

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

04198/87

CAUSE TITLE OF

NAME OF THE PARTIES Mahash Applicant

Versus

P. O. I. Corb. Respondent

Part A.

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CERTIFICATE

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

Dated ..22-9-11

Counter Signed.....


Section Officer in charge


Signature of the
Dealing Assistant

13/87

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 198 of 1987

APPLICANT (s) Mahesh

RESPONDENT(s) Jagan Bohari, Public Relation Officer, Office of

Chief Commissioner, Income Tax Office, Lucknow

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	Yes
2. (a) Is the application in the prescribed form ?	Yes
(b) Is the application in paper book form ?	Yes
(c) Have six complete sets of the application been filed ?	Yes, 3 sets filed.
3. (a) Is the appeal in time ?	Yes
(b) If not, by how many days it is beyond time ?	-
(c) Has sufficient case for not making the application in time, been filed ?	-
4. Has the document of authorisation, Vakalatnama been filed ?	Probs Authorisation/Vakalatnama not filed. [8/5]
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-	Yes
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	Yes
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Yes
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Yes

CENTRAL ADMINISTRATIVE TRIBUNAL

~~ALLAHABAD BENCH, ALLAHABAD~~

~~*****~~
Kulluow - Bench

INDEX-SHEET

CAUSE TITLE O.A. No 198 OF 1987.

Name of the Parties Mahesh

Versus

Sri Suren Behari Public
Relations officer

Part A, B & C

S.No.	DESCRIPTION OF DOCUMENTS	PAGE
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6
Lucknow Bench.

Order - sheet

O.A. No. 198/87.

(A2/2)

A/5

25.8.88

Hon. A. Johri, A.M.
Hon. L. S. Sharma, A.M.

Dr. Z. M. Gazmi for the
applicant is present. No one has
appeared on behalf of the respondents.

Arguments heard.

Judgment is reserved.

J. M.

A.M.

m-

AB

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

4.11.87

Hon. A. John, A.M.
Hon. G. S. Sharma, Jm.

A Rejoinder affidavit
has been filed today.

List this case for
final hearing on

12.1.88.

sl

A.M.

Jm.

12-1-88

Hon. S. Zuber Hasan, Vc.
Hon. Ajay Dalmi, Jm.

Sun. R.M. Kazmi for applicant

Sun. A. Mohiety for respondents.

the applicant's counsel
for time. Put up on

29-2-88.

sl

Jm.

Vc.

correct file
not maintain
available

24.2.88.

Hon. S. Zuber Hasan, Vc.
Hon. Ajay Dalmi, Jm.

Applicant's counsel for
respondents is sl.

21-4-88.

Jm.

Vc.

आदेश पत्रक
ORDER SHEET

A2/3

अपील
निर्देश आवेदन रजिस्टर में सं०

O.A. No. 198 of 1987

No. in Reference Application Register
Appeal

अपील अधिकरण
Appellate Tribunal

अपीलार्थी
आवेदक

Appellant
Applicant

अपीलार्थी
आवेदक द्वारा

बनाम

प्रत्यर्थी

Appellant
Applicant

. Vs.

Respondent

प्रत्यर्थी द्वारा
Respondent

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

30-7-87

Hon. D.S. Misra -AM
Hon. G.S. Sharma -JM

Sri Z.M. Qazmi is present for the applicant and has moved two applications—one for exoditing the disposal of this case and other for intorim relief. This case was filed only in Fobruary, 1987. On behalf of respondents, request for time has been received. We direct the respondents to file their reply positively within a month. Rejoinder, if any may theroafter, be filed within ten days. The case be listed for final hearing on 15.9.87. Regarding prayer for interim relief, we are of the view that the nature of the relief prayed for by the applicant cannot be granted at this stage.

A.M.

J.M.

15-9-87

Hon. S. Zaher Hasan, VC.
Hon. Ajay Dohm, AM.

Sri S.M. Qazmi for applicant
Sri N. D. Singh for respondents
Court's affidavit be filed by
18-9-87 and a copy of the same be
sent to the learned counsel for the applicant
by registered post who can send his rejoinder
to deputy Registrar by post with a copy
to counsel for respondents and thereafter
the deputy Registrar will fix this case
for final hearing.

Regd. letter no 109
at 29/8/87 is recd
and is placed on
record.

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ORDER SHEET
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

.....No.....198.....of 198.....

(A2/u)

.....Vs.....

Sl.No. of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
	7/4/88	TK An application for transfer of this case to Lucknow Circuit bench has been filed before the DK bench and the same is submitted for orders. If approved 28th April may be fixed before Lucknow Circuit bench. Notes enclosed to parties.	
	20/4/88	DK Put up before Lucknow bench on 28/4/88. Jee DK (J)	
	20-5-88	Hon. S. Zaker Husain, VC. Hon. Ajay John, J. Shri S. Z. M. Begum for approval. Put up on 26-5-88 and inform Shri Ashok Moholey for respondents at Allahabad.	
	Notices issued 20/5/88 Raj	Shri VC	

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(12/5)

Date

Note of progress of proceedings and routine orders

Date to which case is adjourned

1

2

3

4/5/87

Deputy Registrar

List this case for orders alongwith the apphs dt. 4/5/87 and 30/4/87 before Court, on 25/5/87. Objections if any can be filed by that date.

[Signature]

D.R.(J)

1987

As per order of D.R.(J) dt. 4-5-87 the apphs dt. 4-5-87 and 30-4-87 is placed before Court for order.

Submitted.

24/5/87

25-5-87

Mr. Singh, Dy. J. 30-6-87.

- 30-6-87

Hon. D.S. Misra - AM.
Hon. A.S. Sharma - JM.

None is present for the parties in this case. Adjourn to 30-7-87 for hearing.

[Signature]
AM.
JM.

[Signature]
JM.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

O.A.No. 190 1987.
T.A.No.

DATE OF DECISION 29.8-88

Mahesh Petitioner
Sri Z.M. Anwar Advocate for the Petitioner(s)
Versus
Sri Saran Behari P.O. IT. Secy Respondent
Sri A. Mohi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Ajay John, Au

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/

3/

20/8

A3
1

26

Reserved

Central Administrative Tribunal, Allahabad.
Circuit Bench, Lucknow
Registration O.A.No.198 of 1987

Mahesh ... Applicant

Vs.

Sri Saran Behari, Public
Relations Officer ... Respondent

Hon. Ajay Johri, AM
Hon. G.S. Sharma, JM

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

In this application u/s.19 of the Administrative Tribunals Act XIII of 1985 (hereinafter referred to as the Act) filed on 24.2.1987, the applicant has prayed that he should be treated in service in the Income Tax Department since March 11, 198.. and loss and damages for mental torture as well as arrears of pay be paid to him. The application filed by the applicant is not in the prescribed proforma and does not contain the necessary facts and is more of the argumentative nature. It appears from the annexures to the application and the reply filed by the respondent that the applicant was employed as Waterman on daily wages from 11.3.1980 to 28.9.1984 in the office of the Commissioner of Income Tax, Lucknow. On 9.11.1984, Sri P.N.Kansal the then Public Relations Officer in the office of the Chief Commissioner of Income Tax, U.P. Lucknow called for the explanation of the applicant for his allegedly changing the tyre and tube of the cycle of an Income Tax Inspector Sri Abrar Ali from the office premises. The allegation made against him was denied by the applicant in his explanation dated 13.11.1984. The applicant was, however, not given any work/duty from 29.9.1984. The applicant made a representation to the Public Relations Officer on 31.10.1986 requesting him to give reasons for not giving any duty to the applicant. In response to this, the

(113/2)

.2.

respondents had replied on 11.12.1986 that the applicant was appointed as a daily wager and in accordance with the conditions of his service, it was not necessary to disclose the reasons for dispensing with his services. Aggrieved by this order, the applicant first approached the authorities under the Industrial Disputes Act as appears from some of the annexures filed by him claiming himself to be a worker and thereafter filed this petition against the respondent in his personal capacity as he had given the reply dated 11.12.1986 aforesaid.

2. A reply to the petition was filed by one K.K.Mahajan describing himself as the Income Tax Officer (hqrs.) (Public Relations) to the Chief Commissioner (Administration) of the income Tax Lucknow. In this reply it was stated that as the applicant was a daily wager, he was orally asked not to come to the office and according to the terms and conditions of his appointment it was not necessary to give the reasons to the applicant for not taking him on duty. It was further stated that the applicant was appointed by the Commissioner of Income Tax and his services were also terminated by the same authority and his orders were communicated by the respondent. The petition filed against the Public Relations Officer only is not maintainable under the law. The applicant ~~could~~ not get any salary ~~for~~ damages and his petition was not maintainable under the law.

AB
3

11

.3.

3. The applicant did not file any rejoinder to the reply nor took any steps for impleading his appointing authority or the Union of India as a party to this petition. On the other hand, he tried to get this petition decided in a hot-haste and even on the last date of hearing, on his insistence, we had to conclude the hearing of this case. Under the present circumstances, the petition of the applicant can be disposed of on two short points, First, in the absence of the appointing authority, there can be no effective adjudication in this case and assuming for the sake of argument that the applicant is entitled to the reliefs or any of the reliefs claimed, no such relief can be granted against Sri Saran Behari Public Relations Officer, and, secondly, the applicant did not clearly disclose the date from which he was not allowed duty or was removed from service by his employer and only from the reply read with copy of the certificate dated 13.9.1985 issued by the respondent and filed as paper no.19 without noting any annexure number with his petition by the applicant, it appears that the applicant was not allowed to resume his duty from 29.9.1984. The relevancy of the date March 11, 1984 from which the pay has been claimed by the applicant in the petition does not appear from the record. The applicant did not file any appeal or representation before any authority after his removal from service and had addressed a letter on 31.10.1986 to the Public Relations Officer only for taking him back. This cannot be considered to be an appeal or repre-

.4.

sentation contemplated by Sections 20 and 21 of the Act and as such, the petition filed by the applicant on 24.2.1987 against his removal from service w.e.f. 29.9.1984 is clearly barred by limitation prescribed by S.21 of the Act.

4. In view of the insistence of the applicant to decide his case expeditiously, we do not think it expedient to issue any direction to the applicant to implead the necessary persons in this petition now. We further did not think it proper to issue such direction as the limitation against such persons has also expired. In view of the legal difficulties as discussed above, it does not seem necessary to dwell on the merits of the case of the applicant.

5. The petition is accordingly dismissed without any order as to costs.

[Signature]

MEMBER(J)

Dated: 29.8.1988

lkkb

[Signature]
3/2/88
MEMBER(A)

APPLICATION UNDER SECTION - 39 OF THE ADMINISTRATIVE ACT - 1985
FOR USE IN TRIBUNALS OFFICE

DATE OF FILLING ON :-

DATE OF RECEIPT BY POST :-

REGISTRATION NO.:-

Reg. No. 198
Central Administrative Tribunal
Additional Bench At Allahabad
Date of Filing..... 24/2/87

Date of Receipt
by Post

SIGNATURE OF REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH, NEW DELHI
ADMINISTRATIVE BENCH

BETWEEN

MAHESH S/O SHAYAM LAL
EX-DAILY PAID EMPLOYEE
OFFICE OF CHIEF COMMISSIONER
INCOME TAX OFFICE, ASHOK MARG,
SHOBHA PUBLICITY, 9 SHAHNAJAF ROAD, LUCKNOW.....APPLICANT

AND

MR. SARAN BEHARI, PUBLIC RELATION OFFICER
OFFICE OF CHIEF COMMISSIONER, INCOME TAX OFFICE,
ASHOK MARG, LUCKNOWRESPONDENTS

Delete which ever is not applicable

Systems: CENTRAL ADMINISTRATIVE TRIBUNAL

DETAILS OF APPLICATION:

i) Particulars of the Application of Applicant.

ii) Name of the Applicant : MAHESH

iii) Name of the father : Shayam Lal

iv) Designation office in
which employed : Office of Chief Commissioner, Income Tax
Office, Lucknow.

v) Office Address : -do-

vi) Address for service
of notice : -do-

2) Particulars of the respondent

i) Name & Designation of
the respondent : Mr. Saran Behari, Public Relational
Officer, Office of Chief Commissioner,
Income Tax Office, Ashok Marg, Lucknow.

ii) Office Address of
the Respondent : -do-iii) Address of service
of all notices : -do-

3) Particulars of the order against which application is
made : Patrawali Sankhaya Vividha: (C.T.)/86-87/
4606 dated 11.12.1986

The application is against - The order against which the following
orders the application is made:-

i) Order No. Patrawali Sankhaya Vividha (C.T.)86-87/4606 dated 11.12.

ii) Date: December, 11, 1986.

iii) Paned by: Mr. Saran Behari, Public Relation Officer, Income Tax
Office, Lucknow.iv) Subject of relief:- i) Re-instalment in service with substantive
seniority and pay.

ii) Dates adformments Costs and damoges etc.

4. Jurisdiction of the
Tribunal

: The applicant declares that the subject

matter of the order against which wants redress is within the Jurisdiction of the Administrative Tribunal.

5. Limitation on:

The applicant further declares that the application is within the time limit prescribed in Sec.21 of the Administrative Tribunal Act, 1985.

6. Facts of the Case:

The facts of the case are given below (a concise statement of facts in a chronological order, such paragraph containing as nearly as possible a separate Issues fact or otherwise).

Mr. P.N. Cancel, Public Relation Officer, of the Office of the Chief Commissioner, Income Tax, U.P. Lucknow, on dated November 9, 1986 by falsely alleging theft charge for ~~changing~~ changing of cycle's Tyre and Tube and Tube of Sri Abrar Ali, Inspector and dispense with his services abruptly, and thereafter under same pretence vide patravali Sankhiya vividha (C.T.)/86-87/4606 dated December 11, 1986 the services were terminated under any un-specified service condition.

ii) That the Section 2A, Industrial Dispute Act, 1947 provides no services of an Individual Workman (Employee) could be dispense with from the organisation so long, the "Economy measure derived and the applicant, is/ was Junior, amongst the "Daily Paid Employees of the Income Tax Department, "FIRST COME LAST GO" of 1974's Supreme Court ruling, whereas Juniors retained in the service of Income Tax Department and the services were only without maintaining formalities for providing full defence opportunities were dispense with on Sweet will of Sri P.N. Kausal, the then Public Relation Officer, Office of Income Tax's Chief Commissioner, Ashok Marg, Lucknow is the action of commitment of contravention of Act.

iii) That under provisions of Section 25K 25 S Amended Act, 1976's Act No.32 Prior dispensing with applicant's services must have taken written permission, three month's before from the implementation of services Termination, whereas there is lacking appropriate Govt. permission in this case.

iv) That those completed '240' days regular service in any establishment his services could not be terminate under any Service conditions or on Sweet will of the employees/Appointing Authority of his subordinate as the case is for consideration before this Hon'ble Tribunal.

The Hon'ble Supreme Court of India's Hon'ble Justice Mr. P.N. Bhagwati C.J. and his companion Judge Hon'ble Justice Mr. A.N. Sen, in Civil Writ Petition Nos. 4821 & 4817 of 1983 on dated last August, 1983 in between DHIRENDRA CHAMOLI and others and State of U.P. decided for "CONDITION OF SERVICES". Daily Jute Workers, Employed in Nehru Yuva Kendras- Benefits of Salary and conditions of service-Entitlement of writ allowed and benefits to be given from date of their employment.

xx

xx

xx

It is conceded on behalf of the Government of India, that "the persons engaged by the Nehru Yuvak Kendra perform the same duties as is performed by Class IV employees appointed on regular basis against sanctioned Posts." If that be so it is difficult to understand how Central Govt. can deny to those employees the same Salary and conditions of service as Class I V employees regularly appointed against sanctioned posts.

The fact that these Employees accepted employment with full knowledge that they will be paid only daily wages and they will not allow to get the same salary and conditions of services as other Class IV employees cannot provide and escape to the Central Govt. to avoid the mandale of equity enshrined in Article 14, of the Constitution.

These employees who are in the service of the different Nehru Yuvak Kendras in the country and who are admittedly performing the same duties as Class IV employees, must therefore get the same salary and conditions of service as Class IV employees. It makes no difference whether they are appointed in sanctioned post or not (Para 1).

2122

The salary and allowances of Class IV employees shall be given to these persons employed in Nehru Yuvak Kendras with effect from the date when they were respectively employed (para 2).

J U D G E M E N T S.

P.N. BHAGWATIJudge A.N.SEN.....Judge, Rule Nisi

These write petitions have been initiated on the basis of two letters one addressed by Dharendra Chamoli and other by Mohan Singh both of whom are employed/employees of Nehru Yuvak Kendras. The complaint made in the writ petition is that there are a number of persons who are engaged by Nehru Yuvak Kendra as casual workers on daily wages basis and through they are doing the same work as is performed by Class I V employees allowances as are being paid to Class IV employees. Since Nehru Yuvak Kendras have been started by the Ministry of Education, Govt. of India, we issued notice to the Central Govt. to show cause why the employees of the Nehru Yuvak Kendras performing the same duties as Class IV employees should not be paid the same salary and allowance. The Under Secretary to the Govt. of India, Ministry of Sports has filed a Counter affidavit in which it is alleged that the Nehru Yuvak Kendras have started at different places in the country as temporary organisations and they have not yet been made permanent with the result that there are no sanctioned posts of Class IV employees and the Employees who are engaged by different Nehru Yuvak Kendras and the employees who are engaged by different Nehru Yuvak Kendras are taken as casual employees on daily wages basis. The argument envisaged in counter affidavit is that "since there are no sanctioned posts to which regular appointments can be made, the casual employees employed by different Nehru Yuvak Kendras cannot claim to receive the same salary and prerequisites as class IV employees appointed regularly to sanctioned posts. But while raising this argument it is conceded in the affidavit that the persons engaged by the Nehru Yuvak Kendras perform the same duties as is performed by Class IV employees appointed on regular basis against sanctioned posts. If that be so, it is difficult to understand how the Central Govt. can deny to these employees the same salary and conditions of service as Class IV employees regularly appointed against sanctioned posts. If it is particular on the post of the Central Govt. to urge that these person took up employment with Nehru Yuvak Kendras, knowing fully well that they will be paid only daily wages and therefore they can claim more. The argument lies ill in the mouth of the Central Govt. for it is an all too familiar argument with the exploiting class and a welfare State Committed to Socialist pattern of Society cannot be permitted to enhance such an argument. It must be remembered that in this country where there is so much unemployment the choice for the majority of people is to stand or to take employment on whatever exploitive terms are offered by the Employer. The fact that these employees accepted employment with full knowledge that they will be paid only daily paid wages and they will not get the same salary and conditions of service as other Class IV employees, cannot provided an escape to the Central Govt's to avoid the mandate of equality enshrined before law in Article 14 of Constitution. This Article declares that there shall be equality before law and equal protection of law and implicit in it is the further Principle that there must be equal pay for equal work of equal. These employees who are in the service of the different Nehru Yuvak Kendras in the country and who are admittedly performing the same duties as Class I employees, must therefore get the same salary and conditions of service as class IV employees. It makes no difference whether they are appointed in sanctioned posts or not. So long as they are performing the same duties, they must receive the same salary and conditions of service as Class IV employees.

2. We therefore allow the writ petitions and make the rule absolute and direct the Central Govt. to accord to these persons who are employed by the Nehru Yuvak Kendras and who are concededly performing the same duties as Class I V employees the same salary and conditions of service as are being received by class IV employees except regularisation which cannot be done since there are no sanctioned posts. But we hope and trust that post will be sanctioned by the Central Govt. in the different Nehru Yuvak Kendras, so that these persons can be regularised. It is not at all desirable that any management and

and particularly the Central Govt. should continue to employ person on casual basis in organisations which have been in existence for over 12 years. The salary and allowances of Class IV employees shall be given to these persons employed in Nehru Yuvak Kendras with effect from the date when they were respectively employed. The Govt. of India will pay to the petitioners cost of the writ petitions fixed at a lump sum of Rs.1000/-.

NB: The Public Relation Officer is not the appointing authority as evident from the enclosed letter for ready reference not delegated for such purposes further the principle of "FIRST COME LAST GO" is/was not adopted in his termination hence it is defective and bad in law.

7. Relief Sought: In view of the facts mention in para no.1 to 6 above the applicant most humbly prays for following relief (specially below mentioned reliefs sought) explaining the grounds for the relief(s) and the legal provisions (if any) relief upon)

(i) The applicant should have treated in service of Income Tax department (Govt. of India) since last March 11, 1982, vide letter no. C.E. Estt/240/70 dated Dec. 6, 1982 as also annexed below for ready reference.

(ii) The losses and damages, as well mental tormented be allowed to the petitioner applicant.

(iii) He should be allowed the arrears of salary from date of his dis-engagements till taken back in service of Department.

(iv) He may be allowed costs of sought Adornment any.

8. Interim Order: If prayed for pending final decision of this application, the officials seeks issue of the following interim order (Give here the nature of the Interim Order prayed for reasons). He should be taken back in the service at Income Tax Deptt., Ashok Marg, Lucknow if not ready to take work from the petitioner Applicant they may be directed for regular dis-bursement of wages to the applicant till final disposal of this case in this Tribunal.

9. Details of remedies exhausted: The applicant further declares that he has availed of all the remedies available to him under the relevant service rules (Give here chronologically the details of representation).

(i) Represented to the Mr. Saran Behari, Public Relation Officer, Office of the Chief Commissioner, Income Tax Office, Ashok Marg, Lucknow on October 3, 1986 vide registered letter no. 1075 dt. 3.10.86 for whom responded "Services was dispensed with under services conditions of daily paid employees.

(ii) Again on dated January 9, 1987 approached to reconsider reply dated December 11, 1986, but received no reply as yet.

10. Matter not pending with any other Court: The applicant declares that the matter regarding which this Petition has filed is not pending in any other Court:-

11. Particulars of Bank-Draft/Postal Order: - In respect of the Application Fee

i) Name of the Bank on which drawn. *Civil Bank, Allahabad*

ii) Demand Draft No. *DDV 254704 Punjab National Bank, Hazratganj, Lucknow*

iii) Name of Indian Postal Order(s)

iv) Name of the Issuing Post Office.

v) Date of Issuing Postal Order(s).

vi) Post Office at which payable.

12. Details of Index- To be annexed in duplicate containing the details of the documents to be relied upon is to be enclosed.

13. List of Enclosures.

IN VERIFICATION.

I, Mahesh aged about.....s/o. Sri Shyam Lal, resident of Shri Publicity, 9, Shah Najaf Road, Lucknow do hereby verified that the contents of Para No. 1 to 13 are true to the best of my personal knowledge and belief, and that I have not suppressed any (material) material facts.

M. E. T.

(ALLAHABAD HIGH COURT—LUCKNOW BENCH)

S. S. AHMAD and B. KUMAR, JJ.

Writ Petition No. 6249 of 1983

May 1, 1986

MAHESH CHANDRA SRIVASTAVA
(Advocate) between

and

SCOOTERS INDIA LTD., LUCKNOW and another

Industrial Disputes Act, 1947, Secs. 25-B, 25-F, 2 (oo)—Constitution of India, Art. 226—"In continuous service for not less than one year"—Meaning of expression—Workman having worked for 240 days or more in past twelve months deemed to be in continuous service for period of one year—"Actually worked under the employer"—Meaning of—Days for which wages paid included—Prior to 1984 Amendment automatic termination of service by efflux of time was treated as retrenchment but not so after 1984 Amendments.

R. N. Gupta, Advocate for the Petitioner.

S. C. Misra, Advocate for the Opp. Party.

JUDGMENT

S. SAGHIR AHMAD, J.—This is a petition under Article 226 of the Constitution.

The petitioner who obtained a Diploma in the trade of Machinists from Industrial Training Institute, Lucknow underwent apprenticeship training in M/s. Scooters India Ltd., Lucknow (Opposite Party No. 1) with effect from 10-8-1979 to 16-8-1980. He was subsequently issued the certificate of having completed the training on 20-8-1980 by the Superintendent (Safety and Training), Scooters India Ltd., Lucknow of which a copy is Annexure-1 to the petition. In para 3 of the petition it has been stated by the petitioner that he was appointed as casual worker on 13-5-1982. The period during which he worked on that post is indicated below.

Period	days
1. 18-5-1982 to 31-8-1982	106
2. 7-9-1982 to 1-11-1982	56
3. 17-11-1982 to 31-3-1983	174
	<hr/> 336 <hr/>

The petitioner was not employed after 31st March, 1983 and his services were treated by the opposite parties to have come to an end automatically. It is in these circumstances that the petitioner has filed the present petition in which the principal contention raised is that the petitioner could not have been thrown out of services without first complying with the provisions of Section 25-F of the Industrial Disputes Act, as he had put in more than 240 days of service with opposite party No. 1 in one calendar year.

The opposite parties have contested the petition. They have filed a counter-affidavit in which the period during which the petitioner had worked as Casual Worker has been set out in para 4. It is contended by the opposite parties that the petitioner's services had come to an end at different points of time and he was re-employed several times. He could not, therefore, be said to have been in "continuous" service for a period of 240 days. It is further contended by the opposite parties that the petitioner is not entitled to the benefit of the provisions contained in Section 25-C, 25-D, 25-E, and 25-F of the Industrial Disputes Act. In any case, the petitioner, it is contended has an alternative remedy before the Labour Court and the present petition is, therefore, liable to be dismissed.

The petitioner has filed a rejoinder-affidavit. He has denied the account of working days set out by the opposite parties in para 5 of the counter affidavit and has given his own account as follows :

May, 1982	12 days
June, 1982	26 days
July, 1982	27 days
August, 1982	26 days
September, 1982	21 days
October, 1982	23 days
November, 1982	12 days
December, 1982	25 and 1/2 days
January, 1983	25 days
February, 1983	24 days
March, 1983	24 days
Total :	<hr/> 245 and 1/2 days <hr/>

We have heard the learned counsel for the parties.

Syed. Zafar Mehdi [Signature]
Advocate, Lucknow
A.C. No. 123456
M.A. L.B. (Advocate)

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Section 25-F of th

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Act provides as under

"25-F. No w
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any industry who has been in
ne year under an employer shall

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months; and

(c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette."

The phrase "continuous service for not less than one year" has been defined in Section 25-B which is reproduced below :

"25-B. For the purposes of this Chapter—

(1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman ;

(2) Where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer—

(a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—

(i) one hundred and ninety days in the case of a workman employed below ground in a mine ; and

(ii) two hundred and forty days, in any other case ;

(b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—

(i) ninety-five days, in the case of a workman employed below ground in a mine ; and

(ii) one hundred and twenty days, in any other case.

Explanation.—For the purposes of clause (2), the number of days on which a workman has actually worked under an employer shall include the days on which—

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Syed. Zahar Mehdi Kazi
Advocate
M.A.L.B. (Advocate)

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(i) he has been laid off under an agreement or as permitted by Standing Orders made under the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), or under this Act or under any other law applicable to the industrial establishment ;

(ii) he has been on leave with full wages, earned in the previous year ;

(iii) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment ; and

(iv) in the case of a female, she has been on maternity leave ; so however, that the total period of such maternity leave does not exceed twelve weeks."

A perusal of sub-section (2) (a) of Section 25-B indicates that if a workman has put in 240 days of service, then he shall be deemed to be in "continuous service" under an employer for a period of one year. In *Ram Krishna Ram Nath v. Labour Court*, (1) the Supreme Court held that if a workman has, during a period of twelve calendar months, actually worked in an industry for not less than 240 days, he shall be deemed to have completed one year's service in the industry. It was further observed that an enquiry has, therefore, to be made to find out whether the workman had actually worked for not less than 240 days during the period of twelve calendar months immediately preceding the retrenchment. The Supreme Court again in the case of *Surendra Kumar Verma v. Central Government Industrial Tribunal-Cum-Labour Court*, (2) observed that a workman who has actually worked under an employer for not less than 240 days in a period of twelve months shall be deemed to have been in "continuous" service for a period of one year whether or not he has, in fact, been in such continuous service for a period of one year. It was observed that it was enough that the workman had worked for 240 days in a period of twelve months.

The words "actually worked under the employer" came to be considered by the Supreme Court in *Workmen of American Express International Banking Corporation v. Management of American Express International Banking Corporation*, (3) in which it was laid down as under :

"The expression which we are required to construe is "Actually worked under the employer." This expression according to us, cannot mean those days only when the workman worked with hammer, sickle or pen, but must necessarily comprehend all those days during which he was in the employment of the employer and for which he had been paid wages either under express or implied contract of service or by compulsion of statute, standing orders etc....."

It will be seen that in the above decision the Supreme Court had allowed the workman the benefit of several days on which he had not actually worked in the industry, i. e. Sundays, on which the industry was closed.

Learned counsel for the opposite parties has stated that the above decision will not be applicable to the facts of this case, as in that case the workman was paid his wages for Sundays on which he has not actually

- 1. 1970 (21) F.L.R. 159 (S.C.).
- 2. 1980 (41) F.L.R. 33 (S.C.).
- 3. 1985 (51) F.L.R. 481 (S.C.).

Handwritten signature and stamp: **Sd. Zafar Mehdi Kazmi**, M.A.L.L.D. (Advocate).
Date: 27/05/85
Handwritten number: 8221

worked. This is precisely what is claimed by the petitioner in the instant case and, therefore, the Supreme Court decision will be fully applicable. The Supreme Court itself had observed that the expression "actually worked under the employer" necessarily comprehends all those days for which the workman had been paid wages either under express or implied contract of service or by compulsion of statute, standing orders etc.

Under the orders of this Court dated 29-11-1984, both the parties were required to produce the pay-slips. The petitioner has produced his original pay-slips which have also been shown to the counsel for the opposite parties. The pay-slips indicate that the petitioner has worked for more than 240 days. This is fully supported by the documents produced by the opposite parties who have summarised the account as follows :—

Statement showing number of days actually worked and number of days taken into consideration for payment of wages to Shri N. C. Srivastava.

Month/Year	Actual No. of days worked	Number of days taken into consideration for payment of wages	Total Days for which wages paid
1	2	3	4
May, 1982	12	—	12
June, 1982	26	—	26
July, 1982	26	1 (Idul Fitar Holiday on 23-7-1982)	27
August, 1982	25	1 (Independence day on 15-8-1982)	26
September, 1982	21	—	21
October, 1982	22	1 (Mahatma Gandhi's birth day on 2-10-1982)	23
November, 1982	12	—	12
December, 1982	24½	1 (X-Mas Holiday on 25-12-1982)	25½
January, 1983	24	1 (Republic day Holiday on 26-1-1983)	25
February, 1983	23	1 (Sanctioned leave for 25-2-1983)	24

Syed. Zafar Mehdi Kazmi
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Mehdi Kazmi

M.A.L.L.B. (Advocate)

Ltd. (All d., H.C., L.B.)

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March, 1983

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24

(Sanctioned leave
with pay for
15-3-1983)

238½ days

7 days

245½ days.

The petitioner was paid his wages for seven additional days on which he had not actually worked. These days will have to be counted towards the period for which the petitioner had worked under the opposite parties. If these seven days are added then the number of days for which the petitioner had worked would come to 245½ days. The petitioner had, therefore, clearly rendered continuous service with the opposite parties for more than 240 days and was, therefore, entitled to the benefit of Section 25-F of the Industrial Disputes Act.

The petitioner having worked for more than 240 days during the period in which he was in the employment of the opposite parties, shall be deemed to have put in continuous service for a year and thus be entitled to the benefit of Section 25-F.

Learned counsel for the opposite parties has contended that the petitioner was employed by the opposite parties for specific periods and every time it was mentioned that his services would stand terminated automatically after the expiry of that period. After the expiry of the period for which he was employed, he was given fresh employment with the stipulation that his services would stand terminated automatically. In these circumstances it is contended by the counsel for the opposite parties that the petitioner's termination would not amount to "retrenchment" within the meaning of Section 25-F.

"Retrenchment" has been defined in Section 2 (oo) of the Industrial Disputes Act. The definition may be quoted below :

"2(oo) "retrenchment" means the termination by the employer of the service of workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action. but does not include—

(a) voluntary retirement of the workman, or retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf ; or

(b) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein ; or

(c) termination of the service of a workman on the ground of continued ill-health."

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The Supreme Court has held out of number that the definition of "retrenchment" is of wide import and that every form of termination for whatsoever reason it may be, would amount to retrenchment (See *State Bank of India v. N. Sundaram*, *Robert D'Souza v. Executive Engineer, Southern Railway and another*, (S)

In *M/s Hindustan Steel Ltd. v. P. O. Labour Court*, (6) it has been held that even if the services of an employee come to an end by efflux of time it would be a case of "retrenchment" within the meaning of the Industrial Disputes Act.

In view of the above, even if the petitioner's appointment came to an end by efflux of time or by the expiry of the period for which he was appointed, he would be entitled to the protection of Section 25-F as the termination of his services would amount to "retrenchment."

Learned counsel for the opposite parties pointed out that definition of "retrenchment" as contained in Section 2(o) has been amended with effect from 18-8-1984 by Act No. 49 of 1984 by which clause (bb) has been added in the definition of retrenchment. This may be reproduced below :

"(bb) termination of the service of the workman as a result of the non renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein ; or"

It is on the basis of this provision that it has been contended that because in the instant case the services of the petitioner had come to an end in view of the specific stipulation in the appointment letter, the termination would not amount to retrenchment. The amendment introduced in the definition of retrenchment is not retrospective. It was introduced, as stated above, with effect from 18-8-1984. It would not, therefore be applicable to the termination in the instant case which was brought about on 27-3-1983.

Learned counsel for the opposite parties then contended that the writ petition may be dismissed in view of the fact that the petitioner has an efficacious alternative remedy under the Industrial Disputes Act by approaching the Labour Court for the redress of his grievance.

This writ petition is pending in this Court for the last about three years. It was admitted on 24-11-1983 and although it was mentioned that the question of maintainability can be raised at a later stage, we are not in the peculiar circumstances of the case. particularly when the parties have exchanged their affidavits on the merits of the question involved in the petition and particularly when it has come to our notice that the petitioner's services have been terminated in complete disregard of the statutory protection available to him under the Industrial Disputes Act, prepared to throw out this writ petition merely on the ground that the petitioner has an alternative remedy before the Labour Court.

In view of the above, the writ petition is allowed. The opposite parties are directed to put back the petitioner on duty as Machinist-cum-Machineman on the terms on which he was working earlier with all consequential

4. 1976 (32) F.L.R. 197 (S.C.).

5. 1982 (1) S.C.C. 645

6. 1976 (33) F.L.R. 257 (S.C.)

Syed.

Kazmi

Enrolled Advocate

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1987 (54) P. J. O. M. W.

Society (M. P. H. S. J. B.) 29

benefits and to allow him to continue in service till his services are terminated in accordance with law. There will be no order as to costs.

Immediately after we had dict the judgment learned counsel for

the opposite parties made a request the Supreme Court may be granted. certificate to leave to appeal to

on the principles enunciated by the Supreme Court and in our opinion no question of law of general importance is involved which may be required to be considered by the Supreme Court. The certificate prayed for is

refused.

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श्री - जैन धर्म की प्रथम मान ४ - १ साधकस्य योग्य, प्रथम ।

एम०के० जोहरी
आयकर अधिकारी एम० प्रसाद
कृते आयकर आयुक्त, लखनऊ

लखनऊ: दिनांक 6-12-87

प्रतिष्ठितिः

- श्रीम० के० जौहरी
आयकर अधिकारी श्रीम० प्रहलान्त,
लखनऊ

Attestat

Schwarze

187218

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S. C. SRIVASTAVA
Engineer (Bridge)

(S. C. SRIVASTAVA)
Assistant Engineer (MIS)
MIS, G-60, 2nd Floor, 1st
Floor, 1st Floor, 1st Floor

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जनसम्पत्ति अधिकारी
आयकर विभाग

लखनऊ
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मेमो - -

श्री महेश
दैनिक वेतन भोगी कर्मचारी

श्री राम फेर चौकीदार ने शिकायत की है
तुमने किनांक २१/१/४५ को श्री अनवर झा की आयकर
निरीक्षक की सादरज्ञा की जो कायालय में रखी थी के त
एवं व्यूब बदल दिये हैं। आप इस बारे में अपना
स्पष्टीकरण तीन दिन के अन्दर भेजें अन्यथा
यह मामला जायेगा कि आपको इस विषय
में कुछ नहीं कहना है। वरन् वाचित कार्यावाह
की जायेगी।

पति. उज्ज. कासल

पी. एन. एन. लखनऊ

जनसम्पत्ति अधिकारी

कायालय मुख्य आयुक्त उज्ज

लखनऊ

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Attested

Schawar

(S. C. SRIVASTAVA)
Assistant Engineer (Bldgs)

Office of the General Manager
U. P. Circle, Lucknow-226001

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सेवा में,

श्रीमान जनसम्पर्क अधिकारी,
कार्यालय मुख्य आयकर आयुक्त,
उत्तर प्रदेश, लखनऊ ।

15/11

विषय:- स्पष्टीकरण मिनजनिब महेश पुत्र श्री श्यामलाल,
दैनिक बेतन भोगी कर्मचारी

महोदय,

प्रार्थी आपके मैमो दिनांक 9.11.84 के सम्बन्ध में निम्नलिखित स्पष्टीकरण प्रस्तुत कर रहा है -:

1. यह कि प्रार्थी 4 वर्ष से आपके विभाग में दैनिक बेतन भोगी कर्मचारी के पद पर कार्य कर रहा है और सेवा कर रहा है ।
2. यह कि प्रार्थी ने अपने कार्यकाल में आज तक शिक्षा यत का मौका नहीं दिया है ।
3. यह कि रामधर चौकीदार ने आपसे जो शिक्षा यत को है कि प्रार्थी ने दिनांक 27.10.84 को श्री अबरार अली आयकर निरीक्षक के साइकिल के टायर टूटने बदल दिये हैं । पूर्णतः ठूँटे ब बेलुनीयाद है ।
4. यह कि यदि उन्होंने प्रार्थी को ऐसा अनुचित कार्य करते देखा तो क्यों नहीं मौके पर ही पकड़ लिया । क्योंकि किसी के हाँथ टायरों और टूटने के बदलने में काफी समय लगता है । ऐसा श्री रामधर ने प्रार्थी को निकलवाने के लिये प्रार्थी पर झूठा लॉउन तथा झूठा आरोप लगाया है ।

अतः श्रीमान से करछद्म प्रार्थना है कि प्रार्थी जो कि एक गरीब हरिजन दैनिक बेतन भोगी कर्मचारी है और बाल बच्चेदार व्यक्ति है । के स्पष्टीकरण को स्वीकार किया जाये तथा श्री रामधर चौकीदार द्वारा लगाया गया आरोप खारिज किया जावे ।

महान दया होगी ।

Attested
Signature
21/11/84

(S. C. SRIVASTAVA)
Assistant Engineer (Bldgs)

Office of the General Manager, L.M. & T. Co. Ltd.

दिनांक 13.11.84

आपका परम विनीत सेवक

महेश

महेश

पुत्र श्री श्यामलाल

महेश



- रजिस्टर्ड:-

सका में

Regd No: 4075 dt-3-10-86

SPO. 420 X/20

श्रीमान जन सम्पर्क अधिकारी,
कार्यालय मुख्य आयुक्त, प्रशासन,
उत्तर प्रदेश एवं आयकर आयुक्त, लखनऊ।

विषय:- स्पष्टीकरण दिनांक 3.11.84 द्वारा श्री मेहरा पुत्र श्री श्याम लाल
केनिक सेलन भोगी कर्मचारी के विषय में अवगत कराने के अनावश्यक
विलम्ब और नौकरी से हटाये जाने के सम्बन्ध में।

महोदय,

प्राथम्य आपका ध्यान आपके मेमो दिनांक 9.11.84 आपके द्वारा प्राथम्य को
दिनांक 29.9.84 भेजिये जाने के सम्बन्ध में आपका ध्यान आकर्षित कराना
चाहता है। आपने प्राथम्य को यह आरोप लगाकर कार्य से बिठा दिया कि प्राथम्य ने
27.9.84 को श्रीअख्तार अलीआयकर निरीक्षाक की साईकिल के टायर दुरुस्त बदल
दिये थे। यद्यपि कि प्राथम्य ने इसका स्पष्टीकरण उस समय जन सम्पर्क अधिकारी
श्री पी०एन० कंसलको तुरन्त मौखिक रूप से दे दिया था और प्रार्थना की थी कि
प्राथम्य एक ईमानदार कार्यकर्ता और आलमखेदार व्यक्ति है, अतः उसे कार्य से न
हटाया जाये जिस पर श्री कंसल उसे पूरे आश्वासन देते रहे कि उसे कार्य पर पुनः बुला
लिया जायेगा। परन्तु कार्यपर न कुलाकर दिनांक 9.11.84 को एक मेमो दिया और
तीन दिन में रिप्लाय/अब/आ/आ/आ/को प्राथम्य का लिखित स्पष्टीकरण मांगा जिसे
उसने 3 दिन में दिनांक 13.11.84 को दे दिया (जिसकी प्रति पुनः अवलोकनार्थ
सलग्न है) इसके बाद भी श्री कंसल ने प्राथम्य को पुनः कार्य पर बुलाने की पूर्ण
आश्वासन देते रहे परन्तु आज तक कार्य पर नहीं बुलाया। प्राथम्य इस सम्बन्ध में
नयेजनसम्पर्क अधिकारी श्री सरन लिवहारी से भी कई बार मिल चुका है, मन्त्रि: पर-
निराशा होकर औरजीविकोपार्जन का कोईअन्य साधन न जुटा पाने के कारण
महोदय को यह प्रार्थना- पत्र लिखित रूप से दे रहा है कि प्राथम्य को पुनः कार्य पर
बुलाया जाये और उसकी पूर्व वरिष्ठता केनिक भोगी कर्मचारीयों में मानी जाये
यदि श्रीमान ने इस प्रार्थना- पत्र की प्राप्ति के एक सप्ताह में सहानुभूतिपूर्वक
निर्णय न लिया तो प्राथम्य यह सोचने पर मजबूर हो जायेगा कि उसके साथ भेद-
भाव पूर्ण बरताव किया जा रहा है और वह वैधानिक कार्यवाही करने के लिये
मजबूर होजायेगा जिसका हर्षे छान्छे का पूर्ण दायित्व विभाग पर होगा।

भावदीय,
मेहरा

॥ मेहरा ॥

दिनांक: 31-10-1986

Regd No 4077 dt-2/11/86
प्रतिलिपि:- 1:- प्रति मुख्य आयुक्त, प्रशासन। उत्तर प्रदेश एवं आयकर आयुक्त
लखनऊ के द्वारा आयकर अधिकारी मुख्यालय, सूचना एवं आ-
वेद के निमित्त।

2:- प्रति आयुक्त हरिजन एवं समाज कल्याण विभाग, उत्तर प्रदेश,
लखनऊ को सूचना एवं अनावश्यक कार्यवाही हेतु प्रेषित।
Harifan Samaj New Delhi

Regd No 1692 dt-3/10/86
SPO. 420
Regd No 4076 dt-3/10/86
SPO. 420

Attested
S. C. Engineer (Pldgs)
21/11/86
S. C. Engineer (Pldgs)
21/11/86

॥ मेहरा ॥

मेहरा

(18)

पञ्चावली सं. विविध (दा.)/१६४७

भारत सरकार

कार्यालय मुख्य आयुक्त (प्रशा.) उ.प्र. एवं
आयुक्त, लखनऊ

दिनांक, लखनऊ, ११ दिसम्बर १९४६

सेवा में -

श्री भूदेष, भूतर्क दैनिक वेतन भोगी कर्मचारी
पुत्र श्री श्याम लाल,
द्वारा शोभा पब्लिसिटी
९-शाहजहाँ रोड, लखनऊ

कृपया अपने पत्र से दिनांक शून्य का
प्रवलोकन करें।

इस सन्दर्भ में भुके थल कहने का निर्देश
हुआ है, कि प्रापका-यन दैनिक वेतन भोगी
कर्मचारी के रूप में हुआ था, जिसमें सेवा शर्तें
लिखी हुई थीं।

अतः प्रापको सेवायें समाप्त करने के
लिये कारण बताने की आवश्यकता नहीं है।

(स.प्र. विहारी)

जन सम्पर्क अधिकारी
कार्यालय मुख्य आयुक्त प्रशा. उ.प्र.
एवं आयुक्त आयुक्त लखनऊ

Attested

Schawwa

18/12/46

(S. C. SATTARJI)
Assistant Engineer (Bridges)
of the General Manager Telecom
Circle, Lucknow-226001

महेश

(18) -
भारत सरकार
कार्यालय मुख्य आयुक्त प्रशासन
एवं आसकर आयुक्त, लखनऊ ।

संदिशकः

(18)

प्रमाणित किया जाता है कि श्री गणेश पुत्र श्री यशोपाल ने

इस कार्यालय में दिनांक: 11-3-1980 से 28-9-84 तक दीर्घकाल भोगी

वाटरमैन के पद पर स्थित । 2/- प्रविचिन की दर से कार्य किया ।

इस अवधि में इनका कार्य व्यवहार उत्तम रहा ।

Attested

Sharma

19/9/85

Attested
Shri. Zafar Mehdi Kazmi
M.A.L.L.B. (Advocate)

भारत सरकार
कार्यालय मुख्य आयुक्त प्रशासन एवं आसकर आयुक्त, लखनऊ ।
एवं आसकर आयुक्त, लखनऊ ।

2/3/81

Through Chief Minister U.P. Lko to Chairman.
 The Honble M.D. H. Anand, Chairman Labour Cell, Mah. Bham.
 अति आवश्यक तुरन्त प्रति उत्तरार्थ प्रेषित।

पंजीकृत डाक द्वारा
 दिनांक लखनऊ

प्रेषक:-

महोदय भूषणपूर्व वैद्य भोगी कर्मचारी
 द्वारा शोभा पक्कीसिटी
 श्रमनजफ रोड लखनऊ।

सेवा में :-

श्री सरन बिहारी जनसम्पर्क अधिकारी
 कार्यालय मुख्य आयुक्त, प्रश. पु. प्र.
 एवं आयुक्त आयुक्त, आर. म. म.
 लखनऊ।

महोदय,

आपने अपने पत्र दिनांक 11/11/86, जमावा दिनांक दिसम्बर
 11, 1986 द्वारा अवगत कराया है कि गैरी सेवाएँ नियुक्ती सेवा शर्तों के
 अन्तर्गत स्वेच्छा पूर्वक एकाएक समाप्त की गई तदनुसार पुनः कारण जताने की
 आवश्यकता नहीं है।

आप इस संबंध में नियम 11 आदेश 47 कोर्ट आफ सिविल प्रोसीडियोर
 को ध्यान में रखते हुए कृपया निम्नवत प्रश्न का उत्तर देने की कृपा करें - प्रश्न

क्या अनुपालनार्थ धारा 25 के 25 एस एक्ट नं० 32-आर्क 1976
 शोषित एक्ट के अन्तर्गत आपने 3 माह पूर्व सेवा समाप्त करने की प्रम विभाग
 की अनुमति प्राप्त कर ली है?

क्या सेवा समाप्ति तिथि को मैं सबसे कनिष्ठ दैनिक वेतन भोगी
 कर्मचारी था जबकि सर्वोच्च न्यायालय के संलग्न - 1974 -फास्ट कम लास्ट गो
 के विरुद्ध होगी यदि मैं सबसे कनिष्ठ दैनिक भोगी कर्मचारी नहीं था तबसे
 अतिरिक्त तथा आयुक्त विभाग में अधिक संकट कोई उत्पन्न हुआ था क्या व्यक्ति
 विशेष की सेवाएँ आप के द्वारा स्वयं समाप्त की गई है अथवा नियुक्ति अधिकारी
 द्वारा ?

क्या आर्टिकल - 14, 15 एवं 311 विधानिक विधि के अनुपालनार्थ
 सेवाएँ समाप्त की गई है अथवा कन्ट्रावेन्शन किया गया है?

एडीशनल क्लर्क

जबकि आयुक्त महोदय द्वारा पत्रांक संख्या सी.स. स्थापना/240/70
 दिनांक 6 दिसम्बर 1982 द्वारा दिनांक फरवरी 23, 1982 से नियमित दैनिक
 भोगी कर्मचारी नियुक्त हो कर 240 दिन से अधिक अवधि तक

The Employee who had rendered services for a continuous period of
 240 days fallen below the minimum period to deemed regular employee
 under Section 11 for its recognition, the Conduct and act of the
 services termination by the employee of an Individual one is bad
 in law and defective and deserved to be questioned. In Satyavir
 Singh V/s Union of India Supreme Court read as under

Dismissal/removal of persons employed in Central Govt be dismissed/
 removed by an authority subordinate to that appointing authority
 by which he was appointed is bad in law and deserved to be questioned
 only on this accord.

Where a person removed/terminated under Contention of any services
 Condition contrary to the consideration of first come last go,
 is defective and bad in law and deserved to be questioned only on this accord.

...2/-

Allegat

Mod. Zafar Mehdi Khan
 M.A.L.L.B. (1982)

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Departmental remedies

Service Rules generally provide for departmental remedies by way of an appeal/revision and review with case of disciplinary action taken if any against the removed employee and finally intimated him by the decisions taken on appeal.

जबकि मेरी सेवाएँ एक कलण्डरपर में "240°" दिन से अधिक हो चुकी थी, उस स्थिति में मैं अस्थाई न रह कर स्थाई कर्मचारी हुआ और तबसे अब न्यायालय के मई, 1986 के कर्नाटक राज्य परिवहन निगम के विरुद्ध उनके आदेश "240°" दिन कार्यरत प्रतीक्षा सूची परिपालक का नाम प्रतीक्षा सूची से हटाते हुए सेवा समाप्ति आदेश का निरस्त कर दिया है। इस आधार पर आपसे पुनः निवेदन करूँगा कि आप अपने दिनांक 11.12.86 के लिए गए निर्णय पर विचार करने की कृपा करें तथा लिये गये अपने निर्णय से जल्द अवगत कराने की कृपा करें।

आशा है कि आप अपने दिनांक 11.12.86 के निर्णय पर विचार करते हुए पुनः प्रार्थी को सेवा में वापस लेने की कृपा करेंगे जिससे प्रार्थी अपना एवं अपने परिवार का भरण पोषण कर सके। इस आधार पर आशा है कि आप महानभूतपूर्व विचार करते हुए प्रार्थी को अग्रह सेवा का लाभ प्रदान करने की कृपा करेंगे।

विद्वत्

॥ मन्त्रार्च ॥

॥ सेवा पृथक् हिंदुस्तानी खेतन भागी
कर्माचारो ॥

प्रतिलिपि सेवा में सुचनार्थ एवं
आवश्यक कार्यवाही हेतु प्रेषित है ।

1. श्रीमती सरोजिनी लाल, निरीक्षक सहायक आयुक्त, आयुक्त विभाग लखनऊ।
2. श्री सरन बिहारी, जन सम्पर्क अधिकारी कार्यालय मुख्य आयुक्त प्रशासक उ०प्र० एवं आयुक्त, आर्य मार्ग लखनऊ।
3. अध्यक्ष, गांधीनगरी रेल कर्मिकोत्तम मंडल लखनऊ।
4. श्री बी.एन.सिंह प्रीजाईटिंग आफिसर अम न्यायालय ॥ जी.टी. रोड कानपुर।
5. श्री दिवाकर त्रिपाठी, अध्यक्ष सराधन समिति एवं उप क्षेत्रीय अम आयुक्त, 23 ए.पी. रोड लखनऊ।
6. अम सचिव उत्तर प्रदेश लखनऊ अम अनुभाग-१ सचिवालय लखनऊ।
7. श्री राधेयाम, अम आयुक्त, उ०प्र० पत्र पेट्री नं० 220 जी.टी. रोड कानपुर।
8. ~~विद्येयक~~ आयुक्त, हरिजन समाज कल्याण विभाग टिकरग हाता लखनऊ।
9. अम सचिव, अम अनुभाग, भारत सरकार, नई दिल्ली।

अहं अहं

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Mr. Wendi Brown
Bills (Advocate)

Regd No: 2860 dt-17-87
Lab Bagh, Iko
Regd No: 2861 dt-17-87
Lab Bagh, Iko
4500 dt-21-1-87
Lab Bagh, Iko Adhikari
dated 4.2.87

122

8/21

BEFORE THE HON'BLE MEMBER FOR LABOUR, DISTRICT COURT, LUCKNOW
 ROAD, LUCKNOW U/S 23 A.P. SEN OF 1987
 Page of U.P. D. Act - 1947 read as under (Disputes of Termination of Services)
 FOR TERMINATION OF SERVICE AND ISSUE OF NOTICE
 Application U/S 2 A INDIVIDUAL SERVICES TERMINATION DISPUTE ACT
 C.D. Case No. 51 of 1987

1/3

INDIVIDUAL WORKMAN'S SERVICES TERMINATION DISPUTE
 DATE OF ENGAGEMENT AS DAILY PAID EMPLOYEE March 11, 1980
 SERVICES TERMINATION WITH OUT APPROPRIATE GOVT'S CONSENT
 U/S 25 K, 255 AMENDED ACT 1976 ACT NO. 32

MANESH (Ex. Daily Paid Employee) SHOBHA
 PUBLICITY, 9 Shahjahanpur Rd. Vs. Workman
 Mr. SARN BHARI (Public Relation Officer,
 Office of Chief Income Tax Commissioner,
 Income Tax Office, Ashok Marg, Lucknow. ... Respondent.
 Lucknow - 226001

As per

The humble Petitioner Workman U/S 25K, 255 Amended Act. of 1976 Act. No. 52 & Section 2 A, Individual Services Termination's Dispute Act, 1947 names above begs to state as under :-

1. That Respondent named above had committed Individual Workman's Services Terminated Dispute Act, 1947 & Without obtaining appropriate Governments three month's prior permission from the date of issuing notice of one's Services Termination's section 25K, 255 Amended Act. 1976 N. 32's Contravention. *And under Section 33 C of P.D. Act, 1947 is challenging the validity of services termination in this Court.*
2. That the Commissioner Income Tax, Ashok Marg, Lucknow was kind enough to appoint (as regular daily paid Employee with effect from 11.3.1980 as 25.2.1982 vide letter No. C/S Estt/240/70 dated 6.12.82 and remain to continue in service more than " 240" under lane Pretext of service can't be reason of Termination Communicated vide letter No. *dated December 11, 1982* *Section 33 C of P.D. Act, 1947* *no no no no my m. auro derived in Income Tax Department.*
3. Whereas One's Services Terminated Contravening as per " First Come LAST GO" , Supreme Courts Ruling of 1976 Termination Contravening 240, days completion of Services Rules of 1986 by Justice Day & A.K. Singh Judges. *Supreme Court*
4. That Article 14, 15, & 16 of Constitution Provides RIGHT OF EQUALITY & ARTICLE 3 & 9, 310 & 311 with out providing defences opportunities and proving guilty of offence as alleged in respect of dispensing with one's Services from the Dept.

of c

महेश

Syed. Zafar Mehdi Kozai
 Advocate
 HALL (Advocate)

2. That the Actual date 29-9-1984 on which the cause of action arose in respect of specified above is // 15 day of December month 12 year 1986

3. That the lapsing time is not involved as under Prescribed limit for preferring application in Conciliation Board, between date of his service termination to date of Communication of Services Termination's reasons dated December 11, 1986 to the date of its presentation.

4. That the circumstances from date of implementation of the Services Terminations lapsing between the date on which the cause of Action arose and date of this application // 15 day of December month year 1986.

5. That the circumstances are responsible for this lapse of time in between date on which the Cause of action arose and the date of making this application as follows :

6. That under Section 2 A, INDIVIDUAL WORKMAN'S SERVICE Termination in pursuance to the Section 25K, 25A of 1/2 Amendment Act, 1986's Act. No.32 Prior obtaining appropriate Government's permission before implementing imposed Services Termination one's order may kindly be taken legal cognizance and summon the party concerned of answer for the Committee's Offence of one's Services Termination in this instant case. so long, concern to this day 11, month December year 1986's communication of PRO to Commissioner Income Tax is not questioned arises for time barred presentation. *Move over under Section 31CWD of Services Termination is challengeable. Included Dispute Act, 1947's Remedy of HELPER*

The Respondent, may kindly prohibited for his action of one's Services Termination by Contravening Act & Rules whereas the workman has rendered continuous service ^{for} more than 240, days as required to be in regular and unbreakable service.

He may be allowed to re-instate in services without any break under benefits of full pay other allowance under rule 9(6)(b)(iv) Fundamental Rights known as an ~~PROHIBIT~~ & COMPULSORY WAITING, prohibiting to discharge official duties mistake not committed by workman, and punishing him for mistake committed by Respondent's Concerned.

Any other relief in this instant case as ^{Grant} ~~PROHIBIT~~ considered in this instant case.

PRAYER

Wherefore it is humbly prayed on part of aggrieved workman below that the matter of this dispute as specified above may be taken with the legal cognizance as referred in this case in this ^{Grant} ~~PROHIBIT~~ by this application for amicable settlement in between workman and the respondent and/or this ^{Grant} ~~PROHIBIT~~ award as relief sought above in this application.

...2...
21/12/86

Syed. Zafar Mehdi Kori
Mc No. 290/815 Enrolled Advocate
BAILL (Advocate)

as relief sought above in this application.

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23

A
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Date of Making application
January 9, 1986 at Lucknow.

(MAHESH) WORKMAN'S
Signature or his thumb
impression of the applicant

VERIFICATION

The applicant Mahesh, workman aged about years 8/0 Sri Shyam Lal R/O Shobha Publicity I, Shahjahanpur Road, Lucknow does hereby solemnly declare that the statements made within the Para No. 1 of its Sub Paras I, II, III & IV 2, 3, 4, 5, & 6 of this application preceding paragraphs are true and correct to the best of his knowledge, belief and information and nothing concealed in it, so help me God.

This day, 9, month January, year 1987 at Lucknow
verified and signed over it.

Enclosures

- 1- Duplicate Plaint
- 2- Appointment Letter
- 3- Service Termination Form
- 4- Reminder to Respondent

Mahesh

Signature of persons
verifying this verification

Place : Lucknow

Dated January 9, 1987

मेहर

Syed. Zafar Mehdi Kazmi
M.A.L.L.B (Advocate)

2. That the Actual date 29-4-1984 1984 on which the cause of action arose in respect of specified above is // 11 day of December month 12 year 1986

3. That the lapsing time is not involved as under Prescribed limit for preferring application in conciliation Board, between date of his service termination to date of Communication of Services Termination's reasons dated December 11, 1986 to the date of its presentation.

4. That the circumstances from date of implementation of the Services Termination lapsing between the date on which the cause of Action arose and date of this application // 11 day of December 12 month year 1986

5. That the circumstances are responsible for this lapse of time in between date on which the Cause of action arose and the date of making this application as follows :

6. That under Section 2 A, INDIVIDUAL WORKMAN'S SERVICE Termination in in Pursuance to the Section 25K, 25B Amendment Act, 1986's Act. No.32 Prior obtaining appropriate Government's permission before implementing impugned services Termination one's order may kindly be taken legal cognizance and summon the party concerned of answer for the Committed Offence of one's Services Termination in this Instant case. So long, concern to this day 11, month December year 1986's communication of PRO to Commissioner Income Tax is not question arises for time barred presentation.

RELIEF

The Respondent, may kindly prohibit for his action of one's Services Termination by Contravening Act & Rules whereas the Work man has rendered continuous service more than 240, days as required to be in regular and unbroken service.

He may be allowed to re-instate in services without any break under benefits of full pay other allowance under rule 9(6)(b)(iv) Fundamental Rights known as an FORCED & COMPULSORY WAITING, prohibiting to discharge official duties mistake not committed by Workman, and punishing him for mistake committed by Respondent's Concern.

Any other relief in this instant case as Board considered in this instant case.

PRAYER

Wherefore it is humbly prayed on part of aggrieved workman below that the matter of this dispute as specified above may be taken with the legal cognizance as referred in this case in this Board by this application for amicable settlement in between Workman and the respondent and or this Board's award as relief sought above in this application.


Syed Zafar Mahmood Khan
AC No. 1240/85 Application Enrolment
M.A.I.L.B (Advocate)

...3...
मई २१

as relief sought above in this application.

PM
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1/6
17

Date of Making application
January 9, 1986 at Lucknow.

(MAHESH) WORKMAN'S
Signature or his thumb
impression of the applicant

VERIFICATION

The applicant Mahesh, workman aged about years S/O Sri Shyam Ld R/O Sbhobha Publicity, Shahjahanpur Road, Lucknow does hereby solemnly declare that the statements made within the Para No. 1 of its Sub Paras I, II, III & IV 2, 3, 4, 5, & 6 of this application preceding paragraphs are true and correct to the best of his knowledge, belief and information and nothing concealed in it, so help me God.

This day, 9, month January, year 1987 at Lucknow
verified and signed over it.

Mahesh
Signature of persons
verifying this verification

Place : Lucknow

Dated January 9, 1987

महेश

Syed. Zahid Mahesh Karim
Official Enrolment
No. 1220 (Lucknow)

(28)

28

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPLE BENCH
NEW DELHI, ADMINISTRATIVE TRIBUNAL BENCH-ALLAHABAD-UTTAR PRADESH

I N D E X

<u>Name & Address of Applicant</u>	<u>In between parties</u>	<u>Name & address of Respondents</u>
Mahesh S/O Shyam Lal Ex-daily Paid Employee Office of Chief Commissioner Sobha Publicity, 9-Shahnajaf Road, Lucknow.	Vs.	Sri Saran Behari Public Relation Office To - Chief Commissioner (ADMN) Office of the Income Tax, Ashok Marg, Lucknow.

<u>Plants Serial No.</u>	<u>Serial No.</u>	<u>Particulars of plants containing page wise</u>	<u>Remarks</u>	<u>Page No.</u>
1	2	3	4	5

- 1) Evelope worth Rs. Registered A.D.
- 2) Bank Draft worth Rs.50/- No. ODV. 254704
date 23/2/87
Name of Bank payable Punjab National Bank online
at Allahabad.
- 3) Contents of plaints

Details of application of Applicant.

i) Particulars of the application of applicant.

- ii) Name of the Applicant : Mahesh
- iii) Name of the father : Shri Shyam Lal
- iv) Designation office in which employed : Office of Chief Commissioner, Income Tax Office, Lucknow.
- v) Office Address : -do-
- vi) Address for service of notice : -do-

2 - Particulars of the respondent

- i) Name & Designation of the respondant : Mr. Saran Behari, Public Relation Officer, Office of Chief Commissioner, Income Tax Office, Ashok Marg, Lucknow.
- ii) Office address of the Respondent : -do-
- iii) Address of service of all notices. : -do-

- 3 - Particulars of the order made : against which application is Patrawali Sankhaya Vevdha : (C.T.)/86-87/4606 dt.11.12.86.

The application is against - The order against which the following orders the application is made :-

- i) Order No. Patrawali Sankhaya Vividha (C.T.) 86-87/4606 dt. 11.12.86.
- ii) Date : December 11, 1986
- iii) Paned by : Mr. Saran Behari, Public Relation Officer, Income Tax Office, Lucknow.
- iv) Subject of relief : i) Re-instatement in service with substentive seniority and pay.

ii) Date adjornments Costs and damages etc.

- 4- Jurisdiction of the Tribunal : The applicant declares t at the matter of the order against which wants redress is within the Jurisdiction of the Administrative

High Court's decision dated Mar. 1, 1986
Mr. M. K. K. (Advocate)
21/2/87...2...

Tribunal.

5. Limitation on : The applicant further declares that the application is within the time limit Prescribed in Sec. 21 of the Administrative Tribunal Act. 1985.
6. Facts of the case : The facts of the case are given below (give concise statement of facts in a chronological order, such Paragraph containing as nearly as possible a separate issues facts or otherwise.

Mr. P.N. Cancel, Public Relation Officer
(17) *Character Certificate of P.R. Income Tax*
Sankhiaya Vividha (C.T.)/86-87/4606 dated December 11, 1986
the services were terminated

- ii) That the Section 2, A Industrial Dispute Act. 1947
" FIRST COME LAST GO " of 1974's Supreme Courts ruling,
iii) Section 25 S Ammended Act, 1976's Act. No.32 Ammended Act,
1976's Act. No. 32 Prior dispensing with applicant's services
must have taken written permission.
iv) That those completed '24' days regular service in any
estaolishment his services

Civil Writ Petition Nos. 4821 & 4817 of 1983 on dated
last August, 1985

J U D G E M E N T S

P.N.BHAWATI ... JUDGE A.N.SEN : Judge , Rule Nisi

7. Relief Sought : In view of the facts mention in para No.1 to 6
above the applicant most humbly prayes for following relief
(specially below mentioned relief sought) explaining the grounds fo
relief(s) and the legal provisions (if any) relief upon).

(i) The applicant should have treated in service of Income Tax
department (Govt. of India) since last March 11, 1986, vide letter
No. C.C. Estt/240/70 dated Dec. 6, 1982 as also annexed below
for ready reference.

(ii) The losses and damages, as well mental torchered be
allowed to the Petitioner applicant.

(iii) He should be allowed the arrears of salary from date
of his dis-engagements till taken back in service of Department.

(iv) He may be allowed costs of sought Adjournment any.

8. Interim Order : If prayed for pending final decision of this
application, the officials seeks issue of the following interim
order (Give here the nature of the Interim order prayed for reason
He should be taken back in the service at Income Tax Deptt. Ashok
Marg, Lucknow if not ready to take work from the Petition
Applicant they may be directed for regulat disbursement of wages
to the applicant till final disposal of this case in
this Tribunal.

9. Details of remedies exhausted :

The applicant further declares that he has avoided of
all the remedies available to him under the relevant service
rules (Give here chronologically the details of representations)

Syid Zohar Mehdi Kazmi
Advocate
M.A.L.L.B (Advocate)

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(i) Represented to the Mr. Saran Behari, Public Relation Officer, Office of the Chief Commissioner, Income Tax Office, Ashok Marg, Lucknow October 3, 1986 vide registered letter No. 1075 dt. 3.10.86 for whom responded" Services was dispensed with under services conditions of daily paid employees.

(ii) Again on dated January 9, 1987 approached to reconsider on reply dated December 11, 1986 but received no reply as yet.

10. Matter not pending with any other Court : The applicant declares that the matter regarding which this petition has filed is not pending in any other Court :-

11. Particulars of Bank-Draft/Postal Order : In respect of the Application Fee.

- i) Name of the Bank on which drawn. *Civil Line Allahabad*
- ii) Demand Draft No. *DDY-254704. Punjab National Bank Hazratganj Lucknow*
- iii) Name of Indian Postal Order (S)
- iv) Name of the Issuing Post Office.
- v) Date of Issuing Postal Order (s).
- vi) Post office at which payable.

12. Details of Index - To be annexed in duplicate containing the details of the documents to be relief upon is to be enclosed.

13. List of Enclosures. *10 Thirty Pages in all*
In VERIFICATION.

I, Mahesh aged about 26 S/O Sri Shyam Lal, resident of ~~Shobha~~ Shobha Publicity, 9-Shah Najaf Road, Lucknow do hereby verified that the contents of Para No. 1 to 13 are ~~xxx~~ true to the best of my personal knowledge and belief, and that I have not suppressed any (mater, material facts.).

SIGNATURE OF PETITIONER

महेश

(MAHESH)

PLACE *ALLAHABAD*
24/2/87

DATE OF MAKING APPLICATION

Kyl
Sd. Zafar Khan Khan
M. A. Khan

महेश

1987

AFFIDAVIT
No 53/979
HIGH COURT
ALLAHABAD

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1/2

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD.

COUNTER AFFIDAVIT

IN

REGISTRATION NO. 198 OF 1987

Mahesh Applicant

Versus

1. Sarnam Behari,

Public Relations Officer,

to the Chief Commissioner (Admin)

Income Tax , Ashok Marg, Lucknow.

.. .. Respondents.

*Recd Counter Party
28/11/87*

*ms
20/11/87*

Sh. AAS

[Signature]
High Court

20/11/87

Affidavit of

[Signature] K.K. MAHAJAN *[Signature]*

Sarnam Behari, aged about 34

years, son of Sri *[Signature]* KUNJ LAL *[Signature]*

[Signature] INCOME TAX OFFICER (P), (Public Relations)

[Signature] officer to the Chief

Commissioner (Admin) of the

Income Tax, Ashok Marg, Lucknow

- : DEPONENT : -

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I, the deponent named above, do hereby solemnly affirm and state as follows :

1. That the deponent is working as the ^{IN COME TAX OFFICER (H)} ~~(Public Relations)~~ Officer to the Chief Commissioner (Admin) of the Income Tax, Ashok Marg, Lucknow and has been authorised to look after the case and to file the present affidavit . He is as such fully acquainted with the facts of the case deposed to below :

2. That the deponent has read the contents of the above mentioned application and as such he is fully acquainted with the facts of the case deposed to below .

3. That the contents of paragraphs 1 to 5 of the application are matters of record and require no reply by means of this affidavit .

IN COME TAX

COMMISSIONER
INCOME TAX
LUCKNOW

As-3

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4. That in reply to the contents of paragraph 6 (i) of the application it is stated that the petitioner was given a chargesheet dated 9.11.84 on the basis of the complaint of Sri Ram Pher Chaukidar that the petitioner on 27.9.84 had changed the tier and tube of the Cycle of Afgar Ali, Income Tax Inspector which was kept in the office. He was asked to give his explanation within three days otherwise it will be deemed that there was nothing to ~~show~~ say. The allegation that it was a false case is absolutely wrong .

5. That the petitioner submitted his explanation on 13.11.84 As the petitioner was daily wager he was asked not to come to the office .

Handwritten signature
High Court
20/11/84

6. That the petitioner wrote a letter and asked for the reasons for

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not giving the work to him and he was informed that he was daily wagger . Terms and conditions were given in the appointment letter and for not taking the work from the petitioner it is not necessary to give reasons .

7. That the contents of paragraph 6(ii) of the application are not admitted. It is stated that if the petitioner thinks that he is a workman under Sec. 2-A of the Industrial Disputes Act, 1947 and the provisions of Industrial Disputes Act have been violated then he should file the case before the Labour Court or the Industrial Tribunal, as the case may be for getting the relief of Industrial Disputes Act and the Central Administrative Tribunal cannot grant the relief asked for under the provisions of the Industrial Disputes Act. The petitioner ~~has~~ has to approach the forum prescribed under the Industrial Disputes Act.

High Court

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8. That the contents of paragraph 6 (iii) of the application are not admitted. There was no necessity of seeking permission u/s 25 K & S of the Industrial Disputes Act.

9. That the contents of paragraph 6 (iv) of the application are not admitted. It is stated that the provisions of completion of 240 days continuous service in any establishment is defined under Sec. 2-G of the U.P. Industrial Disputes Act and the said provisions has been enacted only for the purposes of Section 6-N which lays down the conditions precedent to retrenchment of workmen and it says that no workman in any Industry who has been in continuous service for not less than one year under an employer shall be retrained by their employer " . and the continuous service has been defined in Sec. 2-G. of the U.P. Industrial Disputes Act.

Law
High Court, Allahabad
20/11/57

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It has been used for the sole purpose of payment of retrenchment compensation and not otherwise . It is no where written that if the workman worked 240 days his services cannot be terminated .

10. That the judgement of the Supreme Court quoted in the paragraph under reply is not applicable to the petitioner's case and is not distinguishable from the petitioner's case . The petitioner has quoted thoroughly the judgement of the Hon. Supreme Court and the same shall be suitably replied at the time of final hearing .

11. That with regard to the note appended to paragraph 6 (iv) of the application it is submitted that the applicant was appointed by the Commissioner of Income Tax and his

High Court

20/11/55

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services were also terminated by the Commissioner of Income Tax. It was only communicated by the Public Relations Officer.

The petitioner has maliciously made the deponent-Public Relations Office , as the sole party to the petition and no direction could be issued to the deponent as the deponent is not the appointing authority and his application is liable to be rejected on this ground alone .

12. That the contents of paragraph 7 of the application under the heading 'Relief Sought' are not admitted. It is stated that in view of the facts mentioned above the petitioner who was the daily wager was not given work when there was no necessity of work and the petitioner

Law
13th Court

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15. That the contents of paragraphs 10 to 13 of the application are matters of record and require no reply by means of this affidavit. However, it is submitted that the application filed by the petitioner is misconceived and is liable to be rejected with costs .

I, the deponent named above,

swear the contents of paragraphs here

here...1 and 2...here

here...here

of this affidavit are true to my personal

knowledge; that the contents of paragraphs

here...3 to 15...here

here...here

of this affidavit are based on record; that

the contents of paragraphs here...here

here...here

here...here of

this affidavit are based on legal advice

here

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which all I believe to be true; that nothing material has been concealed and no part of it is false.

So help me God.

Law DEUTERON
Deponent.

R.C. Yadav Clerk to Sri
I, Ashok Mohiley, Advocate, High

Court, Allahabad declare that the person making this affidavit and alleging himself to be Sri K.V. Mahajan ~~Sri Suresh Chandra~~ is the same person and is personally known to me.

Law R.C. Yadav
Advocate (Clerk) 13/10/87

Solemnly affirmed before me on this 13th day of October ~~August~~, 1987, at 10:30 a.m.^h a.m/p.m by the deponent who has been identified as above.

Law

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I have satisfied myself by
examining the deponent that he has fully
understood the contents of this affidavit.

Oath Commissioner.

law

law

53/979

13.10.87

QACHEBV

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A/53

In the Central Administrative Tribunal, Addl. Bench
Allahabad.

...

Registration No. of 1988.

Mahesh ...

..Petitioner

Versus.

Saran Behari ..

..Respondent

Written Note on behalf of the respondent

.....

That the applicant Sri Mahesh was appointed on daily wages in the office of Chief Commissioner of Income Tax, Lucknow. He was given a chargesheet dated 9.11.1984 on the basis of complaint of Sri Rampher, Chaukidar that on 27.10.84 he had changed the tyre and tubes of the Cycle of Sri Abrar Ali, Income Tax Inspector, which was kept in the office. He was asked to submit his explanation within three days otherwise it was mentioned that it will be presumed that he has nothing to say. The petitioner Mahesh submitted his explanation on 18.11.1984. His explanation was not found satisfactory and as he was a Daily Wager he was asked not to come to the Office. It was mentioned in appointment letter that his services can be terminated at any time without assigning any reason. The petitioner wrote a letter and asked for the reasons for termination of his services and he was informed

Copy has been sent to
the Petitioner.
26.8.88.

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Public Relation Officer Sri Saran that as he was a Daily Wager the terms and conditions were given in the appointment letter and for not taking any work from a daily wager like the petitioner it is not necessary to give reasons. It is submitted that the status of the petitioner was neither that of temporary Government servant nor that of quasi permanent in nature. His appointment was purely casual on daily wages when there was exigency of work he was employed on daily wages.

2. That para no.2 of the written argument filed by the petitioner alleges that he was not allowed duty since 29.9.1984 and the present petition was filed on 24.2.1987 before the Deputy Registrar. The order which the petitioner has challenged is that he was not allowed duty since 29.9.1984. He should have agitated the matter immediately thereafter.

3. That the application filed on 24.2.87 is time-barred and the petitioner cannot succeed and his application is liable to be rejected on that ground alone. It appears that the petitioner had made various representations but by making of various representations as held by the Hon'ble Supreme Court the limitation will not be saved and the petition is liable to be rejected. The Hon'ble Supreme Court

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in the case of State of Orissa Vs. Sri Arun Kumar Patnaik ,1976 S.C.,page-1639 has held that filing of representation could not justify the late filing of the petition. Similar is the view in 1976,S.C.,2617 and 1976,S.C. 470. The present petition,therefore, is barred by limitation and is liable to be rejected on this ground alone.

4. That reliance on Articles -309,310 and 311 of the Constitution of India is meaningless in the petitioner's case as he was not a civil servant nor was appointed to any post temporarily or substantially. He was a daily wager and was engaged for few days on account of exigency of service.

5. That in the petition ,the petitioner there has alleged that/~~he~~ was non-compliance of Section-25 K,N,S. of Industrial Disputes Act as no permission was taken under Section 25 K,N,S, of Industrial Disputes Act.

6. That it is submitted that if the petitioner thinks that he is a workman under Section of the Industrial Disputes Act ,1947 and the provisions of the Industrial Disputes Act have been violated then the petitioner should file his case before the Labour Court or the Industrial Tribunal as the case

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for getting the relief under the Industrial Disputes Act and the Central Administrative Tribunal cannot be a forum for the grant of the relief under that Chapter of the Industrial Disputes Act. It is also denied that the petitioner has completed 240 days of continuous service. He has not filed any documents in support of the said contention. The provisions of completion of 240 days of continuous service in any establishment is defined under Sec. 2-G of the U.P. Industrial Disputes Act and the said provisions has been enacted only for the purposes of Section -6 N of the U.P. Industrial Disputes Act which lays down the condition precedent to a retrenched workman and it says that no workman in any Industry who has been in continuous service for not less than one year under an employer shall be retrenched by the employer and the continuous service has been defined in Section 2-G of U.P. Industrial Disputes Act. It has been used for the sole purpose of payment of retrenchment compensation and not otherwise. It is nowhere written that if the workman had worked for 240 days his services cannot be terminated.

7. That it is further stated that the petitioner was appointed by the Commissioner of Income Tax and his services were also terminated by the Commissioner of Income tax. The said order was only communicated by the Public Relation Officer. The

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.5.

petitioner has made maliciously the Public Relation Officer Sri Saran Behari as the sole party to the petition and it is submitted that no direction could be issued to the Public Relation Officer as he is neither the Appointing Authority nor the dismissal authority nor any action has been taken by him. The petition is liable to be rejected on this ground alone. Even after the objection having been taken in para no.11 of the counter affidavit the petitioner did not get the petition amended. As such, no relief can be granted to the petitioner.

8. That it is submitted that the petitioner was a Daily Wager and was just like a contingent servant and is not governed by Article-311 of the Constitution of India. (See-1959, Tripura, page-21). (2) Case No 55 of 1986 OTC 1323 of 1983
Sri Khageshwar Nayak v Union of India, Decided on 31-10-86
By Cuttack Bench of C.A.T.

Aug. 26. 1988.
Dt. ~~July 21, 88~~

(ASHOK MOHILEY)
Counsel for the Respondent

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADMINISTRATIVE BRANCH,
ALLAHABAD

REGISTRATION CASE NO.: 198 OF 1987 Disposal Fixed For
IN 30th. June, 1987.

MAHASH. Ex-DAILY PAID EMPLOYEE BETWEEN CENTRAL BOARD DIRECT TAXES, CHIEF COMMISSIONER
INCOME TAX DEPARTMENT LUCKNOW..... (AMN) & SARAN BEHARI
Appli cant. PUBLIC RELATION OFFICER,
SHOBHA PUBLICITY, INCOME TAX, DEPTT.,
9. SHAHNAJAF ROAD, LUCKNOW. ASHOK MARG, LUCKNOW.....
RESPONDENTS.

EXPEDITATION APPLICATION OF ABOVE CASE UNDER GRAVE CIRCUMSTANCES

That the aggrieved applicant begs to state as
under for kind consideration of the Honble Tribunal on
the grounds state below :-

1) That vide 1974's Supreme Courts Ruling the Services
may be only dispense with even on economical basis "First
come Last go" Contrary to the above ruling of the Services of
Sr. one dispense with on sweet will of the Public Relation Officer
of Income Tax Department, Lucknow, specially in circumstances
while Junior's ~~stated~~ in service of Income Tax Department,
Ashok Marg, Lucknow.

2) That in Persuance to Article 14, 15 & 16 of the
Constitution no discrimination amongst other Daily Paid
employees and Applicant on personal likeness and dislikeness
is provided as Applicants case is before this Tribunal.

3) That vide letter no..... dated..... the
Respondents No. 1, stated grounds of dispensing with Applicants
services under any un-known, service's condition as nothing
likewise mentioned in letter no..... dated.....
the Commissioner, Income Tax Department, Lucknow.

4) That in persuance to the above, it is ~~apparent~~ ^{applicant} that
only the Commissioner, Income Tax Department is the
appointing authority, not Sri P.N. Kausal, as Public Relation
Officers to the Commissioner. Income Tax Department, Ashok
Marg, Lucknow only the services of applicant Abruptly, beside
being completed 240 days in a calendar year, and vide section
25, B, 25G-2(00) of Industrial Dispute Act, 1947 as well as
Article 226, Constitution of India. ^{breast regular without liberty of movement} The impugned services
dispense with of applicant is the action of contravention of
Act in this regard on part of Respondents No. 1, Concern.

After
Advocate

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5) That the Respondents are well in knowledge, ~~for~~ ^{filling} suit against ^{the} above Respondents services dispense with ~~and~~ action in this Tribunal and beside Being providing opportunities of 17.3.87, 4.5.87 and ^{event} this day nothing presented in this Tribunal in ^{their} own defences, which clearly shows that the Respondents have nothing to say in defence and all the alleged irregularities in respect of Applicants Services dispense with is admitted and thus under consideration of financial hardship this ^{Humble} Court now may proceed an ex-Parte's orders in this case in pursuance to the Pronounced Allahabad High Court, Lucknow Bench of Hon'ble Justice Mr. S.S. Ahmed and Hon'ble Justice Mr. B. Kumar in writ petition no. 6249 of 1983 decided on May 1, 1986. Naresh Chandra Srivastava and Scooter India Ltd, Lucknow and on others whose copy had already been filed in this tribunal in support of his ^{plaints} presented in Tribunal

6) That even to this deliberate avoidance of filling written statement from Sri ~~Saxena~~ Behari, Public Relation Officer, Income Tax Office, Lucknow, this tribunal is further providing opportunities for filling written statement in this case. This Tribunal may issue notices today on 12th. day of June, 1987 for filling written statement in any shorter date for evaluating merit of this case.

7) That under Section 151, ^{in this} CAC, Tribunal exercising its inherent Powers passed an Interim orders in this case directing the Respondents' concern to take the applicant on duty with immediate effect or arrange regular salaries payments till disposal of this case in the interest of Justice, if even to the present circumstances interim order not issued and the applicant could not get favour of this Court, leave him in a helpless circumstance and the applicant have to last life in starvation.

PRAYER

Therefore it is prayed this Honble Tribunal would take this case on 12th day of June, 1987 instead of June 30 1987 with favour of ex-Parte disposal of this case or favoured with Interim Courts order in this case in the Interest of Justice.

Dated Lucknow

The June , 1987.

Applicant

81291
(MAHASH)

VERIFICATION

I, Mahash aged about 6^{1/2} year, S/O Shayam Lal, Shobha Publicity, 9 Shahnajaf road, Lucknow do hereby verified and certified thst so ever stated in Paragraphs no.1,2,3,4,5,6,& 7 of this application is true to the best of my peřsonal knowledge and belief and the advises received from my counsel is believed to be true and correct to the best of my knowledge. No material has been concealed in this application, so God help me.

Dated Lucknow

the June 12, 1987

Deponent

(MAHASH)

Certified that the person alleged himself Mahash in this affidavit as Mahas has putup his signature before me.

(Syed Zafar Mehndi Kazmi)

Zafar Mahdi Kazmi

Advocate

M.A.L.L.D (Advocate)

High court, Allahabad's Lucknow Bench, Lucknow

I am satisfied by examining the dpeonent he

understands the contents of this affidavit. This day of 12 June, 1987, Lucknow the deponent taken oath before me at

hours.

at 10 pm

who is

clear

by

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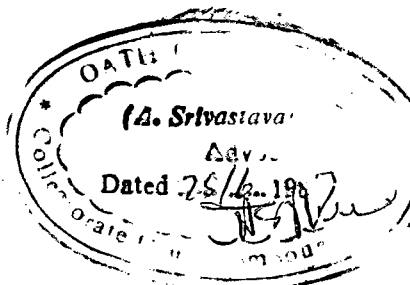
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OATH COMMISSIONER



25/6/87

[Signature]

A. Srivastava

Advocate

by

by

by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADMINISTRATIVE BRANCH
 Allahabad
 Case Registration No. 1987 of 1987
 MAHASH, & SHOBHA PUBLICITY,
 9, Shanajaf Road,
 Lucknow. Applicant.

Filed For May 25, 1987.
 SARAN BEHARI,
 PUBLIC RELATION OFFICER,
 Income Tax, Lucknow. U.P.

Specific Relief Act 1963's Section 4.

It is submitted for kind of Court's consideration as under:-

That ^{the} specific relief which a Suitor seeks to obtain from court for which court give him by enforcing against the other opposite party to a contract, the very objection which other party has undertaken the contract to fulfil.

(1) That the applicants appointing authority is ^{the} only the Commissioner, Income Tax Deptt. and not the Public Relation Officer, Income Tax Deptt. and termination of Applicant's services by any officer below than in rank of the Commissioner is beyond jurisdiction and bad in Law and defective and deserved to be quashed only on this ^{account}.

(2) That the applicant's Appointing Authority is ^{the} Commissioner of Income Tax, of the Central Board, Direct Taxes Deptt. ^{even} has not empowered to dispense with the services of the applicant from Daily Paid (Worker Employee's post of the Income Tax Deptt. having after completed a period of Two Hundred Forty Days (240 days) continuous in a calendar year, even in case of any ~~Economy~~ ^{financial} measure in the Income Tax Deptt. as in May 1, 1986 in the Writ Petition No. 6249 of 1983 - Naresh Chandra, Srivastava V/s Scooter India Ltd. in the High Court decided by the Lordship of Hon'ble Justice Mr. S.S. ~~Khanna~~ ^{Khanna} and Learned Hon'ble Justice Mr. B. Kumar of High Court of Judicature at Allahabad, of the Lucknow Bench Lucknow ^{stating} ~~is~~ beyond jurisdiction ^{of the Employer}.

That vide 1974 Supreme Court's ruling 1974 reads as 'First come last go' the applicant's services could not validly be dispensed with by the Public Relations Officer Sri P. N. Kansal with effect from ²⁹⁻⁵⁻1984 whereas Junior to the applicant, S/Sri ~~Kansal~~ ^{Pratap} ~~Pratap~~ ^{Trivani} ~~Trivani~~ ^{others} are still retained in the service of the Central Board of Direct Taxes as Income Tax Deptt., Lucknow ^{by not} ~~with~~ maintaining formalities of remedies available for the Govt. servants under Article 309, 310 & 311 of the Constitution of India ^{removed} ~~one-side~~, on the other side in ~~Pursuance~~ ⁱⁿ to Article 14 & 15 of constitution similar treatment must have done in the service matters with the ~~Minorities~~ ^{Minorities} of the country, whereas the applicant belongs to Harijan's communities, on the third hand Sri P. N. Kansal, Public Relation Officer of the Commissioner, Income Tax, Ashok Marg, Lucknow is/was not the applicant appointing

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authority of the applicant, in such a way by passing order with abruptly ^{termination} by the Public Relation Officer on 29-9-1984 is beyond ^{powers} his jurisdiction and misuse of powers exercised by Appointing authorities powers which is defective and ^{in law} deserved to be quashed only on this record by the Central Administrative Tribunal Administrative Branch, Allahabad in Court No. 1 either on dated 17th day of March 1987 or 4th day of May 1987 fixed date of trying the dispute under question in the interest of Justice ^{quashed} which the Applicant could not so far receive favour of this Hon'ble Tribunal ^{as per to this day}.

3) That on receipt of memorandum dated 31st October of 1986 from Applicant letter ref. No. N. 1. 1. 1. dated December, 11, 1986 Sri Saran Behari, the present Public Relation Officer, Central Board of Direct Taxes, Income Tax Office, Lucknow had intimated the reasons of abruptly dispensing with Applicants Services under his Service conditions where as nothing mentioned in the appointment letter No. ~~11~~ 24/70 Appointed by the Commissioner, Income Tax, Lucknow, as such the impugned services dispense with action is defective one and bad in law and deserved to be quashed by the Tribunal in the interest of Justice.

4) That since the opposite party concern is still ^{in this case} not/mis to file defensive written statement from the opposite party in the case following the Central Administrative Tribunal's dated 17th day of March, 1987 latest by 4th day of May, 1987 failing its ^{due} submission, it is presumed as the opposite party concern ^{has} nothing to say in defence in this case and with ⁱⁿ Interest of Justice on 4th day of May, 1987, This tribunal proceed as an ex parte's orders on 4th day of May, 1987 and decided it finally specially while on receipt of Under section 15(1) CPCs, 908 ^{15(1) CPCs, 908} ^{make an} application from Applicant on dated ¹¹ 4th day of May, 1987 & 4.5.87 and lacking its consideration in Tribunal, put the applicant in a helpless position daggering him at stage of starvation in such a ⁱⁿ circumstances.

5) That the applicant is residing at Lucknow and this Tribunal is situated at Allahabad and for appearance in this Tribunal fixed dates he has to bear expense of his own Journey and counsel Mr. S. Z. M. Kazmi, Advocate, whose vakalatnama has already been filed on dated ^{25/10/87} 25/10/87 is over burdened him in such a stage which is beyond his means and become debit now.

BELIEF

This Hon'ble Tribunal either to decide this case on 25.5.87's fixed date of this case or to compensated involved losses of the applicant, for ^{concerning} journey involved losses of the appl ^{7/2/87}

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PRAYER

Wherefore it is most humbly prayed considering the present circumstance either to decide this case on 25.5.87 on under section 151, CPC, ^Afavoured with Courts INTERIM ORDER, directing the oposite party to allow the applicant either to take ^{him} work in Income Tax Deptt., Lko or to arrang^e regular wages payments since date of filing the application till not this case finally decided in this tribunal.

महेश

(MAHASH)

VERIFICATION

I, Mahesh Ex-daily paid employee of Income Tax Deptt., Lucknow, aged about 27 years, S/O Sri Shyam Lal, Shobha B Publicity, Shahnajaf road, Lucknow swearing in this application certifying whatsoever stated in this application consisting from paragraph nos. 2, 3, 4 & 5 of this application is true and correct to the best of his knowledge and belief. That no material has been ^{concealed} considered in it, so God help me.

Identifical ^{by} the above named deponent, has put his signature before me at Lucknow the day of May _____ 1987.

महेश

(DEPONENT)

महेश

S. Z. M. KAZMI

Advocate
Civil Court, Lko.

Sy^d Far Mehdi Kazmi
MAHESH KAZMI

प्रमाणित / 3160 नमः

प्रमाणित / नमः नमः प्रमाणित / नमः

15/1/1986

प्रमाणित / नमः नमः प्रमाणित / नमः

प्रमाणित / नमः नमः प्रमाणित / नमः

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प्रमाणित / नमः नमः प्रमाणित / नमः

(10)

भारत सरकार
जायसिख मुख्यालय, जालंधर
राज्य सरकार, जालंधर

(12)

दिनांक: _____

✓

प्रमाणित किया जाता है कि श्री गुरिष चंद श्री चतुर्गुप्त ने
सम जायसिख में दिनांक: 11-3-1980 से 28-9-84 तक निवास करने में
वाटरमैन के तद पर रुपये 12/- प्रतिदिन की दर से कार्य किया।
रस वरविधि में राजा गुरुदेवदेव चतुर्गुप्त ।

Witness
Chand

Signature of the
Witness

Sharma 19/9/85

जायसिख मुख्यालय, जालंधर
राज्य सरकार, जालंधर

(11)

REGISTERED

A7
9

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ADMINISTRATIVE BRANCH 23, THIRNHIL
ROAD : ALLAHABAD

K
26

148/87

FIXED FOR P.S.W./SCN 4.5.87

MAHESH

VERSUS

SRI SARAN BEHARI,
PUBLIC RELATION OFFICER,
INCOME TAX OFFICE,
LUCKNOW

SUB : I. CRAFT FOR COURT'S STAY ORDER TILL CASES
DISPOSAL

OR

II. EX PETITION OF CASE ON 4-5-87

It is most humbly submitted for kind perusal
that the applicant has no means of his earning since
he is kept out of employment.

That under humanitarian grounds the applicant
deserve for Courts Interim order to allow him
to work till his case is not decided in this Hon'ble
Tribunal even on 17.3.87. on 4.5.87

That if in case it is not possible in this case
and if even on the fixed date the written statement
of the opposite party is not received even 4.5.87 in
such a circumstance this Hon'ble Tribunal may decided
on 4.5.87, considering as the opposite party ^{Conceded} can even
has nothing to say in defence.

Submitted for orders,

Applicant

5/2/87

(MAHESH)

Dated : 5/2/1987

- encl: 1. Vakalatnama
2. Duplicate O.Ps. co y.

Syed. Zafar Mehdi Kazmi
M.A.L.L.B (Advocate)

5/2/87

संग्रह श्री जयशंकर जी गीतसरार सैमिन्ड्रेटिव ट्रैक्कल इलाहाबाद
 रीजिस्ट्रार नम्वर 198 वर 1987 सुनवाई की तिथि 4 मई 1987
 गैरेश वेत्तन भोगी --- वदी श्री सखी बिहारी --- प्रतिवादी

जनसमर्थक अधिकारी
 चीफ कमिशनर प्रशासन
 आगकर विभाग
 उद्योग भाग लखनऊ

उपरोक्त सत्यापित वाद आपके समक्ष मजबूर होने हेतु सुनवाई में आया हुआ है कि विषय में कुछ निम्नवत प्रस्तुत करता हूँ।

(1) यह कि प्रतिवादी द्वारा जर्जी की नियुक्ति नहीं की गई थी। अतः जर्जी की सेवाएँ सिवाय अप्रकार आयुक्त मोहय्य आगकर विभाग को विद्विष्य रूप में नीहित नहीं है नियुक्ति पत्र संलग्न है।

(2) यह कि 240 दिन सेवा कर्षाधि एवं कर चुकाने पर किसी सेवा बर्तनुसार किसी भी सेवा योजना नियुक्त अधिकारी को अधिकार नहीं है। अतः जो सेवा समाप्ति कारण जवाब देते हुए प्रतिवादी ने अपने पत्र में --- किंग को नहीं मान्य नहीं है। इसके अतिरिक्त श्री नरेशचन्द्र श्रीवास्तव बनाम

सुप्रीम कोर्ट इटिडा लखनऊ के निर्णय रिट्स --- में मई 1, 1986 में सेमिकेन न्यायाधिति श्री यू. बी. श्रीवास्तव एवं मजनीय श्री न्यायाधिति श्री उच्च न्यायालय इलाहाबाद न्यायापीठ लखनऊ ने आदेश पारित करते हुए निर्देशित कर रखा है जो कर्मचारी 240 दिन सेवा पूर्ण कर

जा सकती है। कि सेवाएँ किसी सेवा धर्ती ने लिखित बर्तनुसार भी नहीं की जा सकती। यह कि नियुक्ति पत्र का भी माल जो स्वयं कर्मचारी को जिससे स्पष्ट है कि जर्जी ने नियुक्ति पत्र में कोई भी ऐसी बात उल्लेख नहीं की थी। जिसके आधार पर मजनीय न्यायालय श्री सखीबिहारी व बात को सत्य मानते हुए जर्जी को सेवाएँ विद्विष्य समाप्त मान ले।

(3) यह कि वर्तमान तिथि 4/5/87 की वाद सुनवाई की सूचना प्रतिवादी को भी है। परन्तु प्रतिवादी इस न्यायालय के समक्ष जवाब देने में अपने को असमर्थ पाते हुए जानबूझ कर उपस्थित नहीं हुआ और न ही आचार्य पक्ष में कोई लिखित ध्यान ही आजतक की सुनवाई हेतु 4/5/87 को प्रस्तुत किया। जिससे स्पष्ट है कि अपने क्वाय पक्ष में कुछ भी कहना प्रतिवादी को शेष नहीं है। ऐसे में न्यायालय अपने विद्विष्य धारा 5। सी पी सी न्यायालय को अवैतनिक शक्ति या (अवैतनिक) अधिकार प्राप्त का प्रयोग करते हुए एक पक्षी इस वाद में पारित करने जर्जी को सेवा में रखे जाने का आदेश पारित करने का अधिकार प्रयोग सकते हैं।

मई 21



Aligarh

(4) यह कि यदि किसी कारण वश स्कूल बंद हो जाए तो अंतर्गत अधिकाधिक धारित कर परिवार को धारा 151 के अंतर्गत निर्धारित कर देना है कि जब तक इस बात से जब तक कोई अंतर्गत अधिकाधिक धारित न हो कार्य करते रहे। यदि कार्य न हो तो वेतन भुगतान करते रहे। क्योंकि पार्थी परिवार वाला स्कूल निर्धारित हरिजन समुदाय का सदस्य है। इसके पास अपने तथा अपने परिवार के भरण-पोषण का कोई साधन नहीं है। यह कि पार्थी ने गजिस्टर्ड डॉक में पार्थी का किंगडम 25/3/87 को कालांतर नामा स्कूल उच्च पार्थी का भेजा था किन्तु साब नहीं कि व्यायालय में इस पर क्या निर्णय लिया गया तथा कौल महोदय का लिस्ट न नाम क्यों नहीं अंतर्गत किया गया।

(5) यह कि यदि व्यायालय कोई उच्च विधि निर्धारित करता है तो वह 25 जून 1987 रहे। ताकि कौल साहब रोजों के बाद स्वयं उपस्थित हो सकें।

अनुशेष

(क) जब तक अन्तिम निर्णय न हो लेवे विभाग से कार्य पर लेकर वेतन का नियमित भुगतान करते रहे।

(ख) बाद समीक्षा करके अगली तिथि जून 23/1987 निर्धारित करने की जगह करें।

सत्यापन

मे महेश (पब्लिक वेतन बोर्ड) के अधिकारी भूतपूर्व आयु 25 पुत्र श्री श्याम लाल निवासी श्री आ पटेल का सिंह 9 ग्राह नालफ रोड लखनऊ सत्यापित करता है कि पैरा स्कूल से पांच तक अंतर्गत पार्थी का मे जो कुछ कहा है उसे ज्ञान एवं विश्वास में सत्य है। अतः आज किंगडम 4/5/87 को सत्यापन कर इलाहाबाद में व्यायालय में प्रेषित कर रहा है।


 Syed. Zafer Mehdi Kazmi
 M.A.L.S (Advocate)

महेश
 महेश

महेश

प्रेषक,

महेश पुत्र श्री श्यामलाल,
शांभा पब्लिकसिटी,
9, शाहनजफ रोड,
लखनऊ ।

दिनांक: जुलाई 1, 1987 लखनऊ
निदेशक, अनुसूचित जाति एवं अनुसूचित
जनजाति कम्प्यूटर अलीगंज, लखनऊ

विषय:- अनाधिकृत दैनिक वेतन भोगी कर्मचारी पद से दिनांक 29-9-1984
से सेवा निष्कासन ।

संदर्भ:- पत्रांक संख्या विविध सी.आई.टी. 1986-87 दिनांक 11-12-86

मान्यवर महोदय,

आपका ध्यान श्री सरन बिहारी जन सम्पर्क अधिकारी मुख्य आयुक्त
(प्रशासन) आयकर विभाग, लखनऊ द्वारा आपके उपरोक्त गतिविधि पत्र द्वारा
आवेदक द्वारा पूछताछ पर उत्तर दिया गया कि उसकी सेवाएं दैनिक वेतनभोगी
पद से सेवा सत्रों के अन्तर्गत समाप्त की गई है ।

1- धारा 25 बी, 25एफ-2 डब्ल्यू औद्योगिक विवाद अधिनियम के
प्रतिपालनार्थ जिन कर्मचारियों ने किसी पद पर किसी भी विभाग में "240" प्र.
सेवा पर 01 है । जिससे 01 सेवा सत्रों के कालांतर "अनियमित अनियमित" के
सेवा सेवारत होते हुए सर्वोच्च न्यायालय, नई दिल्ली की पीठ द्वारा
1974 में निर्णय पारित हुआ था "फ्रस्ट कम लास्ट गो" के विपरीत भी दिनांक
29-9-84 से श्री सरन बिहारी, जनसम्पर्क अधिकारी, कार्यालय आयकर आयुक्त
लखनऊ में बिना कोई कारण किसी मेमो दिये एकाएक दैनिक वेतन भोगी पद से
सेवा समाप्त कर दी । जब कि आयकर विभाग में कोई आर्थिक संकट भी उत्पन्न
नहीं हुआ था ।

2- दूसरी बात जो अनियमित ज्ञात करानी है कि श्री ए० के० जोह
आयकर अधिकारी मुख्यालय प्रशासन कार्यालय आयकर आयुक्त भारत सरकार के
पत्रांक संख्या सी०-स०-स्थापना/240/70, दिनांक 6-12-82 के द्वारा सूचित
गया कि उसे 11-3-80 से अनियमित दैनिक वेतन भोगी पद से नियमित दैनिक
वेतन भोगी के पद पर आयकर आयुक्त महोदय द्वारा किया गया । इससे स्पष्ट
कि दिनांक 29-9-84 को श्री पी०एन० कन्सल, जनसम्पर्क अधिकारी द्वारा
आयकर महोदय के अधिकारों का प्रयोग करते हुए सेवाएं अकारण समाप्त कर
अधिकारों का दुरुपयोग किया गया । यदि आयकर महोदय द्वारा 29-9-84
सेवाएं समाप्त की जाती तो धारा 25 एस, 25 एफ औद्योगिक विभाग अधि
1947 संशोधित एक्ट 1976 का प्रतिपालन करते हुए "श्रम विभाग शासन" द्वा
सेवा समाप्त 3 माह पूर्व अनुमति प्राप्त किया जाना आवश्यक है जिसका इस
मामले में कन्ट्रोवर्शन हुआ है

1321
Attested
30/11/87
Advocate

3- यदि भारतीय वैधानिक विधि 309, 310 के प्रतिपादना के सम्पूर्ण सफाई देते हुए "कोई भी शर्त" अनुशासनिक कार्यवाही में बचाव प्रत्यावेदन, स्पष्टीकरण को असंतोषि सिद्ध कर दिया गया हो तो "सेवा शर्त" समाप्ति कार्यवाही वैधानिक अन्यथा अनियमित होगी ।

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4- श्री पी० एन० कन्सल, उक्त समय जनसम्पर्क अधिकारी, आयकर आयुक्त [भारत सरकार] अशोक मार्ग, लखनऊ ने जो अपने पत्रांक संख्या शून्य दिनांक 9-11-84 से, आरोपित करने की चेष्टा सेवा समाप्ति बहाना बनाकर अपनी सेवा शर्त समाप्ति को विधिवत कार्यवाही सिद्ध करने का प्रयत्न किया है। वह सिद्ध नहीं हो पाती । अतः इस अकारण समाप्ति में अनुच्छेद 14.15 पारित वैधानिक विधि का कान्द्रावेनशन "असमान व्यवहार" सेवा में करते हुए एक हरिजन अभ्यार्थी द्वारा कर उसे फाँकी मरने के कगार पर अकारण डाल रखा है ।

5- यह कि वर्तमान जनसम्पर्क अधिकारी से सचरित्रता प्रमाण पत्र दिनांक 13-9-85 द्वारा कार्य एवं दिनांक 11-3-80 से 28-9-84 तक सुंशील आचरण का अपन स्पष्ट करता है कि पूर्व कार्यरत जनसम्पर्क अधिकारी ने जो अपने उपरोक्त सन्दर्भित दिनांक "मेमो" से लगाया है वह मिथ्यापूर्ण असत्य है । केवल सेवा से पृथक् दिये जाने का बहाना है ।

6- यह कि सेवा समाप्ति कारण ज्ञात करने हेतु स्वयं मान्यवर महोदय, आयकर विभाग को दो अर्धशासकीय पत्र भेज चुके हैं । इसे अतिरिक्त माननीय सैन्ट्रल एडमिनिस्ट्रेटिव ट्रिब्यूनल एडमिनिस्ट्रेटिव 23 थारनहिल के वाइस चेयरमैन दिनांक मार्च, 17, 1987 से नोटिस भेजकर आदेशित किया था कि मई, 4, 1987 को न्यायालय - 1 में दो प्रतियाँ अपने बचाव पक्ष में जो कुछ भी कहना चाहते हों प्रस्तुत कर दें । परन्तु यह आवेदक का दिमाग है कि आपके निदेशों का तथा माननीय न्यायालय के आदेशों की अवहेलना करते हुए आई.पी.सी. धारा 228, रत होते हुए उत्तर नहीं दिया जा रहा है ।

7- इस बार प्रार्थनीय है कि श्रीमान जी माननीय वाइस चेयरमैन, सैन्ट्रल एडमिनिस्ट्रेटिव ट्रिब्यूनल एडमिनिस्ट्रेटिव ब्रांच इलाहाबाद को अपने पत्र द्वारा लिखने का कष्ट करेंगे कि यदि अगिम 30-7-87 को न्यायालय निर्धारित तिथि तक प्रतिवादी गण अपना बचाव लिखित बयान प्रस्तुत नहीं करते तो बाद में एक पक्षी [नामपक्षी] यह मानते हुए सम्पन्न कर दी जाए कि प्रतिवादी गण पर लगाए गये उपरोक्त आरोप सत्य हैं और उसे अपने बचाव में कुछ कहना शोब नहीं है और न्यायमूर्ति श्री ए० एन० सेन, श्री पी० एन० भावती उच्चतम न्यायालय नई दिल्ली के तथा रिट 4821 एवं 4817 वर्ष, 1983 में न पारित आदेश 31 अगस्त, 1985 एवं

21321

उच्च न्यायालय इलाहाबाद, लखनऊ पीठ लखनऊ द्वारा दिनांक मई, 1, 1986 की रिट संख्या 6259 वर्ष 1983 न्यायमूर्ति गण ने श्री एस0 समीर अहमद एवं श्री बी0 कुमार द्वारा दिये गये कि राय के अनुसार इस वाद संख्या 198 वर्ष, 1987 में निर्णय पारित किये जाने का कष्ट करें अथवा अपने द्वारा अधिकृत जिस पदाधिकारी को सर्व श्री सरन बिहारी जनसम्पर्क अधिकारी, श्री एस0पी0 सिंह, मुख्य आयकर आयुक्त प्रशासन मुख्यालय प्रशासन अथवा वर्तमान मुख्य आयकर आयुक्त प्रशासन ।

8- अशोक मार्ग आयकर विभाग, भारत सरकार, लखनऊ को वांछित प्रश्नों पर बयान कलमबन्द करते हुए उनके उसपर हस्ताक्षर कराते हुए जो भी आप अपने स्तर से कार्यवाही किया जाना उचित समझें करें तथा अपने द्वारा प्रति हस्त- प्रति माननीय न्यायमूर्ति एवं वाईस्र चैयरमैन श्री जहीर हसन साहेब को अपनी संस्तुति सहित भेजे जाने की कृपा करें ।

9- चूंकि प्रार्थी की दैनिक आर्थिक स्थिति अन्तर्गत वर्तमान स्थिति अकारण एडजोनर्ड बराबर तिथियों में अपने वकील को लेकर पहुंचना संभव नहीं है। प्रार्थी को लौक्य उधार लेकर ऐसा करना पड़ता है किन्तु प्रतिवादी तो भारत सरकार राजस्व का अकारण ही दुरपयोग कर रहा है उसके लिए ऐसी स्थिति में कम परेशानी होती होगी ।

आशा है कि इस याचिका पर पुनः सहानुभूतिपूर्व श्रीमान जी स्वयं बाद स्थिति को ध्यान में रखते हुए विधिवत कार्यवाही अखिशीघ्र करने की कृपा करेंगे ।

प्रार्थी आप द्वारा इस अति कृपा के लिए सदैव आभारी रहेगा।

भवदीय

सत्यापन्न

मैं महेश आयु 26 वर्ष पुत्र श्री श्यामलाल निवासी शोभा पब्लिशिंग 9 शाहनजफ रोड, लखनऊ 22600। अनुच्छेद 1,2,3,4,5,6,7,8 एवं 9 में उपरोक्त वर्णित बयान को सत्यापन्न करते हुए श्रमपूर्वक ईश्वर को साक्षी मानते हुए सत्यापित कर रहा हूँ कि इस याचिका में उपरोक्त अनुच्छेदों में मेरे द्वारा जो कुछ भी कहा गया है मेरे ज्ञान विश्वास में सत्य है । सत्य सिवा और कुछ नहीं है । अतः ईश्वर मेरी सहायता करें ।

स्थान- लखनऊ

दिनांक: जुलाई, 1987

व्यक्ति सत्यापनकर्ता

महेश
महेश

12/15
REGISTERED

Filed
m
4/11/87

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

REGISTRATION CASE NO. 198 of 1987

HEARING FIXED FOR
2.11.87

IN BETWEEN

MAHASH.EX.DAILY WAGES EMPLOYEE
SHOBHA PUBLICITY, SHAHNAJAF ROAD
LUCKNOW. .. PLAINTIFF. VERSUS

SARAN BEHARI, PUBLIC
RELATION OFFICER
CHIEF COMMISSIONER (ADMN)
COMMISSIONER INCOME TAX
LUCKNOW. .. RESPONDENT

To,

The Hon'ble Mr. Jagdish Chandra,
Deputy Registrar (Judicial)
Central Administrative Tribunal,
Allahabad.

Sub: Request for fixation of final hearing for 4.11.1987
in Court No. 0.2

Ref: Vice-Chairman's order dated 15.9.87 in open court
for hearing.

Sir,

Find herewith the copy of Re-joinder in reply of
the written statements' counter affidavit of 13.8.87
tendered on October, 20, 1987 to applicants counsel at
Allahabad contempering Vice-chairman's order dated 15.9.87
for positive tenderance latest by 18.9.87 through

Registered post to applicant's counsel address.
It is prayed that final hearing be fixed on 3-12-87.

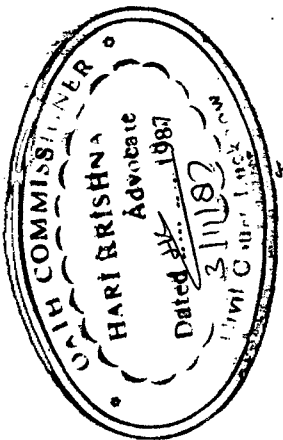
However by getting Respondant's acknowledgement and
sending its copy to Ashok Mohala, Respondent's counsel at
Allahabad under Registered cover ^{in person} in view to provide him
opportunity to prepare for arguments in this case on
4.11.87 and to participate on 3.12.87 hearing in this
case.

That on 20.10.87, on the receipt ¹⁵ counter at
Allahabad, plaintiff's counsel had already submitted a
request for fixing 4.11.87 instead of 2.11.87 for hearing
and your P.A. Sri Mazumdar had assured for the same.

WHEREFORE it is prayed may kindly fix 4.11.87's
date for final hearing in this case keeping financial

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+ Recd copy
R.C. Jha
Clerk to
Sri Ashok Mohala
Advocate
4/11/87

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losses of plaintiff in the interest of justice.

Submitted for orders.

X/17

Enclosure : two copy of Rejoinder.

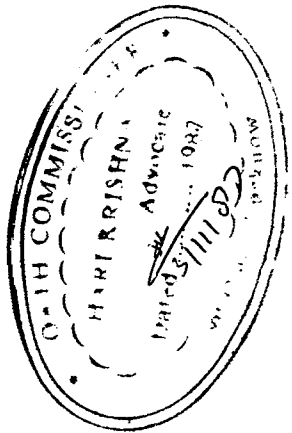
PLAINTIFF.

DATED: LUCKNOW.

महेश

THE .4.11.1987.

(MAHASH)



(A7/18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
REGISTRATION CASE NO. : 198 OF 1987 HEARING FIXED FOR
2.11.87

IN BETWEEN

MAHASH

VS.

S. BEHARI PRO

COUNTER OF W/S

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	Presenting Officer	10	24
	Labour court Kanpur.		

NRB:- Enclosures of documents are attached well in Advance in
original Plans of the Plaintiff dated 24-2-1987

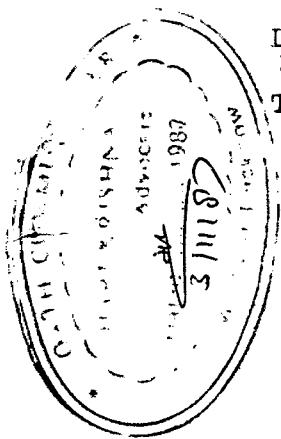
DATED: LUCKNOW

THE 3.11.1987

PLAINTIFF

महेश

(MAHASH)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADMINISTRATIVE BRANCH
ALLAHABAD.

IN BETWEEN

MAHASH (EX. DAILY WAGES EMPLOYEE)
SHOBHA PUBLICITY, 9, SHAHNAJAF
ROAD, LUCKNOW.

COMPLAINANT.

K.K. MAHAJAN, PUBLIC RELATION
OFFICER TO CHIEF COMMISSIONER
(ADMN.) INCOME TAX, ASHOKMARG
LUCKNOW..... ACCUSED

COMPLAINANT U/S 193 Cr.C.P., 195/340 I.P.C. & 228 I.P.C's.
Cognizance.

AFFIDAVIT

I, Mahesh, the deponent aged about 26 years s/o Sri Sheyam
R/o Shobha Publicity, 9, Shahnajaf Road Lucknow.

महेश
(Mahesh)
Deponent.

I, the deponent Mahesh is the sole petitioner/complainant in this case do hereby solemnly affirm and state as follows:

1. That on 29th day of Sept. 1984, the complainants services were removed without serving an Memo for the same and he was ~~FORCEABLY KEPT-OUT OF EMPLOYMENT~~, contravening 39(D) 14, 15, 16 & 38 of Constitution under Partial Treatment rendered on sweet will of the Employees of Income Tax Department contrary to the Principle of "Equal Treatments in service matter as provided in the constitution of India and he himself looking after this case and file the Present Affidavit complaint in this case. He is as such fully acquainted with the facts deposed below:

2. That Sri K.K. Mahajan, Public Relation to the Chief Commissioner (Admn.) (H/O) Commissioner, Income Tax Lucknow deliberately submitted false written statement through affidavit dated 13.8.87 in case No. 198 of 1987 in paragraph no. 11 of Counter Affidavit thus the ~~perjury offence~~ offence u/s 193 Cr.C.P. provided to take actions against offender concern in this case.

3. That the Vice-chairman, Central Administrative Tribunal Administrative Branch, Allahabad, on fixed hearing date of 15.9.87 directed to the Respondent's concern to sent his Counter in case no. 198/87 through Registered post to the Complaints Counsel's address latest by 18.9.1987 and since N.B.Singh, Senior Standing Counsel of Respondent represented the respondent on behalf of Sri Ashok Mohala, Advocate, assured the court to sent counter on the following date, but contempting Public servant lawfull Authority's order not tendered said cases counter till before October 20, 1987 in Tribunal at Allahabad. This action of respondent is deemed to have been contempt of the Vice-chairman's order dated 15.9.87 and cognizable u/s 228 I.P.C. and this Tribunal has competent

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jurisdiction vide its act 1985 to take actions against respondent in this offence.

4. That in pursuance to High Courts Ruling in writ Petition No. 7098 of 1986, Sheo Nath Singh V/s U.P.S.R.T.C. Terahi Kothi Lucknow and Depot Manager, U.P.S.R.T.C., Sitapur read as under:

"It will open to the opposite parties to take work from the petitioners or not. However shall make payment of pay as received no favour from the Central Tribunal as yet."

5. That since the Respondent under Tribunal Act 1985 w.e.f. 17.3.87 following instructions of filing counter within one month failed to file its counter prior before 20.10.87 and taken adjournments for un-called reasons w.e.f. 4.5.87, 25.5.87 30.6.87, 30.7.87 and 15.9.87 under provision of section 35 code of Civil Procedure 1908, is entitle to receive payment of cost for each adjournment @ Rs. 500/- under section 32 Civil Procedure code 1908 and on presentation of this application may legally receive favour of costs payments orders in this case in the interest of justice from this court on 4.11.87.

VERIFICATION

I, the deponent named above swear that the contents of this complaint's paragraph No. 1,2,3 is basing under the law provisions admissible in such cases paragraph No. 4 of this Affidavit is basing on 1986's High Court of Judicature at Allahabad's (Lucknow Bench) Lucknow's order dated 30.10.86 and paragraph no 5 of this Affidavit is based upon the costs payment under Civil Procedure Code 1908 and is based on legal Advice which all I believe to be true that nothing material which all I believe to be true that nothing material has been concealed and no part of it is false. so help me God.

This day of month of years 1987 at hours at Lucknow verified and signed on this Affidavit.

(MAHASH)
Deponent.

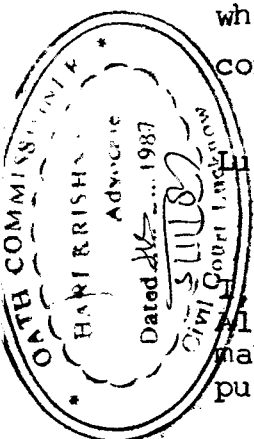
Syed Zafar Mehdi Kazmi, Advocate, High Court of Judicature at Allahabad (Lucknow Bench) Lucknow declared that the person making this Affidavit and alleging himself to Sri Mahash has put up his signature on this Affidavit in my presence.

(Syed Zafar Mehdi Kazmi)
Advocate.

Solemnly affirmed before me on this 3rd day Tuesday of November month year 1987 at 2.40 hours by the deponent who has been identified as above.

I have satisfied myself by examining the deponent that he has fully understood the contents of this Affidavit.

HARI KISHAN
OATH COMMISSIONER
No. 467



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In THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADMINISTRATIVE BRANCH
ALLAHABAD.

IN BETWEEN

MAHASH (RESPONDENTS DAILY WAGES
EMPLOYEE) VERSUS
(INCOME TAX OFFICE LUCKNOW)
SHOBHA PUBLICITY, 9 SHAHNAJAF
ROAD LUCKNOW PLAINTIFF.

SARAN BEHARI, PUBLIC RELATION OFFICER, CHIEF
COMMISSIONER (ADMIN) COMMISSIONER, INCOME TAX DEPARTMENT
LUCKNOW. ... RESPONDENT.

REGISTRATION CASE NO. 1980 of 1987
FIXED FOR 4.11.1987.

LUCKNOW DISTRICT SUITS ORIGINAL JURISDICTION C.T.A. ALLAHABAD
REJOINDER COUNTER AFFIDAVIT OF TENDERED 20.10.87 WRITTEN STATEMENT.

Affidavit of Mahash, aged about 26 years son of Sri Sheyam
R/o Shobha Publicity, 9, Shah Najaf Road, 226001 Lucknow.

महेश
(MAHASH)
DEPONENT

I, Mahash, the deponent named above do hereby solemnly
affirm on oath and state as under :-

That, I am the sole plaintiff in Registration Case No. 198
of 1987 looking after this case on own behalf and as such I am
acquainted with the facts deposed below:

1. That I have read the counter written statements Affidavit
which was served on 20th day of October, 1987 at Central Tribunal
Allahabad through clerk of Mr. Ashok Mohala, Respondent's Counsel
instead of Sept. 18, 1987, contempting dated Sept. 15, Vice-
Chairman's order by respondent and filing Rejoinder Counter's
Affidavit on own behalf in reply to counter affidavit dated
August 13, 1987 of Respondent, which is far from the factum of
case in reply of plaints contents dated 24.2.87.

2. That para no. 1, 2 and 3 of counter affidavit's written
statement needs no comment, being not disputed.

3. That the contents of paragraph no. 4 written statement of
Respondent is mis-conceived are not admitted and denied with the
clear clarification, there is/was no first information under
section 379 Cr. C.P. lodge against alleged theft in respect of
allegation for changing of Tyre Tube of Cycle of Sri Abrar Ali,
Income Tax Inspector of Commissioner, Income Tax, Lucknow in
Hazratganj Kotwali, Lucknow on 27th Sept 1984 and stolen provisions
not recovered from the possession of plaintiff under section
Cr. C.P. 411, as such it carry no force in eyes of law and
deemed an false allegation because the proposed thefts allegation
as alleged in memo of November 9, 1984 issued under signature
of Sri P.N. Kausal, Public Relation Officer, Commissioner, Income
Tax, Lucknow, was not proved, it was ever on recordal facts
established by the Respondent in any way, it is merely to attempt
to prove it valid since Sept. 29, 1984 removed plaintiff's
services, in Central Administrative Tribunal Allahabad and

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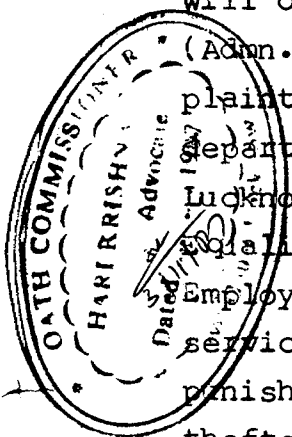
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nothing else, it carry's no legal force in non-acceptance of plaintiff's submitted ^{or explanation} November 13, 1984 in reply of memo dated November 9, 1984. However the plaintiff's explanation ^{or before} face was ever communicated to him. ^{or} till ^{or} alleging in this Court's Affidavit.

4. That the ^{or} written statements paragraph No. 5's contents basing upon ^{or} falsehood, hence not admitted and ^{or} claimed with the ~~xxx~~ contention as "the petitioner is/was daily wages, he was asked not to come to office," lacking its recordical support escaped to annexed alongwith ^{or} his ^{or} counter affidavit of August 13, 1987 in this Tribunal, on basis of having found his explanation unsatisfactory, while there is no such any recordical support in Proof for the same with the respondent and if the allegation which served could not be proved in contents support of the plaintiff's services removal as "SENIOR DAILY WAGER EMPLOYEE OF INCOME TAX OFFICE, LUCKNOW" and thus it is invalid and malicious services removal and should be deemed the commitment of self contravention for depriving him from full and impartial defence opportunities being a Central Govt. servant as provided under Articles 309, 310 and 311 of Constitution of India mend for purpose in this case.

5. That the contents of paragraph no. 6 of Respondents written statement is false misconceiving one. Justice demands that the services of even daily wager employee so-long-juniors retained in service as "DAILY WAGER" could not be removed first being senior in service in respondents origination and should not dispense with plaintiffs services and ^{or} sweet-~~will~~ will of then Public Relation Officer to the Chief Commissioner (Admn.) Commissioner Income Tax Lucknow beside being retaining plaintiff's juniors as Daily wager. So long the post and department also under existence in Income Tax Department, Lucknow under Article 14 and 15 of Constitutions right of equality in Service matter, plaintiff's juniors as Daily Wager Employees were removed ^{or} first ^{or} instead to retained them in ^{or} there of in service and if the services were removed under any certain punishments towards and validity and legally first the proposed thefts allegations must be established while failed to prove alleged allegation supporting with evidence in respondents counter affidavit's written statement of August 13, 1987, as filed in this Tribunal in support of valid services removal. It carry no legal force and is liable to be rejected. Moreover on persual of 1985's Central Tribunal Act, this Tribunal has competent jurisdiction to decide the under reference dispute under law of Equity and Justice on factum of the case hence Respondents objection in this regard has no legal force and stand no where except to reject in the interest of justice.



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Hence objection not admitted and denied.

6. That the contents of paragraph no. 7 of Respondent's Counter Affidavit in written Statement is far from factum of case hence not admitted and denied although the plaintiff one side is a workman on the other side under Central Administrative status granted jurisdiction of decide services malicious removal ⁱⁿ plaintiff ⁱⁿ approached in this Tribunal. On the third hand section 2-A, INDUSTRIAL DISPUTE ACT 1947, also provided safeguard to the plaintiff in illegal service removal by the Respondent in this case read as under :

xxx

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"2.A. DISMISSAL ETC OF INDIVIDUAL WORKMAN TO BE DEEMED TO BE AN INDUSTRIAL DISPUTE."

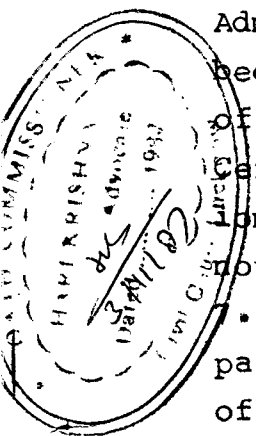
"where any employer discharges dismissed, retrenches or otherwise terminates the services of an INDIVIDUAL WORKMAN, not withstanding in under any dispute or difference arose in between the workman and his employer connected with or assessing out of such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute not withstanding that no any other workman is a party to the dispute.

(ii) Reference of the Individual one's services termination's dispute in Tribunal can be made even though the facts giving rise to the dispute arose before 2-A, came into force.

(iii) Section - 2'a' contemplates dispute arising out of discharge and not otherwise service conditions, as the plaintiff's case is for consideration before this Central Administrative Tribunal and Central Administrative Tribunal because the Respondent is a body of Central Government Employee of Union of India where competent jurisdiction lies with the Central Administrative Tribunal, Allahabad as such the objection carry's no legal force and be set aside. Hence denied and not admitted.

That the contents of written statement of Respondents' paragraph No. 8, are not admitted and denied, that the necessity of seeking of three month before removal of service of petitioner is equally ⁱⁿ ~~equal~~ ⁱⁿ ~~as~~ ⁱⁿ as in other case written permission from the appropriate Government under Provision of Acts Section 25-5-25K (Ammended Act, 1976) no rule ⁱⁿ ~~no~~ ⁱⁿ exemption referred in written statement as such is existed in case and in its lacking this Tribunal take cognizance ⁱⁿ in this regard and may impose punishment of ⁱⁿ ~~the~~ ⁱⁿ respondent's ⁱⁿ ~~imprisonment~~ ⁱⁿ in its contravention as provided in this section of Act.

8. That the contents of paragraph no. 9 of the written statement of Respondent is far from factum of this case hence

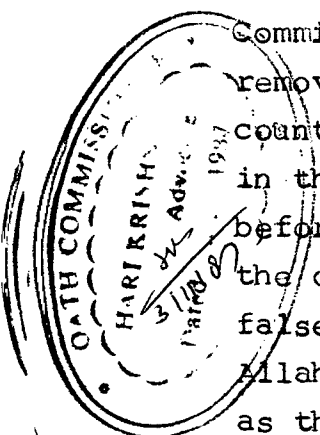


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not admitted and denied as it is misconceiving and is against the facts stated in paragraph no. 6(iv) of plaintiff's plaints dated 24.2.1987. The Rule of 1974's SUPREME COURT OF INDIA in Services Terminations case is not adopted by retaining his Junior DAILY WAGES in service out of ruling known as 'FIRST COME LAST GO'. Amongst the panel of DAILY WAGER OF COMMISSIONER OF INCOME TAX DEPARTMENT LUCKNOW — CHARGE and in deprivation for consideration in the October 26, Departmental Promotional Committee for selection of ⁱⁿ Lucknow charge Income Tax Department Lucknow is an action of ⁱⁿ scheduled caste members ⁱⁿ infringement of ones FUNDAMENTAL RIGHT as conferred in Article 14 and 15 of Constitution by making descrimination in service matters amongst other Daily wager Employees of Lucknow Charge Income Tax Department only to be a member of Scheduled Caste.

9. That the Respondents' written statements paragraph No.10 is misconceived, hence not admitted and denied to this extent that the Judgement of Supreme Court of India is not applicable in plaintiff's case. However the facts will be discussed at the time of its hearing in this Tribunal as desired by the Respondent.

10. That the contents of paragraph no. 11 of Respondent's written statement are basing upon ⁱⁿ falsehood and misconceived in as much as decision of Chief Commissioner (Admn.) of the Commissioner of Income Tax, Ashok Marg, Lucknow regarding removal of his services have not been filed along with the counter affidavit of August 13, 1987's in written statement in this case as Annexure in support of Respondents contentions before the Central Administrative Tribunal Allahabad, so that the court could have been aprise with the facts, it is also false in view to decide the Central Administrative Tribunal Allahabad and for purposes to damages only plaintiff's case, as the then Public Relation Officer, has ever communicated through memo in writing either on before 29.9.1984, 9.11.1984 or 13.11.1984 or its nearby dates prior services removal implimentation in plaintiffs case. It carry's no legal ~~fax~~ force nor any statutory's wait in respondents above contention. Hence denied and not admitted. However the ⁱⁿ Respondent ⁱⁿ himself in this written statements counter affidavit ⁱⁿ has committed offence of Ferjury's deliberately and knowing of which is cognizanable offence under section Cr.C.P. 193/195/340 I.P.C. and under Central Administrative Tribunal Act 1985, this Tribunal has competent jurisdiction to take



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action against Sri K.K. Mahajan, introduce himself as P.R. in Income Tax Office (Head Quarters) Public Relation to Chief Commissioner (Admn.) of the Commissioner Income Tax, Ashok Marg, Lucknow and took oath on falsehood on behalf of Respondent of this case. In fact the appointing authority of DAILY WAGERS is Public Relation Officer and not Commissioner of Income Tax and otherwise Respondent must show that the appointing authority of DAILY WAGER is the Commissioner of Income Tax. However the public relation officer, has ever communicated the services termination order, therefore the Public Relation Officer has rightly been impleaded and the action can not be rejected.

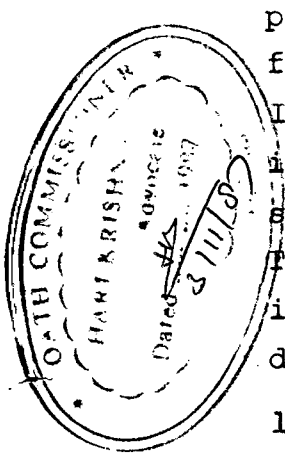
11. That the written statement of Respondents paragraph no. 12 is not true and is not admitted hence denied. Since the Principle of FIRST COME LAST GO is existed services of the plaintiff as he was wrongly under malicious intentions wrongfull termination without serving any notice to him which is itself defective and bad in law and deserved to be quashed on this accord only by this Tribunal being illegal services termination. In view of the above equally October 30, 1986 High Court of Judicature at Allahabad's (Lucknow Bench) Lucknow Ruling read as : *Application in this case.*

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It will open for the opposite party(s) to take work from the petitioner or not. However shall make payment of pay @ of the impugned order passed. which the Respondent forceably not allowed to discharge official duties in Income Tax Department since September 29, 1984 and thus he is rightly entitled for the disbussement of his wages since Sept. 29, 1984 till it is not decided in this Honble Tribunal for his re-instatement in service. Moreover he is also entitled to all relief as sought in his plaints dated February 24, 1984.



12. That the respondents written statement's paragraph no. 13's contentions are based upon the falsehood and denied hence not admitted. Moreover needs no comments.

13. That the respondents written statement's paragraph no. 14's contentions not admitted and denied. That since Sept. 29, 1984, till 17th January, 1987, the plaintiff himself represented in the department and only got favours of reply from Sri Saran Behari, Public Relation Officer to the Chief Commissioner (Admn.) Commissioner of Income

17/25

8/82

Tax Lucknow vide letter No. Patravali/Vividh/Estt/(C.I.T.) 86-87/4406 dated December 11, 1986, it is evident that the plaintiff having exhausted prescribed departmental chance rightly approached the Central Administrative Tribunal. It carry's no force in contentions of Respondent as the petitioner approached this Tribunal prior exhausting ^{all the} departmental channel through appeal against the impugned order and his objection be rejected in this Tribunal and viewed with sympathetically in this case as plaintiff's plaints of 24.2.87 is rightly maintainable.

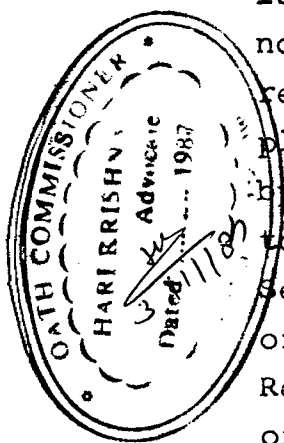
14. That the contentions of written statement, of ^{abv} ~~RESP~~ respondent's paragraph no. 15 is not admitted in view of the annexed Supreme Court's Judgement, 1985., High Court Judgement of 1986, letter No. C.S. Estt/240/70 dated 6.12.82 memo dated 9.11.84, explanation dated 13.11.84, Appeal dated 1.10.86, its reply vide Patravali-Vividh/(C.I.T. 86-87/4606 dated 11.12.86, character certificate from Sri Saran Behari, P.R.O. dated 13.9.85, Application to D.L.C. ^{in Plnts} and Presiding Officer, Labour Court II Kanpur dated 9.1.87, ⁱⁿ hence his application is rightly maintainable in this ^{Humble} Tribunal of this stage.

15. That on persual to Central Administrative Tribunal Act 1985's Section 11, on being admitted plaints and orders for issued notices in the fixed one month's limit on receipt of notice along with plaints copy ^{of} ~~of~~ from Tribunal the ⁱⁿ ~~Said~~ respondent should have file (Written Statement) reply of plaints within time limit tenure for filing Counter latest by May 4, 1987 and only taken adjournments since May 4, 1987 to May 25, 1987, to June 30, 1987 to July 30, 1987 and to Sept. 15, 1987 to 18.8.1987 to 20.10.87 for uncalled reason of these dates adjournment in this case. Actually the Respondent is guilty of section 228 I.P.C. Contempt of Court of Central Tribunal and this Tribunal may take contempts proceeding in this case against Respondent for vice-chairman orders Contempt in this case.

महेश

(MAHASH)
DEPONENT.

N.B. The preparation for arguments on 4.11.87 copy already served to the Respondent well in advance.



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VERIFICATION

That the applicant do hereby solemnly declare that the forgoing paragraphs 1,2,3,4,5,6,7,8,9,10,11,12,13,14 and 15 statement of facts in this application/Rejoinder is true to the best of his knowledge, belief and information and legal advices which all believes to be true, that nothing material has been concealed and no part of this Affidavit is false.

So help me God.

This verification is signed by me at Lucknow on day of November 3 months years 1987.

MAHASH
(MAHASH)
DEPONENT

I, Syed Zafar Mehdi Kazmi, Advocate, High Court of Judicature at Allahabad's (Lucknow Bench) Lucknow do hereby declare that the person making this Affidavit and alleging himself to be Mahash, has signed in my presence.

(SYED ZAFAR MEHDI KAZMI)
ADVOCATE.

Solemnly affirmed and took oath before me this 3rd day of November month and years 1987 at hours 2.40 P.M. by the deponent in my office at Lucknow who has been identified by the above Advocate.

I have satisfied myself by examining the deponent that he has fully understood the contents of this Affidavit.

C. NO. 48 M.

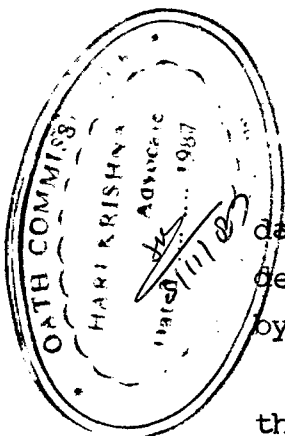
Hari Krishna
OATH COMMISSIONER.

Solemnly affirmed before me in office to day 00.2.40 P.M. by Mahash who is identified by Shri. S. Z. M. Kazmi Adv

c
oi
expla

Hari Krishna
3/11/87

HARI KRISHNA
LL.B Advocate
Oath Commissioner of Affidavit
Civil Court Lucknow



112
32

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADMINISTRATIVE BRANCH

ALLAHABAD

REGISTRATION CASE NO. 198/87

FIXED FOR 4.11.87

IN BETWEEN

MAHASH

VERSUS

SARAN BEHARI, P.R.O. to
CHIEF COMMISSION (ADMN.)
COMMISSIONER INCOME TAX LUCKNOW.

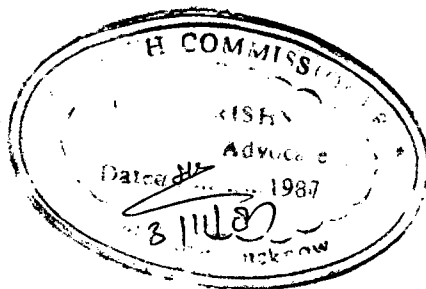
I N D E X

Sl.No.	Starting Page	Particulars of Affidavit Appli- cation documents	Dates No.	Annexure No.	Back on page	Remarks
1	2	3	4	5	6	7
1.		Application to DR(J) for dates fixation on 4.11.87				
2.		Affidavit from plaintiff for cognizance against Prejury's offence.				
3.		Rejoinder Affidavit.				
4.		High Court (Lucknow Bench) 30.10.86 & 5.2.1987's order	30.10.86 5.2.87	1 2		

Total No. of pages annexed. 3

Submitted by

महेश
(MAHASH)



(28)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADMINISTRATIVE
BRANCH, ALLAHABAD.

REGISTRATION NO. 198 OF 1984

FIXED FOR 11.87.

MAHASH

SARAN BEHARI PUBLIC RELATION
OFFICER, OFFICE OF CHIEF
COMMISSIONER (ADMN.) COMMISSIO-
NER OF INCOME TAX LUCKNOW.

That it is submitted for kind of courts consider-
ation as under prior pronouncing Judgement in this case.

That in number of cases court's precedence to
watch the interest of letigants as superior as the case
before this court.

That the petitioner's case comes actually in
the purview of a FORCED AND ~~EXERCISE~~ COMPULSORY WAITING
UNDER RIGHTS OFFUNDAMENTAL RULE 9(6)(b)(iv) counting NOT
PERMITTING TO DISCHARGE OFFICIAL DUTIES as daily wager
while others juniors were retained in Service towards
official duties under benefits of FULL PAYS & OTHER
ALLOWANCES if any admissible with the concurrence of
Auditor General in case of CENTRAL GOVERNMENT EMPLOYEE
instead of vide letter No .Patravali Vividh/(C.I.T.)86-87/
4606 dated December 11, 1986 in response to appeal dated
31st October 1986
(Saran Behari) Public Relation Officer to the Chief
Commissioner (Admn.) Commissioner of Income Tax Lucknow
where as nothing mention in letter No. C.S./270/90-Estt of
Feb. 12, 1982.

Thus verdically the period 29.9.1984 till day is become
period of FORCE & COMPULSORY WAITING as given in the
Financial Hand Book Volume II Part II to IV read as
under:

xxx

xxx

xxx

Mr. 'N, Executive Engineer, while officiating
as Superintending Engineer was granted leave on Medical
Grounds average pay on medical certificate for 4 months

17/28

4/6

and 12 days expiring on 25th August, 1924. After receipt of a medical certificate of fitness, the question of his posting was taken up on the 16th August, 1924 and it having ~~been~~ been finally decided to post him officiating Superintending Engineer, orders for his posting were issued on the 26th September, 1924 Mr. N. Joined duty on the forenoon of the 4th October, 1924 should be treated.

The circumstances of case are as similar to those referred to in FUNDAMENTAL RULE 9(6)(1)(iv) in as much as in both cases the essential point is the Compulsory waiting, by the Government servant concerned for orders of Government posting him to a particular, post. Accordingly the Central Government with concuciance of Auditor General ordered that period of waiting in the case of Mr. N and in other similar cases should be treated as Duty as in the case mentioned in FUNDAMENTAL RULE 9(6)(1)(iv) the Governor has decided that the above ruling shall apply to Government servant under rule making powers.

That since the petitioner lose hope of justice from the Respondents' end taken shelter of thas Hon'ble Tribunal as provided in its Act, 1985 and the objection of Sri K.K. Mahajan, Public Relation (Head Quarter) Chief Commissioner (ADMN.) Commissioner, Income Tax Lucknow has no legal force except a attempt to decive court for not exhausted departmental channel prior presenting plaints in this Tribunal and thus deserve to be quashed rightly.

That the false allegment of theft stands no where it is an after thought to cover up the illegal services removal of the petitioner and has no legal for consideration at this stage in this court.

..3..

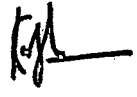
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WHEREFORE it is prayed that this Hon'ble Court
evolute the merit of this FORCE & COMPULSORY WAITING
of 29th day of September, 1984 till this case finaliza-
tion in this Court facilitating petitioner with payment
substantive seniority under provision of LAW OF EQUITY
OF JUSTICE in the interest of justice.

DATED: LUCKNOW

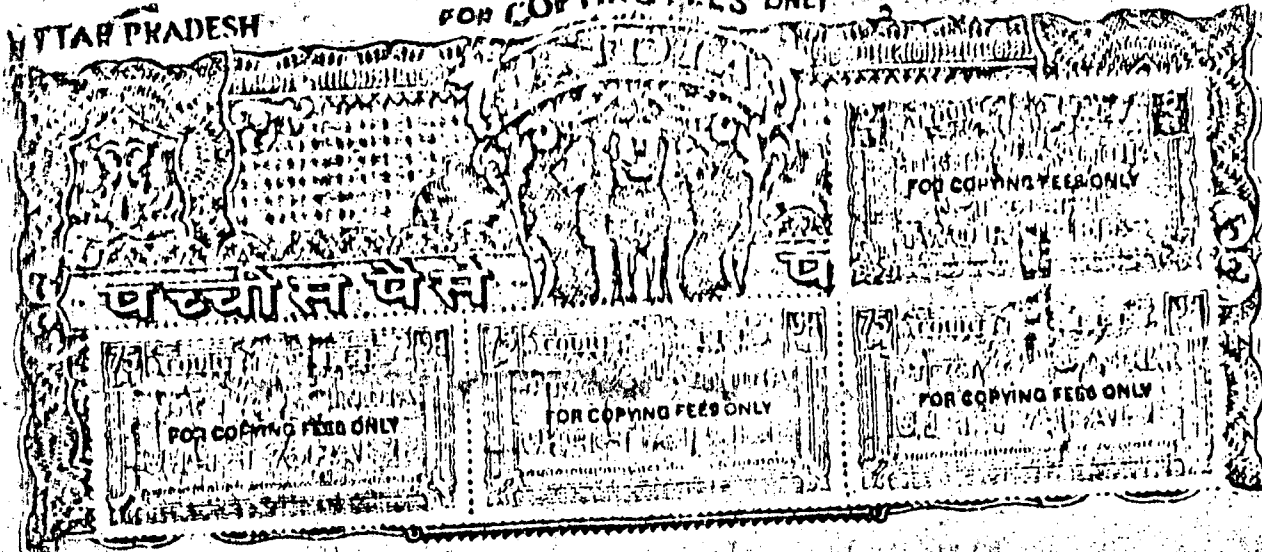
The 4 - 11 - 1987


Counsel for the
Petitioner.

UTTAR PRADESH

FOR COPYING FEES ONLY

25 P.



फैसल नक़ल की फीस के लिए

आपसंग सम्बन्धित प्रार्थना पत्र देने की तारीख Date on which application is made for copy accom- panied by the requisite stamps.	नोटिस बोर्ड पर नक़ल लैफार होने की सूचना की तारीख Date of posting notice on notice board.	नक़ल पापिस दिप जाने की तारीख Date of delivery of copy.	नक़ल पापिस देने वाले अधिकारी का हस्ताक्षर Signature of official deliver- ing copy.

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27/4/86
31/7/86
31/7/86



17/32

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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
(LUCKNOW BENCH) LUCKNOW.

WRIT PETITION No. 7096 of 1986

Sheo Nath Singh

○ Petitioner,

Versus

U.P.S.R.T.C., Teri Kachhi, through its Chairman, Lucknow.
2. Depot Manager, U.P.S.R.T.C., Sitapur... Opp. Parties.

Lucknow, Dated: 30.10.1986

~~XXXXXXXXXXXX~~

Writ Petition Nos. 3469, 3273, 3400, 4119 of 1982; 1664 of 83
5952, 705, 2964, 6272, 7352 of 1985 and 7090, 21576, 6707, 7147,
7109, 7113, 7114, 7116, 7120, 7121, 7131, 7135, 7170, 7176, 7213,
7215, 7321, 7323, 7324, 6749, 3518, 3402, 4684, 4685, 4772, 2503, 1688, 1268, 7
1688, 1260, 7556, 7555, 7554, 7553, 7526, 7541, 6802, 4773, 6534, 7336,
7351, 7352, 7360, 7362, 7363, 7366, 7367, 7368, 7365, 7369, 7370, 7372,
7459, 7461, 7463, 7468, 7406, 7407, 7408, 7412, 7417, 7418, 7419, 7424,
7425, 7464, 7465, 7467 all of 1986.

WRIT PETITION No. 7098 of 1986.

HON'BLE S.C. MATHUR, J.

HON'BLE B.L. LOOMBA, J.

We have been informed by Sri A.N. Trivedi and Sri
S.K. Kalra learned counsel for the U.P. State Road Transport
Corporation that against the judgment of this Court in
Bhopal Singh vs. U.P. State Road Transport Corporation,
Special Leave Petition has been filed in the Supreme Court
which has been admitted and the appeal has been directed to
be listed in the first week of December, 1986. In this view
of the matter the learned counsel have prayed that these
petitions may be taken up in the third week of December,
1986. The request made by the learned counsel is reasonable
and we accept the same. Accordingly all these petitions
shall be listed in the week commencing on 15th December, 86.

Meanwhile further operation of the impugned
orders of suspension/termination/dismissal/removal from
service/ reversion shall remain stayed but it will be
open to the opposite parties to take work from the
petitioners or not. However, the opposite parties shall





केवल नकल की फीस के लिए

आवश्यक स्टाम्प सहित प्रार्थना पत्र देने की तारीख Date on which application is made for copy accom- panied by the requisite stamps.	नोटिस बोर्ड पर नकल तैयार होने की सूचना की तारीख Date of posting notice on notice board.	नकल वापिस दिए जाने की तारीख Date of delivery of copy.	नकल वापिस देने वाले अधिकारी का हस्ताक्षर Signature of official deliver- ing copy.
		<p>U-597/6-2-87</p> <p>6-2-87</p> <p>11-2-87</p> <p>11-3-87</p> <p>11/2/87</p>	

-2-

In view of the above, the petition is allowed and the impugned orders dated 25.6.1983 annexure 5 and 12.4.1985 annexure 7 are hereby quashed. It will be open to the competent authority to take proceedings and pass fresh orders in accordance with law already declared by this Court.

There shall be no order as to costs.

Sd/U.C. Privastava

Sd/ S.C. Mathur

5.2.1987

Ajeet/-

TRUE COPY

Section Officer

Copying Department.

High Court, Lucknow Bench,
LUCKNOW.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ADMINISTRATIVE BRANCH
 ALLAHABAD HEARING FIXED FOR 2-11-87
 REGISTRATION CASE NO. 1987 OF 1987 IN BETWEEN C. B. D. T. CHIEF COMMISSIONER (UDNN)
 MAHARAJA (EX-DAILY PAID EMPLOYEE) SARAN BISHARI, P.O., INCOME TAX OFFICE
 SHUBHA PUBLICITY, SHAHNAJAH ROAD VERSUS ASHOK MARG, LUCKNOW RESIDENTS
 LUCKNOW PETITIONER

To Mr. Jagdish Chandra
 Deputy Registrar (Judicial)
 Central Administrative Tribunal, Allahabad

Ref: Notice No. - 23296 of 28.9.87 Regd. Letter No. 876 of 5/10/87
 Sub: Fixation in Court No. 1 on dated 20 October, 20, 1987

Sir That it is Submitted for kind information as:-

1) That on hearing of Sept. 15, in Court No. 1, the Honble Justice Mr. Zahoor Ahmad, Vice-Chairman, directed the Respondent through learned Counsel Mr. N. B. Singh to deposit in place of Mr. Ashok Mehla the Court Affidavit of the 24.2.87's Plaint of Plaintiff above latest by Sept. 10, 1987 and he assured the Court the Counsel had already been received in office of Mr. Ashok Mehla and on the following day he would send this Counsel under registered cover to me but the same has yet not received to me.

2) That the main issue are involved in this case as under:-
 That on 29-9-1984, Mr. P. N. Ransel, the then Public Relation Officer, to the Commissioner, Income Tax Office, Lucknow exercised his appointing authority as Commissioner Income Tax Office, going beyond Jurisdiction Contravening the Sections 25-B, 25-K, (Amended Act, 1976) & Section 2-A, Industrial Workmen's Service Termination (with out serving notice) under Industrial Dispute Act, 1947 is offence of committing Contravention of Act, 1947 on part of the respondent.

3) That under Section 25-B, 25-F-2 (OD) INDUSTRIAL DISPUTE ACT, 1947 and this Section provides benefit of 11m - 12m per month service having completed 240 days, service in organization and as such in the Commission D.P. for Promotion of (DAILY PAID WORKERS) to the Post of P.O., in the Income Tax Department, Lucknow charge of neglected claim of Plaintiff left his name in ensuring D.P. neglected claim of Plaintiff left his name in ensuring D.P.

4) That besides being found neglect and guilty of committing Contempt of Tribunal's order for submitting further besides being getting number of Adjournments for Counsel reply got no favour of Section 32 & 35. C.P.C's benefit even then.

5) That under Section 21 of Central Administrative Act for expediting/expediting within six months invariably there as being its consideration in the Tribunal.

Prayer

Therefore it is prayed that for sake of justice, you will fix this case on 20/11/87, instead of 2.11.87, so that this case may be finally decided and the Plaintiff may seek next legal remedies available in such a circumstances.

Hoping you will list Registration Case No. 1987 of 1987 in Court No. 1, on 20-11-87 for its final disposal in the interest of Justice.

Counsel for Petitioner

14.10.87

Attested

Syed. Zafar Mehdi Kazmi
 M.A.L.L.B. (Advocate)

Syed. Zafar Mehdi Kazmi
 M.A.L.L.B. (Advocate)
 3/25, Kala Silara Bagh, Lucknow-226003

Received
 Dm
 14/10/87
 14.10.87

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BEFORE THE COURT NO. IN THE CENTRAL TRIBUNAL

ADMINISTRATIVE BRANCH ALLAHABAD

Registration Case No.198 of 1987

Mahesh (Removed Daily paid
employee)

Shobha Publicity,
9, Shahnajaf Road
Lucknow-226003

....Applicant

In Between

Fixed hearing date for
Sept. 15,1987.

Sri D.C. Shukla
Chief Commissioner(Admn.)
Central Board Direct
Taxes & an other Sri
Saran Behari, Public
Relation Officer
Income Tax Officer,
Ashok Marg, Lucknow.

...Respondents.

This is an application from Applicant for
favour of courts Interim Orders

as under:-

That the extract of the copy letter No.Estt/6/87
of August 3, 1987 is given below for kind perusal of
this Tribunal read as under:-

****** A list of the officials whose name are likely
to be considered by the answering D.P.C. is attached
herewith. The names have been arranged in the list
in order of seniority in the relevant feeding cadres as
per gradation list as on 1.9.1984. It is requested that
Character Rolls of all officials concerned of your office
/range may be sent to this office duly verified and com-
ted upto 31.3.1987 through special massanger by 14th
August positively.

2. In case the Character Roll of any of the
official mentioned in the list but shown as pertaining
other official to which the employee might have since
been transferred from your office /Range are also av-
with you , those may also please be sent to this off-

contd.

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2.

3. The list may please be got noted by each official presently posted in your office and in case any ommission or discrapency is noticed. It may be reported to this office directly and his C.C. Roll also be sent to this office for necessary correction before convening of the D.P.C. Even no. of date:

Copy forwarded with compliment for information and necessary action as indicated above to:-

1. The Commissioner of Income =Tax Office, Civil Line Allahabad with 70 spare copies for circulation of the list in each office of the Allahabad Charge including Central Circles. The Character Roll of all the officials concerned of Allahabad Charge (including those in the offices of the * Sri A.R5 Central Circles and Valuation Officer, Allahabad mentioned in the list may please be obtained from the I.A.C5/ A.A.C.s'/Head of offices / concerned for consideration by the ensuring D.P.C. It may be ensured that the Character Rolls are duly verified and completed upto 31.3.1987 and kept ready alongwith vigilence files and adverse remarks/ file, if any, of the officials concerned well in advance for consideration by D.P.C. meeting to be held in August 1st Sept.1987 at Lucknow. Necessary action as indicated in Para 3 above may also be taken accordingly.

2. The Commissioner of Income Tax (Appeals), Lucknow /Bareilly/Allahabad for necessary action as indicated above.

3. All charge I.T.O's , PROS, in Lucknow charge Assistant Controller of Estate Duty, Valuation Officer, Lucknow for information and necessary action as indicated in para-3 above.

contd.

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3.

4. Confidential Section C.I.T,'s office Lucknow
for necessary action .

Sd/- H.P. Singh

(H.P. Singh)
Income Tax Officer (Adm)

For Chief Commissioner (Admn)U.P. &

Commissioner of Income-Tax
Lucknow.

<u>INCUMBENTS NAME:</u> (1)	<u>Promotion</u> <u>to the post</u> (2)	<u>Seniority</u> (3)	<u>Percen</u> <u>tage</u> (4)	<u>Charges</u> <u>name</u> (5)
<u>Daily paid employees</u> <u>Class IV Stiaffs</u>	<u>Promotion</u> <u>on peon.</u>		<u>Daily</u> <u>wages</u> <u>employees</u>	<u>Name</u> <u>charge</u>
S/Shri				
1. Ram Kishan		as mentioned	,,	Allaha
2. Satya Kumar Dubey		in the		,,
3. Sant Lal		gradation		,,
4. Tirath Raj Mishra		list.		,,
5. Bajrang Bali				,,
6. Jalil Ahmed				,,
7. Subhash Pandey				,,
8. Shesh Nath Bhatti				,,
9. Rameshwar Dayal				Sitap
10. Maksoidan Singh				Allaha
11. RamaPratap Singh				/Sita
12. Trivani Prasad				Luckn
13. Sri Shyam Sunder Verma.	Daily wages employee			Luckn
14. Dilawar Singh				,,
15. Brij Nandan Singh				,,
16. Vijai Bahadur Dhuliya				Allaha

contd. on 4

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4.

Incumbents Name	Present Status	Proposed Promotions	Charges name
17. Dilip Kumar	Daily wages employees	Peon	Allahabad
18. Chhotey Lal	,,	,,	Lucknow.
19. Chandra Pal Singh I	,,	,,	Moradabad.
20. Bachoo Lal	,,	,,	Lucknow.
21. Rais Ahmed	,,	,,	Allahabad
22. Madan Ram (SC)	,,	,,	Allahabad
23. Mahavir Singh	,,	,,	Bijnor / Allahabad
24. Ajayab Lal	,,	,,	Lucknow.
25. Nanak Chand	,,	,,	Moradabad
26. Hanumant Singh	,,	,,	Pilibhit
27. Munshi Singh	,,	,,	Allahabad
28. Laxman Singh	,,	,,	Rampur.

1) That under section 151 Civil Procedure Code 1908 is provided for the favour of Interim Orders under Courts inherent powers to stop the D.P.C. O / Sept 1987 in the income tax department of Central Board of Direct Taxes till date the case of aggrieved petitioner is undecided pending in the Central Administrative Tribunal Administration Branch 23, A Thorn Hill Road Allahabad and direct the Chief Commissioner (Admn) (Sri D.C. Shukla) Central Board of Direct Taxes, Income Tax Office Ashok Marg, Lucknow, not to conduct Promotional D.P.C. amongst the Daily wages employees of U.P. Circle till final disposal of the Petitioner case under reference.

contd. on 5

8/2/21

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2) That (Sri D.C. Shukla) Chief Commissioner (Admn) Central Board Direct Taxes Office of Income Tax Commissioner Ashok Marg , Lucknow is deliberately avoiding submission of Plaints Counter Written Statement in compliance of Court No. 's order dated March 17, 1987 till July 30, 1987 of its fixed trial and hearing date in court No.2 for expeditation of the dispute under reference.

3) This is an offence under section 228, India Penal Code Contempt of the Courts Order, as committed by the Respondent above in this particular case and is also a cognizable offence under this section.

4) That under section 32 & 35 of Civil Procedure Code this Court may orders for compensating losses of petitioner for the adjournments of each date due to the negligence and dis-obedience of this Tribunals orders on post of above respondents.

5) That the petitioner is out of Employment since 29.11.1983 and he has to bear unnecessary expense of Lucknow to Allahabad and his counsel, fee this regard, and if even to this facts no reliefs provided from this court it would cause an irreparable loss of poor petitioner, leaving him in helplessness position.

R E L I E F

- a) D.P.C. of Peons promotions be stopped forth till disposal of this case in this Tribunal.
- b) Contempt's of this Tribunal orders may be taken against the responsible persons in avoidance of submission of written statement in this case.

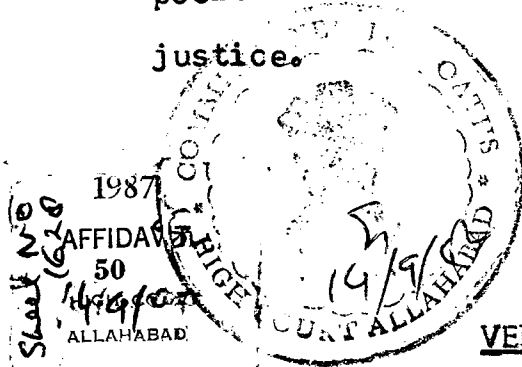
8/12/87 contd. on 6.

6.

- c) Cost payments directions be given to the Respondents as per above sections.
- d) Any other relief if this Tribunal considered necessary in this case may be awarded.

P R A Y E R

Wherefore it is prayed that this Hon'ble Tribunal going through the above narrated facts pass some positive orders in this application in the interest of justice.



APPLICANT
(Signature)
(Mahesh)

VERIFICATION

I, Mahesh -Ex-Daily wages employee of Income-Tax Department of Lucknow Charge aged about 26 yrs son of Sri Shyam Lal r/o Shobha Publicity, 9 Shahnajaf Road, Lucknow hereby solemnly affirm on oath and stated whatsoever in the Preceeding paragraphs gradation D.P.C. Lists extract is based upon his personal knowledge and belief para 1 is based upon law para-2 is on personal experiences para 3 and 4 is basing upon law which I received advices from My counsel and Para 5 is the request and is correct and true to the best of my personal knowledge and belief. Nothing material has been concealed so help me God. This day of Sept. 14 1987 at Lucknow verified and signed.

Deponent

(Signature)

(Mahesh)

Lucknow/14/9/1987
Dated

(Signature)
The Deponent named above has put up his signature before me
He is personally known to me
Sd/- Zafar Mohd Kazmi

ALLB (Advocate)



I solemnly affirmed before me on 14th
 September at 3.30 P.M. by the
 deponent Shri Mahesh who is identified
 by Mr. Sayid Raza Mehadi Advocate of High
 Court Lucknow Bench Lucknow.

I have satisfied
 my self by examining the
 deponent that he understands
 the contents of this Affidavit
 which have been read out
 and explained by me.



Oath Commissioner
Sushil Chandra Shukla

SUSHIL CHANDRASHUKLA
 Advocate

Oath Commissioner,
 HIGH COURT ALLAHABAD.
 Lucknow Bench Lucknow.

Sushil Chandra Shukla
SUSHIL CHANDRASHUKLA

Advocate & Oath Commissioner
 High Court
 Lucknow Bench Lucknow

No. 50/1628
 Date 14.9.1987

(1)

(90)

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समझ श्री जगदीश चन्द्र जी रजिस्टार अडिस्ट्रेटिव ट्रीवनल इलाहाबाद
 रजिस्ट्रेशन केस नम्बर 148 वर्ष 1987 सुनवाई की तिथि 4 मई 1987
 महेश देवि केस नम्बर --- वर्षी श्री सन विहारी प्रियदा

उपरोक्त संव्यापित बाद आपके समझ मजबूर होने हे सुनवाई में लगा हुआ है
 कि विषय में मुझे निम्नवत् प्रस्तुत करता है।

- (1) यह कि उत्तिवरी द्वारा जर्गी की नियुक्ति नहीं की गई थी। अतः जर्गी को सेवाएँ
 सिवार आयुक्त मोहय्य आयकर विभाग को विधिवत रूप से नहीं है नियुक्त
 पर संलग्न है।
- (2) यह कि किसी विधिवत 240 दिन सेवा अवधि पूर्ण कर चुकने के पश्चात् किसी
 सेवा शर्तनुसार किसी भी सेवायोजक नियुक्त अधिकारी को अधिकार नहीं है अतः जो
 सेवा समाप्त आरंभ पत्र दौरे हुए उत्तिवरी ने अपने पर 240 दिनों में नहीं
 मान्य नहीं है। इसके अतिरिक्त श्री नरेण चन्द्र श्रीवास्तव बनाम स्मूथर इण्डिया लख-
 नऊ के निर्णय रिट्स — में मई 191986 में समिन्स न्याय अति श्री यू. सी.
 श्रीवास्तव एवं अननीय श्री न्यायमूर्ति श्री बी. कुमार उच्च न्यायालय इलाहाबाद
 न्याय न्यायाधीश लखनऊ ने अपेक्षा पारित करने हुए निर्देशित कर रखा है जो
 कर्मचारी 240 दिन सेवा पूर्ण कर चुका हो कि सेवाएँ किसी सेवा शर्तों के
 लिखित शर्तनुसार भी नहीं की जा सकती। यह कि नियुक्त पर जो श्रीमान जी
 स्वयं अवलोकन करें जिससे स्पष्ट है कि जर्गी ने नियुक्त पर में कोई भी सेवा
 बात उल्लेखनीय नहीं थी। जिसके आधार पर अननीय न्यायालय श्री सन विहारी
 की बात को सत्य मानते हुए जर्गी की सेवाएँ विधिवत समाप्त जान लें।
- (3) यह कि वर्तमान तिथि 4-5-87 की वाय सुनवाई कि सूचना प्रियदा को भी
 है। किन्तु उत्तिवरी उस न्यायालय के समझ पत्र दौरे में अपने को असमर्थ पाते
 हुए उपस्थित जानबूझ कर नहीं हुआ और स्पष्ट न ही अपने क्वाव पर में कोई
 लिखित वयान ही आजतक सुनवाई में 4-5-87 को प्रस्तुत किया जिसे स्पष्ट
 है कि उत्तिवरी को अपने क्वाव में कुछ भी कहना आज नहीं है ऐसी स्थिति में न्या-
 यालय अपने विधिवत धारा 151 सी पी सी न्यायालय की अन्तर्निहित शक्ति या
 (अन्तर्भूत) अधिकार प्राप्त जा प्रयोग करते हुए एक पक्षी इस वाद में पारित
 कर के जर्गी को सेवा में रखे जाने का आदेश पारित करने का अधिकार
 प्रयोग कर सकता है।

- (4) यह कि यदि किसी आशयशक्त व्यक्ति को यदि अभी न्यायालय पक्षी कक्षा उचित नहीं समझता तो ~~अंतर्गत~~ अंतर्गत आदेश पारित कर 100 प्रतिशत को धारा 151 के अंतर्गत निर्दिष्ट कर सफाई है कि जन्म तक इस वाद में कोई अंतिम आदेश पारित न हो कार्य करते रहें। यदि कार्य न लेवे तो वेतन भुगतान करते रहें। क्योंकि जर्जी परिवार वाला एक निर्धन हरिलाल समुदाय का सदस्य है। जिसके पास अपने तथा अपने परिवार के भला पोषण का कोई भी साधन नहीं है। यह कि जर्जी ने रजिस्टर्ड डॉक में जर्जिन पक्ष दिनांक 25-3-87 को कलाकृत नामा एवं अन्य जर्जिन पक्षीना था किन्तु बात नहीं कि न्यायालय में इस पर क्या निर्णय लिया गया तथा कौन मोहदय का लिस्ट में नाम क्यों अंकित नहीं किया गया।
- (5) यह कि यदि न्यायालय कोई अन्य विधि निर्धारित करता है तो वह 23 जून 1987 रखे। तब कौन साहब को बाद स्वयं उपस्थित हो सकें।
- अनुतोष

कि) जब तक अंतिम निर्णय न हो लेने विभाग से कार्य पर लेबर वेतन का नियमित वेतन भुगतान करते रहें।

(ख) वाद समीक्षा करके अगली तिथि जून 23-1987 निर्धारित करने को कृपा करें।

सत्यापन

मे अर्द्ध (पैक) वेतन भौती नर्मेचारी सुवर्ण आयु ~~के~~ पुत्र श्री श्याम लाल मिवासी शोभा पब्लिक सिटी 9 शाह नज्ज रोड लखनऊ स्थापित करता है कि पैरा एक से पांच तक उपरोक्त जर्जिन पक्ष में जो कुछ कहा है उसे सत्य एवं विश्वास में सत्य है। अतः आज दिनांक 4/5/87 को सत्यापन कर जवाबदा मे न्यायालय में खींच कर रखा है।

दिनांक 4/5/87
4/5/87

Through of Magistrate, Lucknow
 IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW
 - 1984-1987 Fixed for May, 4, 1987
 (Moloch, Daily Paid Worker) IN BETWEEN C.B. D.T. Lucknow
 Terms

17/4

That it is Submited for Kind Consideration

- 1) That in Pursuance to Supreme Court, 1974 ruling in "FIRST COME LAST GO" as well as writ petition No 6249 of 1983, decided in Allahabad's High Courts Lucknow Bench, Lucknow by Lordship of Honble Justice Mr S.S. Ahmed & Lordship of Honble Justice B. Kumar J.J. in Narash Chander Srivastava v/s Section India Limited and Another under Article 226 of Constitution of India in accordance to I.D. Act, 1947's Secs 25-B, 25-F (200) those Completed 200 days in a Calendar year continuously performance are not removed.
- 2) That the Case of Petitioner is of the same nature and virtually decided in the same proceedings on fixed date.
- 3) That Since Ramganul Moharaj has been started, as such it will be in convenient for myself to stay at Allahabad till May, 4, 1987 as its fixed date of on 21-4-87's request, is not possible to Adjourn in some other date of June, 1987, it may be listed for 1-5-87 on the same day of fixed of case No. 125 of 1987, of the same respondent and in this case also.

4) That considering financial position of the Petitioner and hardship of the day, this Court may pass an interim order from this Tribunal to all authorities to work in Lucknow and change of Income Tax Department, Ashok Mang, Lucknow till the disposal of this case on the same day from which Arbitration is removed with out any fault. It may be adjourned for 10/6/87

Therefore it is proposed that the Honble Justice would pass some positive orders to day on this application.

Respondent's copy attached
 Allahabad 23 April, 1987

Criminal's copy attached
 (Super. Jaffer Akbari Khatun)

J.C.
 30/4/87

(5)

112
A2
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A
102

FORM A (RULE II) LETTER OF AUTHORISATION

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL
BENCH NEW DELHI, ADMINISTRATIVE BRANCH 23 A, THORAL
ROAD , ALLAHABAD.

In the matter of Services dispensed with disputed
Case No. of 1987

I, Mahesh, aged about _____ years son of
Sri Shyam Lal R/O Shobha Publicity, 9 Shanajaf Road,
Lucknow designated as Ex. Daily Paid employee do hereby
authorise Sri Syed Zafar Mehdi Kazmi to represent me in
the above mentioned case on my behalf.

I agree to be bound by all acts done by him
in these proceedings on my behalf.

1. File plaints Suit application
2. Receive cost, papers/documents and the
written statement of the Opposite Pary(s)
mentioned below, cross examine witnesses
of opposite party's concern and agree on
my behalf in the above case.
3. To withdraw cases or enter into any
compromise in this case on my behalf.

That Sri Syed Zafar Mehdi Kazmi's
all above actions deemed on my behalf and I shall be
bound by the all acts done by him on these proceedings
cases proceeding on my behalf.

ACCEPTED

Signature

Name : Syed Zafar Mehdi Kazmi
Designation : Representative

Syed Zafar Mehdi Kazmi
M.A.L.L.B (Advocate)

महेश
Name : Mahesh

Designation : Ex-Dail paid
Employee

Address : Shobha Publicity
9 Shahnajaf Road,
Lucknow.

MAHESH Versus Sri Saran Bahari
Public Relation Officer,
Office of Chief Commissioner

Address : Income Tax Office,
Ashok Marg,
Lucknow.

महेश

REGISTERED

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ADMINISTRATIVE BRANCH 23, THIRNHIL
ROAD : ALLAHABAD

A
103
A2
46

198/87

FIXED FOR P.S.W./SCN 4.5.87

MAHESH

VERSUS

SRI SARAN BEHARI,
PUBLIC RELATION OFFICER,
INCOME TAX OFFICE ,
LUCKNOW

SUB : I. GRANT FOR COURTS STAY ORDER TILL CASES
DISPOSAL

OR

II. EX PETITION OF CASE ON 4-5-87

It is most humbly submitted for kind perusal
that the applicant has no means of his earning since
he is kept of out of employment.

That under humanitarian grounds the applicant
~~deserve~~ deserve for Courts Interim order to allow him
to work till his case is not decided in this Hon'ble
Tribunal even on 17.3.87.

That if in case it is not possible in this case
and if even on the fixed date the written statement
of the opposite party is not received even 4.5.87 in
such a circumstance this Hon'ble Tribunal may decided
on 4.5.87, considering as the opposite party can even
has nothing to say in defence.

Submitted for orders,

Applicant

(MAHESH)

Dated : 23/3 1987

encl: 1. Vakalatnama
2. Duplicate O.Ps. copy.

Revised
30/3/87
30/3/87
20/3/87
Sd. (O)
30/3/87
Need today
encl
20/3



ASHOK MOHILEY

ADVOCATE HIGH COURT ○ FLAT NO. 3 BLOCK NO. 7, NAGAR MAHAPALIKA
ADDL. STANDING COUNSEL, FLATS, HASTINGS ROAD (C. S. P. Singh Marg)
CENTRAL GOVERNMENT, ALLAHABAD - 211001 PHONE : 3046, 3571
PRESENTING OFFICER, CENTRAL GOVERNMENT, CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH.

Date 26.8.88.

(B2/1) A/104

The Vice - Chairman
Administrative Tribunal
Circuit Bench, Allahabad
Lucknow.

Re: Reg. No. 198 of 1987
Mahesh B. Saran Behari

Sir,

The then Vice Chairman had ordered that the
foresaid Case be heard along with all my Cases
on 22.7.1988. Due to unavoidable circumstances
there could not be any sitting of the Bench on that
date. I was informed that the Case will be taken
up on 26.8.1988 along with other Cases.

Today, I have come to know that the Case was
listed on 25.8.88 and judgment has been reserved.
The other side had filed written Arguments. I am
herewith filing my written Arguments and the
same may be accepted.

Encl. written Arguments.

Ashok Mohiley
Presenting Officer
Union of India

To,
The Deputy Registrar
Central Administrative Tribunal
Administrative Branch, Allahabad

(B2/V)

Mahesh v/s. C.B.T. Chief Commissioner, (Admin) Income Tax Depto
Case no: 138 of 1987
Request for fixing some date in June 1987 instead of 4.5.87
A/105

Sir It is to inform you that case no 198/87
was fixed for trial in Court No: 1 on 4.5.87
but it was fallen Ramzan and as such
I feel inconvenience to come Allahabad
during Ramzan. It is fixed for 2.5.87 that is
Ramzan. I hope you will fix it in some other
date in June, 1987 instead of 4.5.87

Submitted for orders

Counsel for Applicant

(Sayed Zafar Hakeem Begum)
Advocate
31/365, Hali Si Bira Begum Hardoi Road
Lucknow

S.O. Judicial

Put up on
date fixed.

Law

DR(J)

①

B2
3

A
106

IN THE COURT OF GENERAL ADMINISTRATIVE TRIBUNAL
ADMINISTRATIVE BRANCH ALLAHABAD

Registration Case No. 198/87

Fixed for 30.7.87

Maresh Applicant

Versus

C.B.T.D. Chief Commissioner Income Tax
Lucknow Opp. Party

That the applicant beg to state as under :

That beside providing opportunities for filing counter of applicant's application dated 24.2.84 applicant forcibly not allowing duties since 29.9.1984 i.e. 4.5.87 to 25.5.87 dated 17.3.87, 4.5.87, 24.5.87, June 30, 1987 but even the as escaping to file written statements in defence.

1. That the applicant is out of employment since long and have to bear much more monetary's loss due to negligence of the opposite party concern.
2. That this court may in such a circumstance may pass proceed an ex-party and after hearing the applicant may pass some positive order to-day.
3. That in the interest of court this Hon'ble court may favour with the applicant by directing the opposite party either to take him on duty or arrange for payment of salaries if not taken on duty or work during the pendency of this case.

Wherefore it is prayed that this Hon'ble court would pass some positive order on this application in the interest of justice.

Applicant
Maresh
(Maresh)

Received copy
with the enclosures
R.P. Singh
J. Singh N.B. Singh
30/7/87

To, Deputy Registrar (B2) 96/07
Central Administrative Tribunal

Subj: Hearing of 2-11-87, he altered for 4-11-87
Ref: Case No. - 178 of 87 Mahesh V/S C.B.D. Taxes
Chief Commissioner (Admin) C.T. Co

Sir -
It is Submitted as under:-

Sh. Siddig -
So Judicial
Trib. up on
date fixed
DL(3)
20/11/87

That the Respondent's Council has
today tendered counter in this case 12/10/87
instead of 18-9-87. As such, I would
like to contest this case on 4-11-87 instead
of 2-11-87. Move over Case No. 124/86 is
also fixed for 4.11.87, in which I will have
to appear and have to come from Durgam
and if both cases fixed in the same date
it could be convenient for me.

Submitting for orders.

Shri 21/10 Dated Allahabad
Shri A.S. The 20th Oct, 1987

Yours faithfully
(Signature)
(Sudhakar Chakraborty)
Counsel for Petitioner

IN THE CENTRAL ADMINISTRATIVE (CIRCUIT-BRANCH) LUCKNOW
MAHASH --- Petitioner VIS P.R.O. & OTHERS CHIEF COMMISSIONER (ADMIN)
REG. No: 198 of 1980 COMMISSIONER OF INCOME TAX - LUCKNOW - o/p
F. No 28-4-88

To, The Deputy Registrar
C.A.T. (Circuit Branch), Lucknow

A
108

(B2/5)

22/4/88 Sir

The above mentioned case no. is fixed for hearing on 28th day of April, 1988. It may kindly be adjourned on 28-4-88 and fixed for 29-4-88, as I will be busy in case no: 251 of 1988 in High Court for argument in the High Court of Judicature at Allahabad's Lucknow Bench, Lucknow and thus I am unable to attend this case on 28-4-88.

I hope you will accommodate me accordingly.

Thanking you in anticipation.

Dated Lucknow
The April, 25, 1988

Yours faithfully,
[Signature]

Syed Zafar Mehdi Khan
31/365 MALIB (Advocate)
Hali Sitaru Bagum Hurdori Marg
Lucknow

CA. 198/87

Fixed for 20/4/88

Adjournment for 29-4-88

(B3)

REGISTERED

Current _____

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

23-A, Thornhill Road, Allahabad- 211 001

A
109

No. CAT/ALHD/JUD/

18/07/84

Dated/- 9/8

In re

Registration No. Maheesh of 198

APPLICANT(S).

Saran Behari, Public Relation Office,
90 Cheet Commisnary Office, Lucknow.

RESPONDENT(S).

Mr. Saran Behari, Public Relational
To Officer, Office of Chief Commissioner,
Income Tax Office, Ashok Mang,
Lucknow.

Please take notice that the applicant above
named has presented an application, a copy whereof is
enclosed herewith which has been registered in this
Tribunal, and the Tribunal has fixed
day of 1984 for
.....
.....

If no appearance is made on your behalf, you 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 day of 1984,

FOR (DEPUTY REGISTRAR)

REGISTERED

13/7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Circuit ALLAHABAD BENCH

23 A, Thornhill Road, Allahabad- 211 001

Gandhi Bhawan, Lucknow

No. CAT/ALL/JUD/

Dated/-

MC

110

In re

Registration No. 01198..... of 1987

M. Mahesh

APPLICANT(S)

Versus

Saran Behari, Public Relation Office

RESPONDENT(S)

To Chief Commissioner, Income Tax, Lucknow

To

Mr. Saran Behari

Public Relational Officer

To Chief Commissioner, Income Tax Office

Ashok Mang, Lucknow

Please take notice that the applicant above

named has presented an application, a copy whereof is enclosed herewith which has been registered in this Tribunal, and the Tribunal has fixed... 19.7.1987... day of..... 1987 for final hearing.....

If no appearance is made on your behalf, you 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 29..... day of 6..... 1987.

FOR DEPUTY REGISTRAR
Deputy Registrar

At Lucknow

1/7/88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A Thornhill Road, Allahabad-211001

B3/3

A/11/

No. CAT / ALLD / 17357

Dated : 23/3/08

In re

Registration No.

198 of 198

Mohesh APPLICANT

Versus

Smt. Smt. Behari P. R. O. RESPONDENTS
of Chief Commissioner Income Tax
Lucknow

To,

Smt. Smt. Behari P. R. O.
Office - Chief Commissioner Income Tax
Lucknow

Please take notice that the applicant abovenamed has presented an application, a copy whereof is enclosed herewith, which has been registered in this Tribunal, and the Tribunal has fixed..... 4th day of..... May..... 1987 for the hearing of the said application

If no appearance is made on your behalf by yourself, 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..... 20th day of..... March..... 1987

DEPUTY REGISTRAR
20/3

IN THE COURT OF THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

A
112

Registration No.198 of 1987.

Fahesh

.....

Applicant.

Vs.

Saran Behari, Public Relation
Officer. O/o Chief Commissioner
Income Tax office Lucknow.

Respondent.

Present:

Hon. K.S. Puttaowami, V.C.

Hon. L.M. Bhanu, A.M.

ORDER

Sri Fahesh, applicant in the case is
present. Heard the applicant.

Admit.

Notice to the respondent.

Call on 4.5.1987 in cases not ready
for hearing.

Sd/-

Sd/-

V.C.

A.M.

Dated: 17.3.87.

CTC
Chandra

(VINOD CHANDRA)

Section Officer
Central Administrative Tribunal
Allahabad Bench, Allahabad.

20/3

वे अदालत की आज्ञा

प्राची मुद्दाई

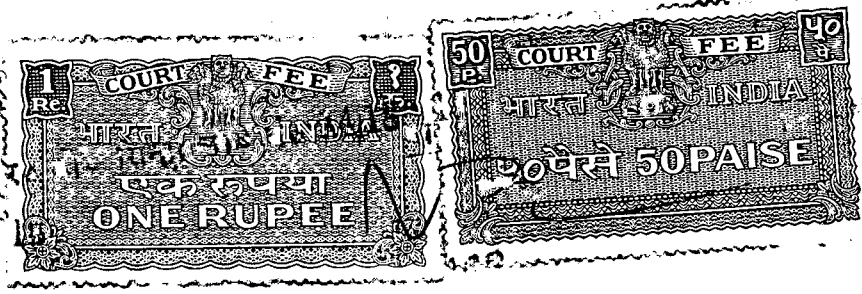
प्रतिवादी (मुद्दाअलेह)

का

वफादतनामा

(B)

A/113



Handwritten text in Hindi, possibly a signature or address.

प्राची (मुद्दा)

पनाय

प्रतिवादी (मुद्दाअलेह)

ने मुकद्दमा सन १९४७ पेशी की नं० ५०० १९४७ ई.

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Handwritten signature एडवोकेट महोदय बकील

सदर
को
वाम

जो अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिख देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेशी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपये वसूल करें या सुलहनामा वा इकबाल दावा तथा अपील व निगरान हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रूपया जमा करें या हमारी या बिपक्ष (फरीकसानी) का दाखिल किया रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें-वकील महोदय द्वारा जो गई वह सब कार्यवाही हमको स्वीकार है और होगी इसलिए यह वफादतनामा लिख दिया कि प्रमाण रहे और समय पर काम करे

Handwritten signature

हस्ताक्षर Syed Zafar Mehdi Kazim

M.A.L.L.B (Advocate)

साक्षी (गवाह) *Handwritten signature* साक्षी (गवाह) *Handwritten signature*

दिनांक २-३/५/४७ महोदय सन १९४७

12
Court fee remitted vide Notification No. M-1015/I-602(1)
Dated August 5, 1946 published in U. P. Gazette
Dated August 10, 1946 Part I, page 277.

(B1/2)

A/154

Central Administrative Tribunal Addl. Bench
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

Registration No. 198 of 1987

District : _____

*
Shri Mahesh _____
Petitioner/
Appellant/
Applicant/

V E R S U S

Shri Gadam Bihari Doss _____
Respondent/
Opposite Party/

I, ASHOK MOHILEY Additional Standing Counsel for the
Government of India (except Income Tax and Railways) at the
High court of Judicature at Allahabad, appear on behalf of:

The Government of India/Union of India/Central Govern-
ment (except Income Tax and Railways) and

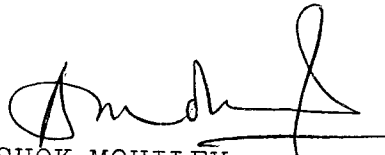
..... A/p/ appearance on behalf

..... of the respondent

.....

.....

Respondent (s)/Opposite Party (parties) Nos.....
who is/are the Petitioner/Appellant/Applicant/Respon-
dent/Opposite party in the aforesaid case.


ASHOK MOHILEY
Additional Standing Counsel
Government of India
High Court, Allahabad.

Dated :