdish Prasad
may please be informed suitably.

2. The original representation of Shri Jagdish Prasad
sent alongwith Board's letter dated 14.7.87 may also
please be returned for our records.

Yours faithfully,

(B.K. JAIN)
Under Secretary
Central Board of Excise & Customs

B.K. Jain

(Main Copy)

(A44)

EDWARD J. H. AND CO. LTD. V. RAJENDRA,

EDWARD J. H. CO.

SC. C.

FF 27-5-92

C.H. No. 1169/87 (L)

.... C. 2/92 (L)



Original Copy

Application

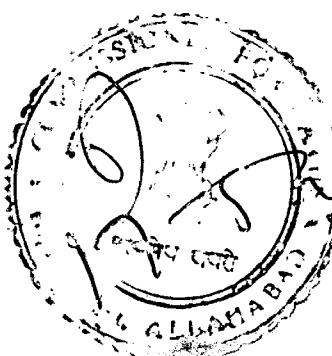
VOL 12

Various Enclosed

Respondents.

Rejoice Mr. RAJENDRA

I, Jagdish Prasad, aged about 40 years,
do declare that I am a resident of village Rajinbad,
Post of Ichheria, Taluk, A. Dist. of Dhar,
and I own a plot of 1000 square feet and situate on
plot number:



1. That the document is a copy sent in the
above number of the case as is fully covenant

filed today

with the cause and case.

2
22/5/92

Like to the document is sent through the

STANLEY YOUNG

the contents of no 1 of the order issued by the
Opposition party and has an addendum for contents
and balance reply is given below.

3. Ans. to the contents of para 1 in 2 needs
no reply. ✓

4. Ans. to 1 to the contents of para 3 A
of the order is as follows. It is submitted that
the petitioners are definitely abroad on 1.5.1983.
Ans. to letter No. L/1/39 CL/Ex/80/360
dated 11.5.83. ✓

B

5. Ans. to the contents of para 3/B of the C.A.
needs no reply.

6. Ans. to the contents of para 3 C of the C.A.
needs no reply. ✓

6A. Ans. to 1 to the contents of para 3(D)
of the order is as follows. It is submitted that the
petitioner is not over age. The conversion order
of the petitioners was made without considering
the following government orders. As a result of the
above great injustice has been done to the petitioner.
In this connection it is further submitted that
the Govt. of India has issued D.O.M. Order No.
of Personnel and L.R. O.C. No. 1.1.74 188. (1) a. Sec

अमरांशुरमा

(A4b)

-3-

20.7.76 says that the upper age limit will be relaxable upto the age of 35 years for direct recruitment Group C and Group D posts provided that the departmental candidates who are in the same line or allied cadre and where a relationship could be established that the service rendered in the department will be not less than 3 years of continuous service for the same department.

A copy of the G.O. dated 20.7.1976 is being annexed herewith as Annexure A to this R.A.

7. That it is further submitted that the petitioner's date of birth is 5.1.52. At the time of appointment on the post of Sepoy the applicant's age was 34 years, 3 months and 11 days. Therefore, he was within the age but reversion was made with a view to harass the petitioner. It is further submitted that an order C.A.-1 to the petitioner A. M. Alavat is not applicable in the case of the applicant, as C.A.-1 is applicable only to those persons who have completed 240 days of continuous service and C.I. 1 is applicable to those candidates whose services have to be regularised on this basis. But the case of the applicant is entirely different as he was

5/12/1976

appointed on the post of Sepoy on the basis of existing rules, i.e. Annexure A-1 to this R.A. It is further submitted that the only condition is the relaxation of upper age limit for departmental candidates for appointment to Group C and D posts as per norms of G.C. date 20.7.1976 (Annexure A-1) provides that a person had to render three years of continuous service as the applicant had rendered about 3 years of service and as such he fulfilled all the conditions as per G.C. mentioned above. Therefore, the appointment of the applicant was legal, his revision was admissible and allowable. It is further submitted that the applicant was appointed on the post of Sepoy and not familiarised on the post of Sepoy at the beginning, as the time of his appointment he was working in Rail/Ministry as a junior sub-divisional clerk. The C.R.-2 is also not applicable in the case of the petitioner on account of the facts mentioned above.

5. Since the contents of paras 4 and 5 of the C.R. needs no reply.

1. Since the contents of paras 3 of the C.R. are denied, in part, the contents of para 5 (iii) of the C.R. need not be considered.

Geet Singh
Y.M.R.C.

(pmb)

-5-

re correct. The appointment was within the age limit and he was correctly appointed on the board of Sonoy and his responsibilities took the care of the collection and regularisation. In fact he was appointed on the same very day that he was a M.P. in West. The ambient was working on Lulu/Champawat and he was not regularised on the board. In fact, the board member was appointed on 11th Feb 1962 of Sonoy after accepting the new function of regularisation.

11. The file contains of part 7 of the counter of Lulu which is denied that in reality the counter of Sonoy (small) of the C.I. are not to be contacted. The accountants have a file under counter of Lulu to the
small or with small. The regularisation
~~for~~ ~~for~~ ~~the~~ ~~small~~ ~~the~~ ~~small~~ ~~regularisation~~
~~regularisation~~ ~~regularisation~~ can be made
of the date not known. In the board member was
not there. In fact the date of his appointment
on the board of Sonoy is not available after
the file of Lulu. In fact the ~~small~~ ~~regularisation~~ counter
and the ~~small~~ ~~regularisation~~ counter to the board member
the more appointment to the board of Sonoy and as

Q.T.S.W.

REDDY R.D.R.D.R.

such as we consider. After this, the
conclusion, we can not reasonably say that
Lowe, not an apointee and known a case of
neglect, add n.

12. In the opinion of the Soc. the
points of view mentioned in the
bulletin of the Soc. (Ex) of the C. are
wholly as correct. The prediction was well
made. The article as to the invasions
of the country in 1914 and the no. 4-1 to the
refugee problem. The article was not
given any opportunity which a diversion so
as to be given.

13. The following is Article 9 of the
R.L. as copied in the Statute Book of
the S.M.R. and (1) and (2) of it are found
to be correct.

14. The date of birth of wife 100
gender and marital information to be filled in
In fact she died on the 20th of the year 1916
and was about 3 years in the service

၁၁၀၁၂, ၁၁၁၄၂

(P50)

17-

On 17th May 1992 the respondent is of the opinion No. 1.

On 17th

15. That the content of para 11 of C.I. needs no reply and that the ~~one~~ ^{one} part of para 11 is right and ~~one~~ ^{one} part of para 11 is liable to be allowed with costs.

16. That the question be allowed in favour of the petitioner.

On 17th May 1992

Farok Ahmad

Advocate

Advocate.

1. The above content given to him, namely the content of paras 16 & 16² are true to my personal knowledge, that of para 6A & 7² on legal service, the rest of it is false the nothing is concealed or hidden me said.

Farok Ahmad

Advocate.

On 17th May 1992

2. I recall the respondent who has signed

below as.

Farok Ahmad
Advocate.

On 17th May 1992 I am of the opinion

that the content of para 11 is not justified by

Mr. Farok Ahmad

Advocate.

2. I am distinguishing as the remaining the content and the other section of this para I will not give any relevance to it.

Mr. Farok Ahmad
Advocate

Advocate

Advocate

On 17th May 1992

</div

Ministry of Finance, to numerate the following
Huzur Bazar - 24/7/76
C.H. No 1160/07/41 (A.S.)

T.A. No 2792

Jaydish Prasad - Appellant
Union of Auditors - Opp. Party

Annexe No - R-1

S. No. 4/4/74-Estt (1)
Govt. of India
Ministry of Home Affairs
Department of Personnel & Training

Delhi, the 20th July, 1976.

OFFICE MEMORANDUM

Subject: Relaxation of upper age limit of departmental candidates for appointment to Groups 'C' and 'D' posts in their own department.

The undersigned is directed to say that the Staff side of the National Council (NCM) had suggested that the Departmental candidates who passes the prescribed qualifications may be allowed to compete with relaxed age limit with the nominees of Employment Exchange open market candidates for higher posts which are to be filled by direct recruitment in any office in the same department.

2. The request made by the Staff Side of the National Council (NCM) has now been examined and it has been decided that for direct recruitment in Groups 'C' and 'D' posts/services, the upper age limit will be relaxable upto the age of 35 years in respect of persons who are working in posts which are in the same line or allied cadre and where a relationship could be established that service rendered in the Department will be useful for efficient discharge of the duties in other categories of posts in the same Department. The age concession will be admissible only where an employee has rendered not less than three years of continuous service in the same Department. The question of determining the same line or allied cadre is, however left to be decided by each Ministry/Department and the age relaxation will be available for the posts under the control of the same Ministry/Department.

3. The existing age concessions available to Group 'D' employees for appointment to Group 'C' posts and to clerks for appointment as Stenographers in the Central Secretariat Stenographers Service and any other existing concession shall continue.

4. The Ministry of Finance etc., are requested to bring the above decisions to the notice of all the attached and subordinate offices under them for their guidance.

sd/-

(T.G. GUTHI)

UNDER SECRETARY TO THE GOVT. OF INDIA

CENTRAL EXCISE COLLECTORATE : KANPUR

NO. II(7)50-Estt/Par/81/ 3370 Dated: 21-1-76

Copy forwarded for information and necessary action to:-

1. The Addl. Collector Central Excise, Kanpur.
2. The Dy. Collector (P&E/Audit/Tech.) Central Excise, Kanpur
3. The Assistant Collector Central Excise.....
4. The CAO/PAO Central Excise, Kanpur.
5. The Branch Incharges of Hdqrs. Office, Kanpur.
6. The Guard file

DY. COLLECTOR (P&E)
CENTRAL EXCISE: KANPUR

(ASL)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

C.M. Application No. 1733/91

Inre
O.A. No. 1168/87

Jagdish Prasad

Applicant

versus

Union of India & others

Respondents.

APPLICATION FOR RESTORATION OF
ORIGINAL APPLICATION DISMISSED
IN DEFAULT ON 30.9.91

The applicant respectfully submits as under:

For the facts and reasons stated in the accompanying affidavit it is respectfully prayed that the Original Application No. 1168/87 may kindly be restored to its original number and it is so prayed in interest of Justice.


(Farooq Ahmad)

Counsel for the Applicant.

17, KUTCHERI ROAD, AMENABAD
LUCKNOW

Received by Dated: 28-10-91
(10)
Chmre. G. Ans
28/10/91

5/10/91
Original

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

O.A.No. 1168/87

(A53)

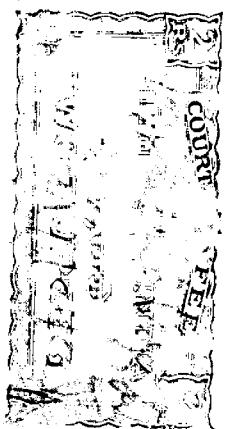
Jagdish Prasad

Applicant

versus

Union of India & others

Respondents.



AFFIDAVIT

I, Jagdish Prasad, aged about 39 years son of Shri Shyam Nath, resident of Village Nizamabad Kherwa Post Office Barai Jalalpur, District Sitapur, the deponent do hereby solemnly affirm and state on oath as under:

1. That the deponent is the petitioner in the above noted case, as such he is fully conversant with the facts and circumstances of the case.
2. That the applicant/deponent filed the above noted case before this Hon'ble Tribunal in the year 1987. The case of the applicant was filed by Shri A.K. Sand, Advocate and thereafter the applicant was not aware of the ~~fact~~ fate of the case.
3. That the applicant went several times to contact the Advocate but unfortunately, the applicant could not meet him. The aforesaid mentioned advocate has also not written any letter to the applicant.
4. That the applicant belongs to backward class and is a casual labour. He could not attend the Hon'ble Tribunal on the date fixed by the court and



10/10/2012

(ASU)

and the applicant has no knowledge of the date.

5. That the applicant on 1.10.91 came to Allahabad and enquired about the case from the office and he came to know that the case was dismissed in default on 30.9.91.

6. That the applicant was constantly contesting the case and it was a mistake of the counsel who was contesting the case on behalf of the applicant as he failed to appear before the Tribunal on the date fixed.

7. That on account of mistake of counsel the applicant should not be permitted to suffer. It is therefore, expedient in the interest of justice that the above case may kindly be restored to its original number.

Lucknow - Dated - 21-10-91

Deponent

Verification

I, the deponent named above do hereby verify that the contents of paras 1 to 7 of this affidavit are true to my personal knowledge. No part of it is false and nothing material has been concealed.

So help me God.

Lucknow - Date - 21-10-91

Deponent

I identify the deponent who has signed before me.

Solemnly affirmed before me by the deponent on 21.10.91 at 10 am/pm who is identified by Shri Farooq Ahmad Advocate.

I have satisfied myself by examining the deponent that he understands the contents of this Affidavit which have been explained to him.

S. S. AND CO.
CATE COMMISSIONER
Court of Session and Civil Court
21-10-91

21-10-91

In the Central Administrative Tribunal
at Allahabad.

ब अदालत श्रीमान

महोदय

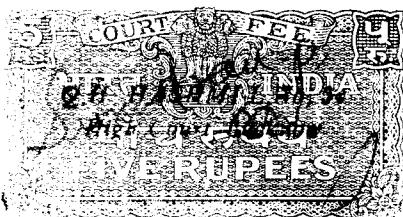
[बादो अपीलान्ट]

श्री

प्रतिवादी [रेस्पाइन्ट]

C. A. No 1166/87

बकालतनामा



(बादो अपीलान्ट)

Dagdush ^{प्रतिवादी}

बनाम

Union of India (लियोन ऑफ इंडिया)

(प्रतिवादी रेस्पाइन्ट)

नं. मुकद्दमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

SURENDRA N. P. ११८० वकील
महोदय एडवोकेट

FAROCK AHMAD ४८०

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटाव या हमारी ओर से डिगरी जारी करावें और रूपया बसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रूपया जमा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह मी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एकल्टरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह बकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर ११८०/४८०

मुकद्दमा तंत्रिका
नाम

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना सन् १६ ई०

स्वीकृत

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Regd. A/D

23-A, Thornhill Road
Allahabad. 211001

Review Application No. 1168
Registration D.A. No. 1168/87
of 10

Dated :-

No. CAT/Alld/ Jud

Jagdish Prasad

APPLICANT

Vrs

RESPONDENT (S)

Union of India and others Chairman Central
Board of Excise & Customs.

1. Shri A.K. Sand Advocate,
1116 Kalyani Javi, Allahabad.
2. K.C. Inha Advocate for Respondents

Please take notice that the applicant above named has presented an application a copy of whereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed ~~12~~ 18th day of July 90 for admission.

If no appearance is made on your behalf, your pleader or by some one duly authorised to act and plead on your behalf in the said application. It will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this 18th day of June 1990.

For Deputy Reg.
(Judicial)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Regd. A/D

23-A, Thornhill Road
Allahabad. 211001

Review Application 11789
Registration U.A. No. 7509 Of 1990
1168/87

Dated :-

No. CAT/Alld/ Jud

Dugdish Prasad

APPLICANT

Vrs

RESPONDENT (S)

Union of India and others Chairman Central
Board of Excise & Customs.

1. Shri A.K. Sand Advocate.
1116 Kalyani Devi. Allahabad.
2. K.C. Sinha

Please take notice that the applicant above named has presented an application a copy of whereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed 12 July 90 day of July 90. For Admission.

If, no appearance is made on your behalf, your pleader or by some one duly authorised to Act and plead on your behalf in the said application, It will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this 18th day of June 1990.

For Deputy Registrar
(Judicial)

Regid-A/D

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

23-A Thornhill Road

Allahabad-201001

1625 TC 1623
20/XI/91

Registration O.A. No: 68 of 19

APPLICANT (S)

DRS.

RESPONDENT (S)

Please take notice that the applicant above named has presented an application a copy of whereof is enclosed herewith which has been registered in this Tribunal. The Tribunal has fixed 17th day of December 1991 before D.R.O. for filing Counter Affidavit.

If no appearance is made on your behalf by your pleader or by someone duly authorised to act and plead on your behalf in the said application it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this 18th day of November 1991.

For

Deputy Registrar

OIC (Judicial)

SB
Court Officer Court Master
of Court No 2

To be returned to the pleader
or to the party concerned

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

28/10

D.R.

28/10/91

NOTICE OF MOTION

Misc Petition 1733 of 991

in O.A./R.A. 1168 of 87

Tayyib Basad Applicant/Appellant.

Varsus

Chiranjit Singh Respondents/Defendant

Take notice that the court will be moved by the order
signed on _____ the day of 19.91
at 10.30 'clock in the forenoon or so soon these after the
noticed on their occassion can be heard.

the object of themotion is hereby indicated by

A copy of the Application is enclosed herewith. The further
notice that meanwhile this court has been pleased to pass
that following orders

Dated this the _____ day of 199

Signature [Signature]

Advocate of petitioner

FAROOQ AHMAD Adv.
Applicant/Appellant

or

Petition/Defendant in not

Advocate on record for the opposite party

Respondent/Defendant.

Opp. Residency,
Gandhi Bhawan,
Lucknow.

DATED: The 18th, 1991

26.11.91

50 (Jud) for n.a.
R. (all)
D.R.
To,

2332
2.2.1991

The Registrar,
Central Administrative Tribunal
(Allahabad Bench)
23-A, Thorn hills Road,
Allahabad.

Sub : Transfer of Cases.

Sir,

The following original C.M. application is enclosed alongwith the instruction of Hon'ble V.C. thereon.

<u>Particulars</u>	<u>Case No.</u>
1. Jagdish Prasad -VS-	C.M. application No.688/91 in Union of India & others O.A.No.1168/87 (A)
2. V.M.Tewari -VS-	M.P. No.647 of 1991 (L) in Union of India & others O.A.No.218 of 1991 (L)
2. It is to inform you that in O.A.No.67/90 (L) of Sri V.S.L.Srivastava -VS- Union of India & others, the Hon'ble Court has passed an order that O.A.No.533/87 be transferred from Allahabad and be listed with the case O.A. 67/90 (L) on 9.12.1991. A copy of the order is enclosed.	and notice by airmail

It is, therefore, requested that necessary
action may please be taken at the earliest in this
regard.

Yours Faithfully,

(Gaur Chandra)

Deputy Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

C.M. Application No. 688/91 (L,

Inre
O.A. No. 1168/87 (A)

Jagdish Prasad

Applicant

versus

Union of India & others

Respondents.

Application for Transfer of the
Original Application to Lucknow
Bench of C.A.T

.....

The applicant respectfully submits as under:

That the above noted O.A. was filed before the Hon'ble Tribunal in the year 1987 and the same is pending disposal before this Hon'ble Tribunal.

2. That the applicant is a resident of Sitapur, and Lucknow is near to his residence and the applicant can appear before the Hon'ble Tribunal on each and every date in C.A.T, Lucknow.

3. That the applicant is also economically so weak that he feels difficulty in going to Allahabad, hence the above noted O.A. may kindly be transferred to Lucknow.

It is therefore, prayed that the above noted O.A. may kindly be transferred from C.A.T. Allahabad to C.A.T Lucknow. It is so prayed in the interest of justice.


(Faroog Ahmad)
Advocate.

Counsel for the Applicant.

Dated: 28-10-91

17, KUTCHERI ROAD, AMINA B
LUCKNOW

Alleged to
be concerned
with the
matter
(H.C. No.)

Filed today

4/11/91

Under my
signature
I declare
that I am
the concerned
person
in this
affair
so.

5/11/91

81

IN THE CENTRAL ADMINISTRATIVE

C.M. Application No. 688/91 (L,

In re
O.A. No. 1168/87 (A)

Duggal Prasad

Applicant

versus

Union of India & others

Respondents.

Application for Transfer of the
Original Application to Lucknow
Bench of C.A.T

.....

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and Lucknow is near to his residence and the applicant
can appear before the Hon'ble Tribunal on each and
every date in C.A.T, Lucknow.

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that he feels difficulty in going to Allahabad, hence
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It is therefore, prayed that the above noted
O.A. may kindly be transferred from C.A.T. Allahabad to
C.A.T. Lucknow. It is so prayed in the interest of
justice.


(Faroog Ahmad)
Advocate.

Dated: 28-10-91
Counsel for the Applicant.

17, Kutchery Road, Ammanbad
Lucknow.