

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE *T.A. No. 1120/87*
W.P. No. 702/83 OF

NAME OF THE PARTIES *Ram Kishore Sharma* Applicant

Versus

O.O.F. No. Respondent

Part A.

Sl.No.	Description of documents	Page
1	<i>Index Sheet</i>	<i>A1 to A2</i>
2	<i>order sheet</i>	<i>A3 to A6</i>
3	<i>Judgment order sheet dt. 4-7-89</i>	<i>A7 to A17</i>
4	<i>writ Petition</i>	<i>A18 to A40</i>
5	<i>lawyer</i>	<i>A41</i>
6	<i>H.C Notice</i>	<i>A42</i>
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		

CERTIFICATE

Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided)
This file received from record room without cost

Check on

Dated *12/12/11*

Counter Signed.....

Rajeev
14/12/2011

Section Officer/In charge

m
Signature of the
Dealing Assistant

ANNEXURE -A

CAT

CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow
Opp. Residency, Gandhi Bhawan, Lucknow

INDEX SHEET

CAUSE TITLE 1120 of 1987

NAME OF THE PARTIES _____

Ram Krishan Sharma Applicant

Versus

U.O. 5 & Respondent

Part A, B & C

Sl. No.	Description of documents	PAGE
1.	H.C. Index	A-1
2.	H.C. order sheet	A-2 to A 5-
3.	Petition	A 6 to A 28
4.	Judgment. Covering letter	A 29
5.	Judgment.	A-30 to A 39
6.	Power	A-40 to A 41
7.	Bench Copy	A-42 to B 109
8.	C. Nalk.	C 110 to C 115

Annexure -B

CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow
Opp. Residency, Gandhi Bhawan, Lucknow

APPLICATION No. 1120 of 1987

TRANSFER APPLICATION No. _____ of 19

OLD WRIT PETITION No.: 702 of 83

CERTIFICATE

Certified that no further action is required to taken
and that the case is fit for consignment to the record room (decided).

Dated :

COUNTER SIGNED :

Signature of the
dealing Assistant

Section Officer/Court Officer

GENERAL INDEX

CIVIL

SIDE

CRIMINAL

Chapter XLI, Rules 2, 9 and 15

A
2A
1

Lst. No. 702-83

Nature and number of case

Name of party

Kanu Kishore Sharma v. Union of India

Date of institution

4-2-83

Date of decision

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
	1-	Imp. Dist. and off. dist.	27-	—	102-00			
	2-	Power.	1-	—	5-00			
	3-	ordn. Sheet	1-	—	—			
	4-	Back Copy	1-	—	—			

I have this _____ day of _____ 197 , examined the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear Court Fee Stamps of the aggregate value of Rs. _____, that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.

Date _____

Munsarim
Clerk

आदेश पत्रक
ORDER SHEET

अपील
निर्देश आवेदन रजिस्टर में सं०

No. in Reference Application Register
Appeal

अपील अतिकरण
Appellate Tribunal

अपीलार्थी
आवेदक

Appellant
Applicant

अपीलार्थी
आवेदक द्वारा

Appellant
Applicant

प्रत्यर्थी द्वारा
Respondent

बनाम

Vs.

प्रत्यर्थी

Respondent

TA 1120/87
W.P. 702/83

R. S. Sharma
vs
Union of India & ors
(P.T.)

आदेश की क्रम संख्या
और तारीख
Serial number of
order and date

संक्षिप्त आदेश, निर्देश देते हुए, यदि आवश्यक हो
Brief order, mentioning reference, if necessary

पालन कैसे हुआ और पालन
करने की तारीख
How complied with and
date of compliance

25.1.88

Office report

W.P. No. 702/83 has been
received on transfer from Hon'ble
High Court W.P.

W.P. is not admitted.

CA and R. A both not

filed.

Notices issued to both the
parties fixing 2.2.88 by R.P.

No undelivered registered
cover has been returned back.

W.P. is pending for admission.

Submitted for orders.

Submitted

Decn
25/11/88

आदेश की क्रमा संख्या और तारीख Serial Number of order and date	संक्षिप्त आदेश, निर्देश देते हुए, यदि आवश्यक हो Brief order, mentioning reference, if necessary	पालन कैसे हुआ और पालन करने की तारीख How complied with and date of compliance
2-2-88	<p>DR</p> <p>Sri K.C. Singh & Co. has been filed his Vakalatnama for report. In the consequence of Sri Singh counter can be filed by 29-2-88.</p> <p>DR</p>	
29.2.00	<p>Sy Lgr</p> <p>Sri M. Sharma Applicant is present - Counter affidavit if any may be filed by 7.4.00.</p> <p>Office report</p> <p>CA not filed.</p>	<p>DR</p>
<p>4.4.00</p> <p>7.4.00</p>	<p>DR</p> <p>Sri M. Sharma is present - no one appears for report. Counter affidavit if any may be filed by 2.5.00</p> <p>Office Report.</p> <p>Counter Affidavit has not been filed in this case so far.</p> <p>26/4</p>	<p>DR</p>

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

A
3

8/5

.....No. TA 1120.....of 198

.....Vs.....

Sl.No. of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
	2.5.00	<p>DR(A)</p> <p>Applicant is concerned on the request of reports counsel, counsel may be held by 25.5.00. No further time shall be granted.</p> <p>Notice issued for 27.5.00 in circuit Bench to.</p> <p>M 9/5</p>	

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

O.A./T.A. No. 1120 1987 (T)

Ram Kishan Sharma Applicant(s)

Versus

V.O.I. Respondent(s)

Sr. No.	Date	Orders
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	23/12/87	No sitting, Adjourned to 23-2-89 for hearing. By <u>Ram</u> 23/12
--	----------	---

23/2/89

Hon. D.S. Mishra, Jm.
Hon. G.S. Sharma, Jm.

Sw. H.S. Jain for the applicant is present. received on behalf.
On the request of the learned Counsel for the respondents the case is adjourned to 24-2-89.

24/2/89

Hon. D.S. Mishra, Jm.
Hon. G.S. Sharma, Jm.

Sw. H.S. Jain for applicant and Shri K.C. Sinha for respondents are present and heard.

Judgement reserved.

2-8-89

Jm. Judgment reserved by

A
29

A
11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

(9)

O.A.No. 1120
T.A.No.

193 7

DATE OF DECISION _____

R. K. Sharma

Petitioner

Sri H. S. Jain

Advocate for the Petitioner(s)

Versus

WM & others

Respondent

Sri U. C. Sinha

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. J. S. Mishra, Am

The Hon'ble Mr. G. S. Sharma, Jm

- ✓ 1. Whether Reporters of local papers may be allowed to see the Judgement ?
- ✓ 2. To be referred to the Reporter or not ?
- × 3. Whether their Lordships wish to see the fair copy of the Judgement ?
- × 4. Whether to be circulated to other Benches ?

Dinesh/

Central Administrative Tribunal, Allahabad.
LUCKNOW BENCH

Registration T.A.No.1120 of 1987 (W.P.No.702 of 1983)

Ram Kishore Sharma

....

Petitioner

Vs.

1.Union of India

2.Chairman Post and Telegraphs Deptt.
New Delhi

3.Post Master General, U.P.Circle,
Lucknow and

4.Superintendent, Post Offices,
Nainital Division, Nainital ...

Respondents.

Hon'ble D.S.Misra, AM
Hon'ble G.S.Sharma, JM

(By Hon'ble G.S.Sharma, JM)

In this writ petition under Article 226 of the Constitution of India received on transfer from the High Court of Judicature at Allahabad u/s.29 of the Administrative Tribunals Act XIII of 1985, the Petitioner has prayed that the order dated 28.12.1978, copy annexure 3, passed by the Superintendent of Post Offices, Naintial Respondent no.4 dismissing him from service be quashed and the Petitioner should be treated to be in continuous service.

2. The relevant facts of this case are that the Petitioner was initially appointed as a Clerk in the Indian Posts and Telegraphs Department allegedly under the orders dated 11.12.1970 of the Post Master Genera, U.P Lucknow- Respondent no.3. The Petitioner was suspended from service w.e.f. 30.11.1971 in contemplation of a disciplinary proceedings against him and on 1.1.1972 he was served with a charge sheet with the allegation that while working as Registration Clerk at Ramgarh Post Office, he failed to discharge his legitimate duties resulting in loss of an insured letter for Rs.557 and

thereby failed to maintain absolute integrity

2

to duty required by R.3 of Central Civil Services (Classification, Control and Appeal) Rules. In the statement of his defence, the Petitioner explained the circumstances under which the insured article was lost pleading his innocence. His contention was, however, rejected by the disciplinary authority- Respondent no.4 and by way of punishment, Rs.500 ~~were~~ ordered to be recovered from his pay and the period of his suspension from 4.12.1971 to 18.12.1972 in connection with that case was not regularised and he was also not paid any pay and allowances over and above the subsistence allowance for the said period vide order dated 29.11.1972, copy annexure 2.

3. The loss of the insured article having been reported to the Police, he was prosecuted u/s.409 IPC and the Chief Judicial Magistrate Nainital convicted him in 1978 and sentenced him to R.I. for 2 years and a fine of Rs.1000, ~~was imposed~~. The appeal preferred by the Petitioner was rejected by the Sessions Judge. IN revision preferred by the Petitioner, the Allahabad High Court maintained his conviction but reduced the sentence of imprisonment to the period already undergone. On the basis of his conviction u/s.409 IPC, the Respondent no.4 dismissed the Petitioner from service by passing the impugned order dated 28.12.1978. The appeal preferred by him could not be disposed of to his knowledge till he preferred this writ petition.

4. The Petitioner has challenged the validity of the order of his dismissal from service on the ground that his very conviction was illegal in view of the provisions of S.72 of the Post Offices Act and R.80 of the Post and Telegraph Manual, Vol.III(Disciplinary Rules) as no criminal Court could take cognizance of any offence in the absence of a complaint made by order or under the authority of the Director General or Post Master General and on the basis of his illegal conviction, the

$\frac{4}{32}$ $\frac{4}{10}$

Respondents could not take the action for his dismissal from service. It is further alleged that in view of the protection guaranteed by Art.20 of the Constitution, the Petitioner could not be prosecuted and punished by his Department in view of his earlier prosecution and punishment by the Department vide annexure 2 and his dismissal is also hit by Art.311 of the Constitution, as the Post Master General was his appointing authority and he could not be dismissed by a lower ranked officer- Respondent no.4.

5. The Respondents have contested the case and in the counter affidavit filed on their behalf by the Respondent no.4, it has been stated that the Petitioner had received the insured article for Rs.557 on 18.9.71 and did not note the same in the relevant register G-9. When the fact came to the notice of the Sub Post Master the matter was reported to the Patti Patwari (Police). The Petitioner was asked to credit the amount of the insured article voluntarily but he did not do so and he was served with a charge sheet dated 1.1.1972 for this misconduct. The Petitioner was found responsible for the departmental lapses and it was accordingly ordered that a sum of Rs.500 be recovered from his pay in 20 monthly instalments vide memo dated 27.3.72. ^{On the} ~~in the~~ request of the Petitioner, who was placed under suspension after this incident, his suspension was revoked vide order dated 18.4.1972 and on his conviction u/s.409 IPC by the competent Court, he was rightly removed from service. The departmental appeal filed by the Petitioner was duly considered and rejected and his contention to the contrary is not correct. It has been further stated that the Respondent no.4 was the appointing authority of the Petitioner and only the selection of the Petitioner was made by the office of the Post Master General, U and the actual appointment was made by the Responder

no.4. The validity of the prosecution of the Petitioner was duly considered by the Courts and his contention that his conviction is illegal, is not correct. Art.20 of the Constitution has also no application to the case of the Petitioner and he is not entitled to any relief.

6. In his rejoinder, the Petitioner has stated that he having been once punished for certain misconduct, could not be punished again for the same and the validity of the criminal proceedings can be challenged even now as his prosecution was really barred by law and his dismissal from service is not warranted on the basis of the conviction in criminal case and in any case, the dismissal order is too severe and uncommensurate with the gravity of the offence.

6. In our opinion, only two points - (i) whether the Petitioner has been removed by an officer of the lower rank than his appointing authority and (ii) whether the Petitioner can be punished again for the same misconduct- arise for determination in this case. In support of the first point the Petitioner has filed copy of letter dated 11.12.1970 of the Respondent no.4 addressed to him stating that he has been provisionally selected for the post of Clerk in Nainital Division by the Post Master General, U.P.Circle and has been allotted Nainital Division. The Applicant was asked to ^{comply with} ~~observe~~ certain formalities before appointment ^{letter} ~~could~~ could be issued to him and it was clearly stated that his selection is only provisional and letter, annexure 1, does not entitle him to claim any appointment as of right. We are, therefore, inclined to accept the contention of the Respondents that only the selection of the Petitioner was provisionally made at the level of the PMG but the actual appointment was made by the Respondent no.4 on his being allotted the Nainital Division. The Petitioner has not produced any other

document before us to show that he was actually appointed by the Respondent no.3 or the Respondent no.3 ever acted as his appointing or disciplinary authority in the past. On the own showing of the Petitioner, he was initially proceeded against departmentally by the Respondent no.4, who had awarded the punishment of recovery of Rs.500 from his pay by way of compensation on account of loss of the insured article caused by the Petitioner and the Respondent no.4 had also disposed of the question of his suspension by passing the order dated 29.11.1972, copy annexure 2. This shows that the Petitioner himself ^{read & and accepted &} treated the Respondent no.4 as his appointing and disciplinary authority in the past and his contention to the contrary made for the purpose of this case is an afterthought and against the facts. This contention is accordingly rejected.

7. To substantiate the allegations made by the Petitioner regarding the validity of his conviction, he should have produced the orders of the trial, appellate and Revisional Courts in his criminal case. These documents have, however, not been filed by any party on record and in para 19 of his counter affidavit, the Respondent no.4 has quoted certain observations of the trial court dealing with the objections of the Petitioner regarding the maintainability of the criminal proceedings against him in the absence of a complaint from the concerned departmental authority and it was held that on the basis of two provisions of law relied upon by the Petitioner, the criminal proceedings against him were not liable to be quashed. The Appellate Court and the Revisional Court must have considered the correctness and validity of these objections of the trial Court and as the conviction of the Petitioner was upheld upto Hon.High Court, we are of the view that the validity of the criminal proceedings against the Petitioner was duly considered by the

competent Courts and the Petitioner now cannot challenge the effect of his conviction before this Tribunal. There is nothing on record to show that the Petitioner ever challenged the validity of his conviction on this ground before the Hon. Supreme Court or any matter is still pending there. We are, therefore, unable to attach any significance to the contention of the Petitioner about the validity of the criminal proceedings against him and, in our opinion, his conviction is not bad on the ground alleged by the Applicant.

8. Now coming to the main point whether the Petitioner having been once punished by an order for recovery of Rs.500 from his pay by way of compensation to make good the loss occasioned by him by the loss of insured article of Rs.557, could be punished again for the same misconduct on his conviction u/s.409 IPC. The Petitioner has placed his reliance on Art.20 of the Constitution which reads as under :-

"20. Protection in respect of conviction for offences- (1) No person shall be convicted of any offence except for violation of the law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.

(2) No person shall be prosecuted and punished for the same offence more than once.

(3) No person accused of any offence shall be compelled to be a witness against himself."

As is apparent from the very wordings of clause (2) of this Article, the protection afforded by this Article is limited to criminal liability and a person once convicted and punished for one offence cannot be prosecuted and convicted for the same offence ^{again.} Such guarantee has also been afforded by S.300 of the Cr.P.C. Strictly

.7.

speaking, this Article has, ~~therefore~~, no application to the case of the Petitioner. However, principle of double jeopardy recognised on the basis of the spirit of Art.20 of the Constitution is fully applicable to the case of the Petitioner. It is not in dispute that before the Petitioner was convicted u/s.409 IPC by the Criminal Court, the departmental authorities proceeded against him under the provisions of CCS (CCA) Rules. He was not only placed under suspension but was also charge sheeted under R.14 of CCS (CCA) Rules and after considering his statement of defence, he was awarded the punishment of recovery of Rs.500 from his pay. He was further deprived of the pay for the period of suspension and was not paid anything more than the subsistence allowance. The period of suspension was also not regularised and it was to be treated as period of suspension ^{and not as spent on duty} for all purposes during his service career as is apparent from annexure 2. The Petitioner, ~~thus~~, ^{thus} was already amply punished for the misconduct of causing loss of the insured article and for the same misconduct which fell within the definition to misappropriation of Govt. property, he was prosecuted and convicted u/s.409 IPC by the CJM Nainital subsequently in 1978. As the Petitioner was already punished for this misconduct and the Respondents did not await the result of the criminal prosecution, he cannot be punished again for ~~this~~ misconduct merely because he was convicted by the Court for the same misconduct. In our opinion, in order to avoid such an ^aanomalous situation it is always advisable that the result of the criminal prosecution should be awaited before passing the final orders

in the disciplinary proceedings, if any, initiated against a Govt. servant for the same misconduct. Somewhat, similar question had arisen before the Hon'ble Supreme Court in Shankar Das Vs. Union of India (1985 SCC (L&S) 444). The appellant before the Hon'ble Supreme Court was a Cash Clerk and he was prosecuted u/s. 409 IPC on the charge of breach of trust involving a sum of Rs.500 only. He repaid the amount and pleaded guilty of the charge. He was convicted by the Magistrate u/s.409 IPC but finding him to be a victim of adverse circumstances, released him u/s.4 of the Probation of Offenders Act. On his conviction he was summarily dismissed from service by the Govt. He challenged his dismissal before the Delhi High Court. The Single Judge of the High Court allowed the writ petition holding that u/s.12 of the Probation of Offenders Act the appellant could not be dismissed but the Division Bench allowed the Letters Patent Appeal of the Govt. and the matter was brought before the Hon. Supreme Court by way of Special Appeal. The Hon. Supreme Court held that S.12 of the Probation of Offenders Act was not applicable and the reasonings of the learned Single Judge of the Delhi High Court could not be accepted but allowed the appeal and upheld the finding of the Single Judge ^{on other considerations.} After noting the observations of the learned Magistrate giving the benefit of the Probation of Offenders Act, 1958 to the appellant, the Hon. Court proceeded to make the following observations:-

" It is to be lamented that despite these observations of the learned Magistrate, the Govt. chose to dismiss the appellant in a huff, without applying its mind to the penalty which could appropriately be imposed upon him insofar as his service career was concerned Clause (a) of the second proviso to Art.311(2) of the Constitution confers on the Govt. the power to dismiss a person from service "on the ground of conduct which has led to his

conviction on a criminal charge." But that power, like every other power, has to be exercised fairly, justly and reasonably. Surely, the Constitution does not contemplate that a Govt. servant who is convicted for parking his scooter in a no-parking area should be dismissed from service. He may, perhaps, not be entitled to be heard on the question of penalty since clause (a) of the second proviso to Art.311(2) makes the provision of that Article inapplicable when a penalty is to be imposed on a Govt. servant on the ground of conduct which has led to his conviction on a criminal charge. But the right to impose a penalty carries with it the duty to act justly. Considering the facts of this case, there can be no two opinions that the penalty of dismissal from service imposed upon the appellant is whimsical."

With these observations, the appellant was directed to be reinstated in service forthwith with full back wages from the date of his dismissal until reinstatement and he was also awarded the costs of the case.

9. The case of the Petitioner before us is not much different. He accepted the first punishment awarded to him by the disciplinary authority by way of recovery of Rs.500 from his pay and did not challenge the same in any court of law. It is not shown that the recovery ordered to be made was actually not made due to any fault or other act of the Petitioner. The further loss sustained by the Petitioner on being deprived of his pay for the period of his suspension as well as the order of the disciplinary authority that the period of suspension shall not be regularised and shall be treated as suspension for all purposes was an additional punishment indirectly suffered by the Petitioner on account of the same misconduct. His conviction for the same misconduct, therefore, could not entitle the Respondent no.4 to punish him again for the same misconduct and that too by awarding the maximum punishment of dismissal from service. This

will amount to double jeopardy which is not permissible under the law and, in our opinion, no further punishment could be awarded to the Petitioner on the basis of his conviction and the impugned order, therefore, cannot be sustained.

10. The petition is accordingly allowed and the impugned order dated 28.12.1978 dismissing the Petitioner from service is hereby quashed and the Respondents are directed to reinstate him in service with all back wages and other consequential benefits.

There will be no order as to costs.


MEMBER (J)


MEMBER(A)

Dated: July 4, 1989
kkb

Group A - 15- (B)

A
R

402 A
C

①

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

2628

Writ Petition No.

702
of 1983.

Ram Kishore Sharma

..... Petitioner.

Versus

Union of India and others.

..... Opp. parties.

INDEX

Sl.No.	particulars	Page Nos.
1.	Writ Petition	1-10
2.	Annexure No.1, Copy of Appointment Order dated 11.12.1970.	11
3.	Annexure No.2, Copy of order of Supdt. Post Offices, Nainital, dated 29.11.1972, imposing penalty on the petitioner.	12-15
4.	Annexure No.3 Copy of dismissal order dated 28.12.78.	16
5.	Annexure No.4, Copy of notice u/s 80 C.P.C.	17-20
6.	Affidavit.	21-22
7.	Power.	23.

LUCKNOW.

DATED: 7.1.83
4.2.83

H. S. Jain
(Hari Shankar Jain)
Advocate,
Counsel for the petitioner.

A/19

A/7

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Writ Petition No. 702 of 1983.

542-2-1001-
3

Ram Kishore Sharma, son of Sri Ghanshyam Lal Sharma,
Ex-clerk Ram Garh Post Office, Nainital, at present
resident of Mohalla Ajan, post office Gola, Distt. Kheri.
.....Petitioner.

Versus

1. Union of India, through the Secretary Post and
Telegraph Department, at New Delhi.
2. Chairman, Post and Telegraphs Department, at New Delhi.
3. Post Master General, U.P.Circle, at Lucknow.
4. Superintendent Post Offices, Nainital Division,
Nainital.

.....Opposite Parties.

Writ Petition under Article 226
of the Constitution of India.

The petitioner named above most respectfully
begs to submit as under:--

1. That the petitioner was appointed as a clerk
in the Indian Post and Telegraph Department under the
orders of the Post Master General U.P.Circle, Lucknow ,
opposite party no.3 vide letter No. B-5 dated 11.12.1970

Ram Kishore Sharma



issued by the Superintendent of Post Offices, Nainital Division, Nainital and was first posted at Ram Garh Post Office. A copy of the said appointment order is annexed herewith as Annexure No.1 to the Writ Petition.

2. That the petitioner was suspended from the service w.e.f. 30.11.1971 as some disciplinary proceedings were contemplated against him. Later on a chargesheet was issued to the petitioner on 1.1.1972 on the imputations that the petitioner, while working as Registration Clerk at Ram Garh Post Office, allegedly failed to discharge his legitimate duties resulting in loss of an insured letter for rupees 557/- only and thereby failed to maintain absolute integrity and devotion to duty as required by Rule 3 of the Central Civil Services Classification Control and Appeal Rules (hereinafter referred to as CCS Rules). The petitioner a written statement to the charge sheet on 25.11.1972 and explained as to what had happened to the insured letter in question and contended that he was innocent and that the mistake committed was accidental and there was no dishonest intention and so he was not liable to any punishment. But the Superintendent of Post Offices, Nainital Division, Nainital, rejected the petitioner's contention and confirmed the suspension order vide his order dated 29.11.1972. A copy of the said order is attached herewith as Annexure No.2 to the Writ Petition.

3. That under the orders of the Superintendent Post Offices the petitioner had to pay Rs.500/- towards the penalty imposed ^{on} by him for the loss of the insured letter. The petitioner deposited the said amount of penalty in monthly instalments as the same had been deducted from his monthly pay at the rate of Rs.25/- p.m.



Ram Dikshor Sharma

4. That the petitioner continued to work as his suspension order was revoked with the direction that w.e.f. 4.12.71 to 18.4.1972 the entire period of suspension shall be treated as a period of suspension for all purposes. The said order was passed by the Superintendent of Post Offices as contained in Annexure No.2 to the Writ Petition.

5. That the petitioner was placed on the post of Reserved Clerk in Pilibhit District on probation for two years with effect from 1.3.1976. It may be mentioned here that the said post was in the nature of a promotion and the same was made after the petitioner had deposited the entire amount of penalty. It may be mentioned here that the said order was made only when the authorities were satisfied with the conduct and work of the petitioner in the service and he was awarded good character roll entries in the previous years.

6. That it appears that a case under Section 409 of the I.P.C. was also registered with the police of Nainital and so inspite of the fact ~~that~~ that the petitioner had been punished by his department for the alleged offence as narrated above, he was challaned by the police of Nainital under Section 409 of the I.P.C. and thereafter a charge sheet was filed in the court of the Chief Judicial Magistrate, Nainital in the year 1978. Ultimately the petitioner was tried under Section 409 I.P.C. and was convicted under Section 409 I.P.C. for a term of two year's R.I. The appeal filed by the petitioner was also rejected by the Sessions Judge, Nainital against which the petitioner preferred a revision in the Hon'ble Allahabad High Court.

That the Hon'ble High Court reduced the

Ramkishore Sharma



sentenced to already undergone i.e. two months and disposed of the revision petition accordingly.

8. That it may be mentioned here that no sanction for prosecution of the petitioner had been obtained from the appointing authority in the said criminal case. It may also be mentioned here that the complaint had not been filed by the Director General of Post and Telegraph Department, or by any other person authorised by him on his behalf. The entire trial of the petitioner was void ab-initio in absence of a valid complaint by a competent person or authority for which the petitioner would submit in detail in subsequent paragraphs.

9. That as soon as the petitioner was convicted by the learned Magistrate, the Superintendent of Post Offices, Nainital dismissed the petitioner from service with effect from 28.12.1978. It may be mentioned here that the revision petition of the petitioner was disposed of by the Hon'ble Allahabad High Court on 8.5.1979. A copy of the order of the Superintendent of Post Offices dismissing the petitioner from services is annexed herewith as Annexure No.3 to the Writ Petition.

10. That in view of the order of the Hon'ble Allahabad High Court passed in revision, the petitioner requested again and again to the authorities concerned for taking him in the service. Inter alia it was contended that his termination by the Superintendent of Post Offices, Nainital was without jurisdiction as his appointing authority was Post Master General, Lucknow and that the entire trial was void as no valid complaint had been filed against the petitioner by a competent

authority to do so and that he could not be subjected to



Ramkishore Sharma

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-5-

double jeopardy in view of Article 20(1) of the Constitution of India.

11.3 That the petitioner sent a registered notice under Section 80 of the C.P.C. through his counsel Shri J.N.Srivastava, Advocate, in the month of June, 1981 to opposite party nos 2, 3 and 4. A copy of the said notice is attached herewith as Annexure No.4 to the Writ Petition.

12. That thereafter the petitioner orally and in writing ² the authorities ² requested/to withdraw the dismissal order but none of his representations had been disposed of by the authorities concerned so far. It may be mentioned here that no answer to the notice as mentioned above was ~~given~~ by the authorities mentioned therein and so the petitioner is filing the present Writ Petition against his termination from service with effect from 28.12.1978 under the orders of Superintendent of Post Offices, Nainital.

13. That the petitioner preferred an appeal against his dismissal order to the competent authority but it has not been disposed of so far.

14. That the petitioner's dismissal from service is quite illegal and without jurisdiction as the impugned order as contained in Annexure No.3 to the Writ Petition has been passed by an authority which is lower in rank ~~of~~ to the appointing authority i.e. the Post Master General, U.P.Circle, opposite party no.3. In view of Article 311(1) of the Constitution of India the dismissal of the petitioner is illegal and unconstitutional and therefore void.

15. That in view of Article 20(2) of the Constitution of India which lays down that no person



Ram Disha Sharma

-6-

shall be prosecuted and punished for the same offence more than once, the petitioner's dismissal from service was unconstitutional as he was punished by the department and Rs.500/- were recovered from his pay on account of the penalty imposed by the Superintendent of Post Offices and thereafter he was again put to trial before the Magistrate and again he was dismissed from service. It means that the petitioner was punished for the same offence thrice. No criminal case could be filed against petitioner in the court of the Magistrate in view of the constitutional mandate that a person shall ~~be~~ not be subjected to double punishment for the same offence. The word 'prosecuted' occurring in the said provision is very significant as it clearly means that a person shall not only be punished but also he will not be put to trial for the same offence more than once. It is not disputed at all that the petitioner was prosecuted and punished by the Department. He complied with the orders of the punishing authority then there was no scope for the Department to initiate criminal proceedings against the petitioner. Therefore, the entire trial of the petitioner before the criminal court was void and on the ground of the conviction his dismissal from the service was quite illegal.

16. That in view of Section 72 of the Post Offices Act, 1898 the criminal court was not competent to take cognizance on the charge sheet filed by the police as the said provision clearly lays down that "no court shall take cognizance of an offence punishable under any of the provisions of Sections 51, 53, 54, Clauses (a) and (b), 55, 56, 58, 59, 61, 64, 65, 66, and 67 of this Act, unless upon complaint made by order of or under authority from,



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the Director General or a Post Master General." Hence the cognizance taken by the learned Magistrate was quite illegal as no complaint was filed by the Director General or a Post Master General in the instant case and so the ² held ² trial/and conviction recorded by the learned Magistrate was without jurisdiction. Therefore for the purposes of dismissal on the ground ~~as~~ that the petitioner was convicted by the criminal court could not have been taken into account. Moreover the appointing authority did not exercise the power of dismissal and the appeal and representations preferred by the petitioner have not been decided so far.

17. That in view of Rule 80 of the Post and Telegraphs Manual Vol.III (Disciplinary Rules) the cases involving loss of substantial funds exceeding Rs.2000/- only should be reported to the prosecuting agency and the cases involving less serious offences like the petitioner's case should not have been investigated by the police. According to note 4 to Rule 80 the Department can take action and punish only when no prosecution has been launched. In the instant case it is crystal clear that the petitioner was punished by the Department, then there was no question to be ¹ before ² prosecuted ~~by~~/the criminal court. Hence the trial by the criminal court was in violation of the said mandatory rule and therefore the same could not be taken into account for the purposes of the dismissal on account of conviction.

18. That in view of the fact that the petitioner's dismissal from service is quite unconstitutional, illegal and void and that the authorities concerned

Pran Kishore Sharma failed to do justice by not deciding the appeal and



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representations made by the petitioner against the impugned order and having no alternative and efficacious remedy the petitioner invokes the jurisdiction of this Hon'ble Court under Article 226 of the Constitution amongst others on the following grounds:--

G R O U N D S.

(a) Because the dismissal of the petitioner from service as contained in Annexure No.3 under the orders of opposite party no.4 is without jurisdiction as he was not the appointing authority of the petitioner.

(b) Because a person cannot be prosecuted and punished for the same offence more than once in view of Article 20(2) of the Constitution of India but in the instant case once the petitioner was prosecuted and punished by his Department vide Annexure No.2 to the Writ Petition and thereafter he was tried for the same offence by the criminal court which ended in his conviction. Obviously the prosecution by the criminal court is quite illegal and the same cannot be taken into account for the purposes of the dismissal of the petitioner and action which is in violation of the provisions of the Constitution and the laws is void and so in view of the assertions made above the petitioner's dismissal from service which followed due to the conviction by the criminal court, is illegal.

(c) Because in view of Rule 80 of the Post and Telegraphs Manual the petitioner's case should not have been reported to the prosecuting agency as the loss incurred by the Department was less than 2000/- rupees, and so the trial of the petitioner could not have been initiated, therefore his conviction is illegal and the same could not be the basis for the dismissal of the petitioner.



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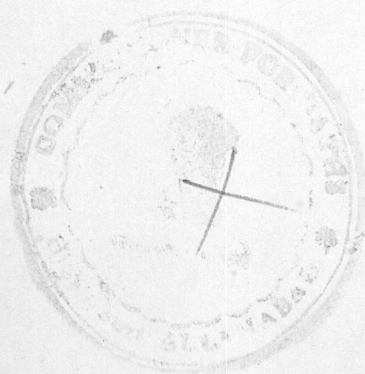
(d) Because in view of Section 72 of the Post Offices Act, 1898, the criminal court could not take cognizance of the case unless and until a complaint was filed by the Director General or Post Master General personally and so the conviction of the petitioner is void ab-initio. The case law of Bhola Nath Amrit Lal Purohit Versus State of Gujrat (1970(2) S.C.C. 414) is fully applicable to the petitioner's case wherein the Hon'ble Supreme Court has ~~held~~ defined the word 'complaint' and has held that criminal court cannot take cognizance of an offence as mentioned under Section 72 of the Post Offices Act, 1898 unless and until the complaint has been filed by the authorities mentioned in the section itself and declared that the trial held in violation of the said provision was illegal and void.

(e) Because the petitioner's dismissal from service is quite unjust and unconstitutional in view of Article 311 of the Constitution of India.

P R A Y E R

Therefore, it is most respectfully prayed that this Hon'ble Court may be pleased to issue:--

- (i) issue a writ in the nature of mandamus compelling the opposite parties to take the petitioner in service, after quashing the order of dismissal as contained in Annexure No.3 to the Writ Petition.
- (ii) issue any other ~~writ~~ appropriate writ, order or direction declaring the petitioner's dismissal from service as illegal and treating him in service continuously, and



Ramkishore Sharma

A/28

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-10-

(iii) to issue any appropriate writ, order or direction as the Hon'ble Court may deem fit and proper in the circumstances of the case, and

(iv) to allow the petition with costs.

H.S. Jain

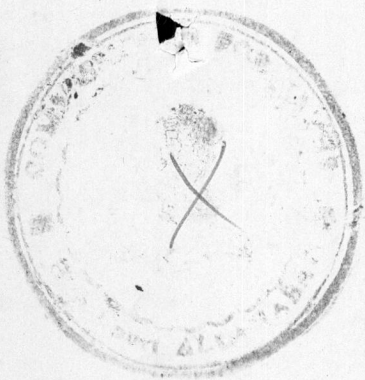
(Hari Shankar Jain)

Advocate,

Counsel for the petitioner.

LUCKNOW.

DATED: 7.1. 1982.



Ramkishore Sharma

4/29
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In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Writ Petition No. of 1982.

Ram Kishore SharmaPetitioner.

Versus

Union of India and others.Opposite parties.

ANNEXURE NO. 7

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

Office of the Supdt. of Post Offices, Nainital
Division, Nainital.

Regd. A.D.

Memorandum No. B-5/Ram Kishore Sharma

Dated
at Nainital
11/12/70.

To

Sri Ram Kishore Sharma s/o Sri Ghan Shyam Lal
Sharma vill. Agan Post Ajan Dist. Kheri (Lakhimpur)
U.P.

Subject:- Recruitment to the cadre of clerks/septhers.

1. Reference your application dated 23.12.69 for appointment of clerk in Nainital division.
2. You have been provisionally selected for the said post by the P.M.G.U.P.Circle and have been allotted to Nainital Division.
3. You are requested to send the originals of your matriculation or equivalent examination certificates, Caste certificate (for Sch.Caste/Sch. Tribe candidate only) and other certificates mentioned in your application form. These will be returned to you after verifying the correctness of the copies of certificates furnished by you with your original application form. You are also requested to fill up the enclosed surety bond form, and return it duly filled in with your reply immediately.
4. It is made clear that since your selection is only provisional this letter does not entitle you to claim any appointment as of right.
5. You should clearly note that in the event of there being no response from you within 10 days from the date of receipt of this letter your name will be removed from the list of approved candidates of this division without any further notice.

Signature/11/12

Supdt. of Post Offices,
Nainital Dn. Nainital.



Ram Kishore Sharma

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In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Writ Petition No. of 1982.

Ram Kishore Sharma Petitioner.

Versus

Union of India and others. Opposite parties.

ANNEXURE NO. 2

OFFICE OF THE SUPDT. OF POST OFFICES

NAINITAL DN. NAINITAL.

MEMO NO.F/I-I/71-72 dated at Nainital-263002 the 29/11/72

Shri R.K.Sharma, the then clerk Rudrapur(Nt) and now clerk Nainital HQ was placed under suspension ~~disciplinary~~ vide this office memo of even no; dt. 30.11.71 as some disciplinary proceedings were contemplated against him. The suspension order was revoked under this office memo no. even dated 18.4.72 Thus the official remained under suspension from 4.12.71 to 18.4.72.

A chargesheet under Rule 16 of CCS(CCA) Rules 1965 was issued against the official under his office memo of even no. dated 1.1.72 on the imputations that Sri R.K. Sharma, while working as Registration Clerk at Ramgarh on 21.9.71 allegedly failed to discharge his legitimate duties as Registration clerk resulting in the loss of Bombay GPO Ins. letter no. 899 dated 18.9.71 for Rs.557/- and thereby failed to maintain absolute integrity and devotion to duty as required in Rule 3 of CSS(Conduct) Rules 1964.

After careful consideration of the written defence dtd. 21.1.72 of the official, the undersigned under this office memo of even no. dated 27.3.72

imposed the penalty of recovery of Rs.500/- only being

Ram Kishore Sharma



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the proportionate cost of the value of the lost Ins. letter no. 557 from the pay of the official in 20 equal instalments of Rs.25/- each.

In this office memo no. even dated 13.11.72 Sri R.K.Sharma was served with a show cause notice asking him to show cause within 10 days as to why the entire period from 4.12.71 to 18.4.72, while he remained under suspension, be not treated as a period of suspension and the allowance for the said period be limited to subsistence allowance already received by the official.

(B) WRITTEN REPRESENTATION.

In this written representation dated 25.11.72 given in response to the above show cause notice Sri Ram Kishore Sharma has stated and representation as follows:--

- (i) That he always works carefully and honestly and is cautious to avoid any irregularity through his carelessness.
- (ii) That on 21.9.71, he performed his duties honestly and with full devotion and that it was his ill luck that Bombay Ins. letter no. 899 for Rs.557/- was lost. That he does not yet know how the insured letter in question was actually lost.
- (iii) He has further stated that he had no knowledge about how the above insured letter was lost, nor has he got any clear knowledge about it.
- (iv) That he unfortunately gave his consent for recovery of the value of the above Ins. letter from his pay and accordingly a recovery of Rs.500/- has been ordered from his pay in 20 equal monthly instalments of Rs.25/- ~~each~~ per month.



Ram Kishore Sharma

(v) That he has carried out the orders of this recovery from his pay implicitly.

As regards the treatment of his suspension period as a period of suspension the official has stated as follows:--

- (a) That he is quite innocent in the matter of the loss of the above Insured letter.
- (b) That in spite of being innocent he is undergoing recovery of Rs.500/- from his pay at the cost of his children.
- (c) That in spite of his being innocent he has been punished with Recovery of Rs.500/- from his pay.
- (d) And in case his period of suspension from 4.12.71 to 18.4.72 is ordered to be treated as a period of suspension for him, it will be a double punishment for the same offence.

On the above argument the official has pleaded that his above period of suspension should be treated as duty.

(C) COMMENTS.

I have carefully examined the written representation of Shri Ram Kishore Sharma dated 25.11.72 and am unable to agree with his contention that he was quite innocent in the matter of loss of the above high value Insured letter no. 899 dated 18.9.71 for Rs.557/- at Ramgarh SO(Nt) on 21.9.71. Departmental enquiries made in this loss case, have clearly held him responsible for the loss of this high value Ins. letter at Ramgarh(Nt) on 21.9.71 because after opening the Regd. bag, on 21.9.72, and taking out this Insured letter, Sri R.K.Sharma failed



Ram Kishore Sharma

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to transfer it under proper receipt to the SPM Ramgarh as was required by departmental Rules. He thus acted in a very irresponsible manner, and caused the loss of this Insured letter through his own fault and non-observance of Departmental Rules. He was therefore, rightly placed under suspension for such irresponsible and careless work, causing loss of an Insured letter, and the punishment of recovery of Rs.500/- he correctly been imposed on him for his own fault and lapses (including non-observance of departmental rules.).

The official could not be exonerated of the charges of grave negligence in his work, for which he was placed under suspension and as such he is not entitled to be treated as on duty, for the period of his suspension from 4.12.71 to 18.4.72. I am also unable to agree with his contention that treatment of suspension period, otherwise than on duty will constitute another penalty or punishment against him for the same offence, because treatment of suspension period is not as statutory penalty under the Departmental Rules.

ORDER

Under the circumstances stated above I, H.D. Chakrwardi, Supdt. of Post Offices, Nainital Division, Nainital hereby order that the entire period of suspension of Sri R.K.Sharma from 4.12.71 to 18.4.72, be treated as a period of suspension for all purposes, and the allowances for the above period be restricted to the subsistence allowance already drawn by the official.

Signature/29.11.72

(H.D.CHAKRWARDI)
S. POSTS NAINITAL.

Copy forwarded for information to:-

1. Shri Ram Kishore Sharma, Ty. Postal clerk Nainital HO.
2. P. File of the official.
3. P.M.Nainital along with one spare copy for the service book of the official.
5. Spare.

&&&&&

Ram Kishore Sharma



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In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Writ Petition No. of 1983.

Ram Kishore SharmaPetitioner.

Versus

Union of India and others. Opp.parties.

ANNEXURE NO.3.

(Copy of dismissal order of the petitioner)

INDIAN POST & TELEGRAPHS DEPARTMENT.

Office of the Supdt. of Post Offices Nainital Dn.Nainital.

Memo No. F/I-1/71-72 dated at Nainital the 28/12/78.

WHEREAS Shri Ram Kishore Sharma the then Clerk Ramgarh (Nainital) at present Clerk Bilsanda U/s has been convicted on a criminal charge under Section 409 I.P.C.

AND WHEREAS, it is considered that the conduct of the said Shri Ram Kishore Sharma Clerk Ramgarh (NT) at present Clerk Bilsanda (Plb) U/S which has led to his conviction is such as to render his further retention in the public service undesirable.

NOW THEREFORE, the undersigned hereby dismiss the said Shri Ram Kishore Sharma Clerk U/S from service with effect from 28th Dec. 1978.

Place. Naini Tal

Sd/

Supdt of Post Offices,
Nainital Dn. Nainital.
Pin- 263001.

Copy to
Regd. Ad.

1. Shri Ram Kishore Sharma Clerk Bilsanda (PLB)
2. The Post Master Pilibhit.
3. P.F. of the official.
4. C.R. file of the official.
- 5,6. Fraud and vigilance file D.O.Naini Tal.
7. DA(P) Lucknow, UP.



Ramkishore Sharma

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23

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Writ Petition No. of 1982.

Ram Kishore SharmaPetitioner.

Versus

Union of India and others.opposite parties.

ANNEXURE NO. 4

Regd. A.D.

From

Sri J.N.Srivastava, Advocate High Court,
Bhagwant Bhawan,
Pandariba,
Lucknow.

To

1. The Sr. Supdt. of Post Offices,
Nainital Division,
Nainital.
2. The Post Master General,
U.P.Circle,
Lucknow.
3. The Chairman,
Post & Telegraph,
New Delhi.

Subject:-- NOTICE UNDER SEC. 80 CPC.

Dear Sir,

On instructions of my client Sri Ram Kishore Sharma s/o Sri Ghanshyam Lal Sharma, Ex-clerk Ramgarh, Nainital who has been dismissed by the Supdt. Post Offices, Nainital Division, Nainital as per his Memo dated 28.12.1978, quite illegally and not in accordance with constitutional provisions. In this connection I have to further inform you as under:--

Ram Kishore Sharma

1. That my client was charge sheeted by Supdt. Post Offices as per his Memo dt. 1.1.72 to which he submitted his explanation. The said explanation should have been in the normal course found satisfactory. However, quite arbitrarily the aforesaid Supdt. of Post Offices vide his Memo dt. 13.11.72 inter alia, served a show cause notice requiring Sri Ram Kishore Sharma to reply that why the entire period of his suspension from 4.12.71 to 18.4.72 be not treated as the period of suspension from duty and the allowances for that period be limited to subsistence allowance already received by the official. Sri Sharma duly submitted his reply to that show cause notice. Earlier to that, the Supdt. of Post Offices as per his Memo dated 27.3.72 had imposed already the penalty of recovery of a sum of Rs.500/- only, being the proportionate cost of the value of lost insured letter from the pay of the official in 20 equal instalments of Rs.25/- each. This recovery has already been completed.
2. That it will appear from the above that on the basis of the charge sheet the action taken by the department had already been completed and the official concerned had been duly punished. The matter, should have, therefore, been treated as closed so far the punishment of the official is concerned in respect of the charges contained in chargesheet dated 1.1.72, under reference.
3. That thereafter i.e. on or about 19.4.72, the official concerned Sri R.K.Sharma was reinstated on his job on which he worked without any complaint. He was also confirmed on his post by his departmental authorities. He also received annual increments. This further shows that so far the department was concerned they

Ram Kishore Sharma

considered the matter relating to the charges contained in the charge sheet dated 1.1.72 as completely closed-the official concerned having already been punished. There could not be further punishment of the official on the same charges.

4. That my client was therefore surprised to have received another dt. 18.12.78 dismissing him from service. This action on the part of the Supdt of Post Offices is patently wrong and illegal and cannot be sustained on the following amongst other grounds:--

- (1) That the Supdt. of Post Offices who has signed the aforesaid dismissal order was not competent to dismiss my aforesaid client whose appointing authority was the Post Master General, U.P. Circle, Lucknow.
- (2) That not even a show cause notice was given to my client before dismissing him from service and thus there is clear violation of the provisions of Art. 311 of the Constitution of India.
- (3) That there could not be double jeopardy of my client for alleged charges of misconduct as has been done in the present case. Since he had been already punished on the charge which formed the subject matter of proceedings in the Criminal Court he could not be punished on the same charge twice by dismissing him from service.

In view of the above, the dismissal of my client is not only illegal but void and inoperative and also unjustified on facts. May, I therefore,



Ramkishore Sharma

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request you please to recall the dismissal order
dt. 28.12.78 signed by the Supdt. of Post Offices
within 2 months of the receipt ~~of~~ hereof failing which
my aforesaid client will have to take recourse to
legal action against you for which you will be responsible
for all the resultant consequences.

Yours faithfully,

(J.N.SRIVASTAVA)

Advocate, High Court.

Dated June ,1981.



Ram Di Shoke Sharma

A/39 21
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In the Hon'ble High Court of Judicature at Allahabad,
LUCKNOW BENCH, LUCKNOW.

Writ Petition No. of 1983.

Ram Kishore Sharma Petitioner.
Versus
Union of India and others.Opp.parties.

AFFIDAVIT in support of the Writ
Petition.

I, Ram Kishore Sharma, aged about 32 years,
son of Shri Ghanshyam Lal Sharma, resident of village
Ajan, Post Office Ajan, District Kheri, do hereby
solemnly affirm and state on oath as under:--

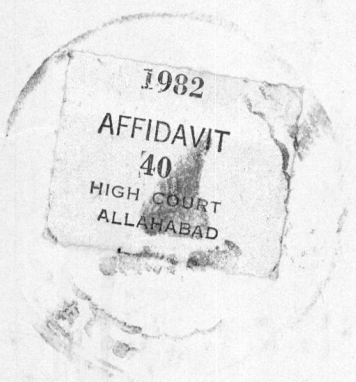
1. That the deponent himself is the petitioner
in the above noted case and as such fully conversant
with the facts of the case hereinafter deposed.
2. That paras 1 to 17 of the accompanying
writ petition are true to my own knowledge and that
para 18 and the grounds mentioned thereunder ~~xxx~~ are
believed to be true which are based on legal advice.
3. That Annexures Nos. 1 to 4 to the Writ
Petition are true copies of their respective originals,
as issued to the deponent.

Ram Kishore Sharma
DEPONENT.

LUCKNOW.
Dated: *Jan 7, 1983*
Samant

VERIFICATION.

I, the abovenamed deponent, do hereby verify



A/40 27
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-2-

that the contents of paras 1 to 3 of this affidavit are true to my own knowledge, that no part of it is false and nothing material has been concealed, so help me God.

Ramkishore Sharma
DEPONENT.

LUCKNOW.

January
Dated: December 7, 1982.
2

I identify the deponent who has signed before me.

R. Kumar
Advocate.

solemnly affirmed before me on 7-1-83 at 9.15 a.m/p.m. by Sri *Ramkishore Sharma* the deponent, who is identified by Sri *R. Kumar* Advocate, High Court, Lucknow.

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

B. S. Sanyal
OATH COMMISSIONER
High Court, Allahabad,
Lucknow Bench

No. 986/40

Date 7-1-83



ब अदालत श्रीमान

वादी(मुद्दै)

प्रतिवादी (मुद्दालेह)

का



Ram Kishore Sharma

वादी (मुद्दै)

बनाम

Union of India

प्रतिवादी (मुद्दालेह)

नं० मुकद्दमा

सन् १६ ७३ पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

H S. JAIN and Ravindra Kumar

एडवोकेट

Advocate वकील

महोदय

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारे ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरोकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा कां गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकारको भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर नहीं होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

Ram Kishore Sharma

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक 12/12/02 महीना

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Before Central Administrative Tribunal Additional Bench Allahabad

Registration No. 1120 or 19 87 (1)
District Nainital
Ram Kishor Sharma Applicant

VERSUS

U. N. A. Indiv. Respondents
I/We Sh. G. N. Duley Inspector P. & O. Nainital
on behalf of S. & Sub. P. & O. Nainital -
in the above matter hereby appoint and retain

SHRI KRISHNA CHANDRA SINHA, Advocate High Court

to appear, act and plead for me/us in the above matter and to conduct/prosecute and defend the same in all interlocutory or miscellaneous proceedings connected with the same or with any decree or order passed therein, appeals and or other proceedings therefrom and also in proceedings for review of judgment and for leave to appeal to Supreme Court and to obtain return of any documents filed therein, or receive any money which may be payable to me/us.

2. I/We further authorise him to appoint and instruct any other legal practitioner authorising him to exercise the powers and authorities hereby conferred upon the Advocate whenever he may think fit to do so.

3. I/We hereby authorised him/them on my/our behalf to enter into a compromise in the above matter, to execute any decree order therein, to appeal from any decree/order therein and to appeal, to act, add to plead in such appeal or in any appeal preferred by any other party from any decree/order therein.

4. I/we agree that if/we fail to pay the fees agreed upon or to give due instruction at all stages he/they is/are at liberty to retire from the case and recover all amounts due to him/them and retain all my/our monies till such are paid.

5. And I/We, the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my own acts, as if done by me/us to all intents and purposes.

Executed by me/us this day of 19 at

On behalf of SSPs
Nainital
1-2-88
Sub Divisional Inspector (Postal)
Nainital (West) Sub Division
at Allahabad
NAINITAL-263001
Signature

Executant/s are personally known to me he has/they have/signed before me

Satisfied as to the identity of executant/s signature/s.

(where the executant/s is/are illiterate blind or unacquainted with the language of vakalat)

Certified that the content were explained to the executant/s in my presence in the language known to him/them who appear/s perfectly to understand the same and has/have signed in my presence.

Accepted

K. C. SINHA
Advocate

Additional Standing Counsel
Central Government
High Court-Allahabad
Counsel for Applicant/Respondents
No.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
23-A, Thornhill Road, Allahabad-211001

No. CAT/Alld/

Dated

Transfer Application No. 1120 of 1987 (T)

Ram Kishore Sharma Applicant

Versus

Union of India & others. Respondents

To

① Ram Kishore Sharma, S/o Sri G. L. Sharma
Ex-Clerk Ram Grah Post Office Nainital
R/o Mohalla Ajan Post Office Gola District
Kheri.

WHEREAS the marginally noted case has been
Transferred by HIGH COURT Lucknow under the provision
of the Administrative Tribunal 1 Act (No. 13 of 1985) and
registered in this Tribunal as above.

Writ Petition No. 702 of
1983 of the Court of HIGH COURT Lucknow arising out of the
order dated _____
passed by _____
in _____

The Tribunal has fixed the
date of 2-2-1988 for
the hearing of the matter.

If no appearance is
made on your behalf by your
someone duly authorised to

act and plead on your behalf, the matter will be heard and
decided in your absence.

Given under my hand seal of the Tribunal this
day of 28/12 1987.

[Signature]
DEPUTY REGISTRAR

② Union of India through the
Secretary Post and Telegraph
Department New Delhi.

③ Chairman ^{dk} Post and Telegraphs Department New Delhi.
④ Post Master General, V. P. Circle Lucknow.
⑤ Superintendent Post Offices, Nainital Division
Nainital.