

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

FORM OF INDEX

D.A./T.A./R.A./C.C.P./ No. 1533-1987
All India Post & Employees vs (W.P. 5239/83)
Uttaranchal P. A. R. T. - I U.C.A. 304.

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3.	Any other orders	:- NIL
4.	Judgement	:- 15 to 16
5.	S.L.P.	:- NIL

1 - ~~Copy of contract~~

1 - copy of Petition / Answer / Power of Attorney / Notice of Affidavit / Notices A-17 to A-48.

DY. Registrat

Supervising Officer

Dealing Clerk

Note :- If any original document is on record - Details.

Dealing Clerk

V.K. Mishra

Central Administrative Tribunal
Lucknow Bench

Cause Title TA 1533/87 of 1993 W.P. 5239/84

Name of the Parties All India postal Employees Union, ... applicant

versus

Union of India & others, ... Respondents.

Part A. P.C.

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1 - notices A46 to A48

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W.P. 5239/84
Log
S.O. 55

C - File

Winded out / destroyed

Recd from
3-12
m

All Employees Union vs U.O.)

:: (P) ::

(A)

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
(1) 6/11/89	<p>Hon' Mr. D.K. Agrawal, J.A. <u>Hon' Mr. K. Obayya, A.M.</u></p> <p>Shri M. Libey counsel for the petitioner is present and requests for adjournment. Adjourn this case to <u>5-1-90 for admission.</u></p> <p>A.M.</p> <p>(sns).</p>	<p>This W.M. 5239/184 received a bundle from Lucknow High Court on 1/6/89 adjourned to 5-1-90 on the date of hearing the case not admitted. Counsel with ss. not in hearing until case received back submitted</p>
(2) 5/1/90	<p>Hon' Mr Justice Kamleshwar Nath, V.C. <u>Hon' Mr K. Obayya, A.M.</u></p> <p>Learned counsel for the applicant Shri M. Dubey is present. The grievance of the applicant is that on account of a strike of the employees on 19.9.84, the services of the absentees were treated to have been broken, and, therefore, w.e.f. 20.9.84 they were treated to have been re-employed afresh. The grievance is that, this was done without a show cause notice. Before we enter upon this question, we would like to know whether the 43 persons annexed in Annexure No.4 were or not on strike on 19.9.84. The applicant may file a supplementary affidavit and list this case for <u>admission on 9-2-90.</u></p> <p>A.M.</p> <p>(sns)</p>	<p>for admission</p>
(3) 9/2/90	<p>No sitting adj. to 14.3.90.</p>	<p>GR No Supplementary affidavit has been filed. S.C.A. 13/7</p>

(2)

(A)

T.A. 1533/87

(5)

(12)

19.7.91

D.R.

Both the parties are

present. Sri M. Dubey

Adv. C/I A. moved an application for Ex parte hearing without filing of the counter by the O.P. Hence, this case is listed before the Hon. Bench on 27/8/91

for orders.

✓

(13)

27.8.91

No sitting adj. to 24.9.91

(14)

24.9.91

No. sitting adj. to 14.10.91

(15)

14.10.91

No. sitting adj. to 12.11.91

(16)

12.11.91

No. sitting adj. to 9.12.91

J

On MP 411/91 filed by Uc for the applicant for Ex parte hearing. Notice already issued to Mr. D.S. Randhawa on 16.3.90 by the order of court of 14.3.90

SFO

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3/12

✓
Date Adhesive → 100/-
Total

✓ Correct but Court fee ~~100/-~~
will be made on receipt of ~~100/-~~
Court record

In time up to

Papers filed. Copy of ~~8, 9~~ →
should also be filed.

On 10.10.84

Regd. No 42 24-9-84

Debtors Court

10/10/84

✓

N.D.A. for 23-10-84 29/10/84

Received copies from 1 to 9.

Debtors

(D.S. RAMDHANI)
Advocate
Senior Standing Counsel
Central Govt.
22-10-84

Mr. K. R. G. J.
Mr. B. K. S.

(ut up tomorrow as prayed -

Blauer
30.10.84
f

(B)

(B)

Hon. D.W. Ho &

Hon. B.K. J.

Left after three weeks
for admission. In the meantime
parties may exchange counter
and responder affidavits

Blanch ^{for}
31-10-84

S

Recent copies for B

Dr. Sauer
— Adweek
22-10-84

Hon. K.M.G.J
Hon. B.K.J

Put up tomorrow as per

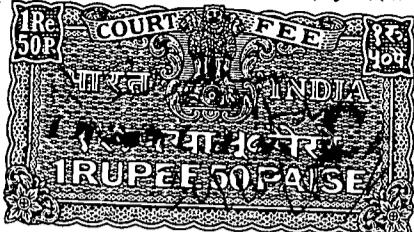
Hon. K.M.G.J
Hon. B.K.J

Put up with petition
paper b

30.10.84
d

AS4

In the Hon'ble High Court of Judicature At Allahabad



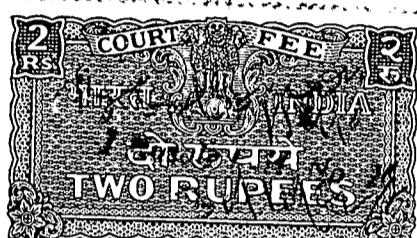
(Lucknow Bench) , Lucknow .

11, 220 (e)

C.M. Application No W of 1984

In

Writ Petition No 5239 of 1984



All India Postal Employees Union

Postman , class IV & E.D.A. .. Applicant .

In re -

All India Postal Employees Union

Postman , class IV & E.D.A. .. Petitioner .

Versus

Union of India & Others. .. Opposite Parties.

Application for impleadment

The humble applicant states as under ; -

1. That one of the employees , member of the petitioner Union is Shri Brij Mohan Extra Department Runner , Thakhrapur Distt Gonda whose ^{name} ~~name~~ figures at Sl No 32 of the list of employees in the order dated 24.8.1984 , Annexure 4 to the writ Petition .
2. That for the purpose of decision of the Writ Petition it is necessary that Shri Brij Mohan be permitted to be impleaded as petitioner

No 2 .

Plain paper

Received
as O.S. & S.
as M.R. ordered
197/21 Reg

19.7.91

D.R. and

Registers M.P. and

list it for orders on 27/8/91

27/8/91 before Mr. Benden

Sign

19.7.91

(1) (2) 6/AC/2

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

w-p

No. 26.

5239

of 1988,

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
30/10/88	Mem R-N-G, Mem B.K., Put up to morrow as per sayed.	Sel. R-N-G.
	Sel. B.K. 30/10/88 C.M. No 011, 220 AD 88	
31/10/88	Mem R-N-G, Mem B.K., Put up with w.p. Sel. R-N-G	Sel. B.K.
		30/10/88
31/10/88	Mem D-N-Jha, Mem B.K., List after three weeks for admission	
	rejoin the affidavit Sel. D-N-Jha Sel. B.K. 31/10/88	

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
No. _____ of 198

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
13/2/84	2	3
13/2/84	Hear K N G S Hear B K S	
19/2/84	Wait until C.M. 11/2/84 (C.W.J. S.C.) Hear K N G S	
27/2/84	Hear B K S	
27/2/84	Left with C.M. 11/2/84/3 House M Modi B Kuarj	4

(15) 10

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH

LUCKNOW

T.A.No.1533/87
(W.P.No. 5239/84)

All India Postal Employees
Union Postmen, Class IV & E.D.A

Petitioner

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C.Srivastava, V.C.

Hon. Mr.K. Obayya, Adm. Member.

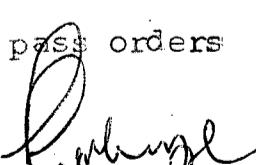
(Hon. Mr. Justice U.C.Srivastava, V.C.)

The above writ petition has come on transfer from HighCourt, Lucknow Bench to this Tribunal, by operation of law. It appears that the case under section 19 of the Administrative Tribunals Act, 1985 is not maintainable, as it is a public interest Petition, one Brij Mohan, Extra Departmental Runner, Thakurapur, District Gonda has been arrayed as applicant No.2. It appears that Extra Departmental Postal employees, Mail Runners etc. who working in the department, proceeded on strike, which according to them was done because of the refusal of the respondents even to negotiate further with the petitioner Union on the demands of Extra Departmental Employees and the Union gave a notice on 22.8.1984 to proceed on strike for one day on 19.9.84.

It appears that a circular purporting to have been issued by the D.G. P&T, New Delhi giving the

instructions that the persons going on strike will be treated as absent from duty and to be treated as break inservice. Even then some of the employees proceeded on strike and thereafter an order was passed stating that there will be break inservice of 43 employees as mentioned in Annexure 4 to the petition. The applicants have challenged the same.

2. It is a fact that the employees have not worked and Union claimed/it to be a right. The petitioner Union was not aware of the circular of the department. Break inservice involves certain civil consequences and opportunity of hearing requires to be given but in this case hearing was not given. In this connection, in the year 1985 taking into consideration a decision of the Lucknow Bench of the Allahabad High Court, department itself issued instructions although it is a matter of 1984. It is held that so far as break in service of applicant No. 2 is concerned that order is quashed, however it will be open for the respondents to give opportunity of hearing to applicant No. 2 to pass an order to treat break in service in accordance with law. The other concerned to approach the departmental authorities, and in case they approach to the department, the may pass orders in the same line.


Adm. Member.


Vice Chairman.

Shakeel/

Lucknow: Dated 22.5.92.

8528 Group A-15 (K)
In the Hon'ble High Court of Judicature At Allahabad ,

(Lucknow Bench) , Lucknow ^{Al}

Writ Petition No. 529 of 1984 .

All India Postal Employees Union

15779 Postmen , class IV & E.D.A.

.. Petitioner .

Versus

Union of India & Others .

.. Opposite Parties .

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4.	" 3	18
5.	" 4	19 + 20
6.	" 5	21 to 23
7.	Affidavit in support of Writ	24 to 25

Petition .

8. Vakalatnama

Lucknow

Oct , 22 , 1984

B. Palme
Counsel
For Petitioner. *M*

CIVIL

-SIDE

CRIMINAL

GENERAL INDEX

Nature and number of case

(Chapter XLI, Rules 2, 9 and 15)

Name of parties

All India Post Employees is 409.

Date of institution

30-10-84

Date of decision.....

File no.	Sérial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
1		6 - 60/- with 25/- Card off. dit			Rs. 102.00			
2		1 - Rose	1 -		5/-			
3		Card 11220 (u) 4/- of 84.	4/-		7.00			
4		Arch & hand 2	2		-			
5		Buck City	1 -		-			

I have this

day of

198

examined

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

Munsartm

Clerk

Board which includes the members dealing with different catagories of the staff. The Director General , Post & Telegraphs is the Chairman of Post and Telegraph Board and he is the Chief Executive Head in the Ministry of communication and also holds the post of Secretary to the Ministry of Communication of Government of India , New Delhi . The administration of the Ministry is spread over through out the country under circles comprising the area of individual states .

Each Circle has a Postmaster General as Head of the Department and General Manager Telecommunications .

The petitioner Union is confined to the employees working in the department of Post & Telegraph in different Circles under the Postmaster General . The employees of the respondent no 1 working in various establishments including class III employees , class IV employees and Extra Departmental employees are also governed by the Industrial dispute Act 1947

The petitioner union is a registered Union under Trade Union Act 1926 and is also recognised by Respondents . In all official functions and meetings of the petitioner Union , the members who participate in such functions and meetings are granted leave officially besides other priviledges . The petitioner Union is a body corporate having perpetual succession and a common seal empowered among other things to sue and to be sued .

3. That prior to 1.1.1973 , all Extra Departmental



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✓✓

employees working under the Ministry of Communication were getting dearness allowance as par with the regular employees. The catagory of employees included in the Extra Departmental Agent are not treated as regular employee , they only get a monthly allowance fixed by the Ministry from time to time on the basis of minimum work load of 3 hours per day. The minimum allowance payable to an Extra Departmental Agent ^{per month} (employee) is Rs 137/- The Extra Departmental Agents (employees) are ~~not~~ denied the benefits of the regular employees although they perform identical duties .

The petitioner Union pressed the respondents for the grant of dearness allowance, pro-rata wages and fringe benefits and restoration of Joint Extra Departmental Committee under the Chairmanship of Member(Post), to bring the Extra Departmental Agent employees under the perview of joint consultative Machinery of the Post & Telegraph Departmental Council for the settlement of demand relating to Extra Departmental Agents and the grant of interim relief to the Extra Departmental Agents .

4. That the respondents put a deaf ear to the grievances of the Extra Departmental employees and did not indicate their intention even to restore the dearness allowance. The petitioner union continued negotiations with the respondents for the settlement of dispute relating to the demands of Extra Departmental employees as detailed in paragraph 3 above . Having left with



Amrit Singh

(AII)

no alternative, the petitioner Union under the stress of its member, took a decision for organising one day token strike to be observed on September 19, 1984, through out the Country. At present there are about 3 Lac Extra Departmental employees spread all the Country over, out of which about 30,000 Extra Departmental employees are working in U.P. Circle and Majority of them are the members of the petitioner Union.

5. That the extreme step to stay work was the only consequence of the refusal of the respondents even to negotiate further with the petitioner Union on the demands of Extra Departmental Employees. The petitioner Union, therefore, gave a notice dated 22.8.1984 to the Chairman of the Post & Telegraph Board, Respondent no 2 that the petitioner union proposed to call a one day strike on 19.9.84 for reasons detailed in the annexure to the said notice. The Assistant Labour Commissioner (Central) Delhi, Chief Labour Commissioner (Central) New Delhi, and Regional Labour Commissioner (Central) New Delhi and all other trade Unions were also notified with the said decision of the petitioner Union. A ^{true} photo copy of notice dated 22.8.84 is Annexure I to this writ petition.



Government machinery months before knowing ~~in all~~ the consequences of their refusal to fulfil the genuine demands of Extra Departmental employees. These instructions remained confidential and could not be disclosed to the members of the petitioner Union who remained in dark. However, the petitioner Union received a notice dated 3.9.84 from the office of Chief Labour Commissioner (Central) New Delhi under the signature of Shri K. Sharan Joint Chief Labour Commissioner (Central) New Delhi inviting the representatives of the petitioner Union and the respondents to attend his office on 13.9.84 for the purpose of conciliation proceeding. The petitioner Union's attention was specifically invited to the provision of Section 22 of the Industrial Dispute Act 1947 and compliance there of was required to be ensured. The employee's attention was ~~involved~~ to the provisions of section 33 of the Industrial Dispute Act 1947 and its compliance was required to be ensured by them. The petitioner Union completed all formalities as required by the said notice dated 3.9.84 and complied with the provisions of section 22 of the Industrial Dispute Act 1947 during the pendency of the conciliation proceeding on 13.9.84. It is further stated that there is no contract between the employees workmen and the respondents for not resorting to strike. The respondents did not comply with the provision of section 33 of the Industrial



Sharan

AB

Dispute Act 1947. During the pendency of the con-
ciliation proceedings the Postmasters General of the
different Circles endorsed the circular purporting
to have been issued by the D.G., P&T, New Delhi to
all Heads of Departments on 13.9.84. A true copy
of the notice dated 3.9.84 is Annexure 2. A true
copy of the circular endorsed to all P.M.G's is
Annexure 3.

7. That on the basis of the circular Annexure 3 to this
writ Petition different heads of the Department
working under the P.M.G. issued circulars between
12.9.84 to 15.9.84 giving instructions that the
employees absenting from duty and joining the pro-
posed strike would be treated as absent from duty
amounting to break in service. On the basis of this
instruction Extra Departmental Agent Staff and
departmental staff working in the P&T Department have
been victimised on a large scale in U.P. Circle, including
8. That the employees have been victimised and action
under the said circular for break in service on the
alleged one day's absence has been taken without
affording any opportunity of hearing and no show cause
notice has been issued.

9. That the Superintendent of Post offices Gonda has passed an order dated 24.9.84 holding that 42 employ
named there in who had gone on strike on 19.9.84 ha
been treated as unauthorised absentees from duty an
for that reason their services stood broken and the



M. Aravind

AM 1/2

Amendmen
made in
order at Mysore
M. Duley
D.S.O.
B.P.M.G.

would be treated in service from 20.9.84. All the employees ^{including the petitioners no 2} named in this orders are the members of the petitioner Union and the action of the Superintendent Post offices Gonda for break in service of these members of the petitioner's Union directly concerns the petitioner Union. The petitioner Union is entitled to protect the employees and save them from victimisation. The said absence from duty was never declared illegal by the respondents. The respondents or any of their subordinates including the Superintendent of Post offices Gonda have no right to cut the wages of any employee or to treat any absence as break in service. The 4 employees named in the notice have not been given any opportunity of hearing before taking action against them.

A true copy of the order dated 24.9.84 is Annexure 4 to this writ petition.

10. That the Extra Departmental Agent employees are governed by the E.D.A. (Conduct & Service) Rules 1964. The penalties that can be imposed by the respondents on the Extra Departmental Agent employees are enumerated in Rule 7 of the said Rules, which is reproduced below ; -

7- Nature of penalties :

The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on an employee by the appointing authority, namely:-

(i) Recovery from allowance of the whole or part of an



Mysore

ed that they be treated in service only from 20.9.84. This is resulting in colossal loss to the employee. The respondents and their subordinates are under a legal obligation not to take any penal action against the employees without issuing a show cause notice and affording a reasonable opportunity of hearing. This legal obligation is enforceable under the law. The respondents and their subordinates have already taken action against large number of employees more specifically against those who are working at the head quarter at Lucknow.

12. That a similar action for break in service was taken against a large number of employees in 1982. One Chandra Bhan Tripathi, Postal Assistant, was treated on ^{un}authorised absence from duty. The Superintendent of Post offices Lucknow passed an order mentioning that the said period of absence would be treated as ~~dis~~men meaning thereby that the said interruption had been treated as break in service. Chandra Bhan Tripathi filed a Writ Petition in this court No 3728 of 1982 challenging the said order on the ground that no prior opportunity of hearing was given to him and this contention was upheld by this court in the judgment dated 25.1.83. The relevant extract of said judgment is contained in Annexure 5 to this writ Petition.



M. A. Bhatia

A/17

13. That the action of the respondents and the Superintendent of Post offices Gonda is not protected and is arbitrary and malafide. The order dated 24.9.84 is bad, arbitrary and violative of Article 311(2) of the constitution of India. The respondent are not paying the regular pay and allowance for 19.9.84 without assiging any reason and affording any opportunity of hearing to the members of the petitioner Union including ~~the petitioner~~ ^{have} the petitioner.

14. That the petitioner ~~has~~ ^{have} no other remedy ~~except~~.

except to file this petition amongst others on the following -

Grounds

I. Because the employees of the respondents are public servants and are entitled to the protection of Article 311(2) of the constitution of India.

(II) Because break in service and non payment of wages for alleged absence on 19.9.84 amount to a major penalty which cannot be imposed without following a proper procedure.

(III) Because the action for break in service and wage cut for 19.9.84 has been taken without issuing any show cause notice and affording opportunity of hearing.

(IV) Because the respondents are under a legal obligation not to take any action against their employees without issuing a show cause ~~or~~ notice and

giving a reasonable opportunity of hearing.

(V) Because respondents are failing to discharge their lawful duty and are threatening to impose the penalty of break in service and wage cut for 19.9.84 on the members of petitioner's Union without any authority of law.

(VI) Because, the respondents have violated and are continuing to violate the provisions of Article 311(2) of the Constitution of India.

(VII) Because the respondents are violating the rules of natural justice and are acting against all tenets of justice, equity and fair play.

(VIII) Because the Extra Departmental employees are governed by the E.D.A. (Conduct & Service) Rules 1964 which do not empower the respondents to take any such action as break in service and wage cut on the basis of alleged absence from duty on 19.9.84.

It is, therefore, most respectfully prayed that the Hon'ble Court be pleased to issue a writ in the nature of certiorari quashing the orders as contained in Annexures 3 and 4 to this writ Petition and issue a writ in the nature of mandamus commanding the respondents and their subordinates not to impose ~~the~~ penalty of break in service and wage ~~cut~~ for absence from duty on 19.9.84 without first holding an enquiry issuing a show cause notice and affording a reasonable opportunity of hearing to the employee concerned and

they be further commanded not to take any action of break
in service and wage cut for absence from duty on 19.9.84
against the members of the staff governed by the E.D.A.
(Conduct & Service) Rules 1964, issue any other writ
writ, order or direction in nature of writ deemed just
and proper in the circumstances of the case and allow
this petition with costs.

Lucknow


B. S. Lalwani
Counsel

Dated October 22, 1984 • For Petitioner.

In the Hon'ble High Court of Judicature At Allahabad ,

(Lucknow Bench), Lucknow .

Writ Petition No. of 1984

All India Postal Employees Union

Postmen , class IV and E.D.A. , .. Petitioner

Versus

Union of India & Others . . . Opposite Parties .

Annexure 1

**ALL INDIA POSTAL EMPLOYEES UNION POSTMEN, CLASS IV & EDA
CENTRAL HEADQUARTER**

* 13. VITTL BHAI PATEL HOUSE, RAFI MARG, NEW DELHI-1

No. 135-310/84

Dated 22-8-1984

STRIKE NOTICE

To : Shri. K-Thomas Kera ,

The Chairman,
P&T Board,
New Delhi-110001.

Sir,

In accordance with the provision contained in Sub Section(1) of Section 22 of the Industrial Disputes Act 1947, we hereby give you notice that we propose to call a one Day strike on 19th September, 1984 , for the reasons explained in the Annexure.

Yours faithfully,

(K. Adinarayana)
General Secretary.

ANNEXURE

The above said union submit the following demands pertaining to Extra Departmental Agents and if these are not conceded before 15th September, 1984 the above Union would resort to direct action mentioned in the notice:-

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821/3

1. Interim Relief to EDAs.
2. Grant of Dearness Allowance as are paid to regular employees as was paid prior to 1.1.1973.
3. Pre-rata wages as are paid to the regular employees performing identical duties i.e. equal pay for equal work with a floor minimum of three hours wages to EDAs.
4. Settlement of fringe benefits.
5. Restoration of Joint ED Committee under the Chairmanship of Member (Posts) to discuss and settle the demands of EDAs, particularly the fringe benefits, or bring the EDAs under the purview of Joint Consultative Machinery of the P&T Departmental Council for settlement of demands relating to EDAs.

Copy to :-

1. Assistant Labour Commissioner, Central, New Delhi.
2. Regional Labour Commissioner, Central, Delhi.
3. Chief Labour Commissioner (Central), New Delhi.
4. Secy. General NFPTE, New Delhi-110001.
5. All General Secretaries, NFPTE, New Delhi.
6. All Central Working Committee Members, P-IV.
7. All Branch/Divisional Secretaries, P-IV.

(K. Adinarayana)
General Secretary.

True Copy

Shana Syro



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X/3

In the Hon'ble High Court of Judicature At Allahabad ,
(Lucknow Bench) , Lucknow .
Writ Petition No. of 1984 .

All India Postal Employees Union
Petitioner
Postmen, Class IV & E.D.A.

Versus

Union of India & Others . . . Opposite Parties .

Annexure 2

GOVERNMENT OF INDIA
MINISTRY OF LABOUR & REHABILITATION OFFICE OF THE
CHIEF LABOUR COMMISSIONER (CENTRAL) NEW DELHI
No.23(26)84-Con.I
Dated: 3-9-1984.

To

(i) The Chairman, P&T Board,
Sanchar Bhavan, 20Asoka Road,
N. Delhi. Pin-110001.
(ii) The General Secretary,
All India Postal Employees Union
Postmen, class IV & EDA.,
13, Vithal Bhai Patel House,
Rafi Marg, New Delhi-110001.

Subject : Strike Notice dated 22.8.84 from the General
Secretary, All India Postal Employees Union,
Postmen, Class IV & E.D.A. proposing to call
one day strike on 19.9.84 .

Sir,

Please refer to the strike notice No.135-310/84
dated 22.8.84 from the General Secretary, All India Postal
Employees Union Postmen, class IV & E.D.A. addressed to
the Chairman, P&T Board, New Delhi.
2. I propose to hold conciliation proceedings in response
of the strike notice referred to above in my office room
No. 505, 5th floor, Shram Shakti Bhawan, Rafi Marg, New

Shivayogi



Delhi - 110001 on 13.9.84 at 11 A.M. kindly make it convenient to attend the ~~it~~ same ^{other} personally or through authorised representative together with all relevant records.

3. Attention of the Chairman, P&T Board is invited to Section 33 of the Industrial Disputes Act, 1947 and he is requested to ensure its compliance.

4. Attention of the General Secretary of All India Postal Employees Union Pestmen, Class IV & EDA is invited to Sub-section 22 of Industrial Disputes Act 1947 and he is requested to ensure compliance of the same.

Yours faithfully,
Sd/- K. Sharan
Jt. Chief Labour Commissioner (Central)
New Delhi &
Conciliation Officer.

True Copy
K. Sharan



18

In the Hon'ble High Court of Judicature At Allahabad ,
(Lucknow Bench) , Lucknow .
Writ Petition No. of 1984 .
A/24

All India Postal Employees Union
Postmen , Class IV & E.D.A. .. Petitioner .
Versus .. Opposite Parties .
Union of India & Others .

Annexure 3

CONFIDENTIAL / IMMEDIATE

Copy of communication No. 40/31/84-Pen dated 19.7.84 from
D.G. P&T New Delhi addressed to All Heads of Postal Circle

.....

Sub: E.D.As: Participation in strike treatment of unauthorised absence.

Sir,

I am directed to refer to the instructions issued under No. 40/58/78-Pen dated the 25th of April, 1984 on the above subject and to say that in order to meet the situation arising out of proposed strike by EDAs following instructions in respect of EDAs participating in the strike to be noted for guidance and necessary action:-

2. EDAs abstaining from duty without prior approval of competent authority will be treated as absent without permission and such action will constitute break in regular service of EDA. Such EDAs will ~~forfeit~~ their past service prior to their absence and they will have to complete minimum prescribed period of service again for becoming eligible to take examination as also for becoming eligible for gratuity. Their past service prior to break will count for any purpose.

3. In this connection, reference is intitled to Rule of ED Agents Conduct and Service Rules, 1964 under which E.D. Agents are prohibited to resort to any form of strike in connection with any matter pertaining to their conditions of service.

4. This may be brought to the notice of all concerned.



Pray, Sir
V. N. A. -

Shri S. P. S.

19/82

माननीय उच्च न्यायालय न्यायपालिका इलाहाबाद, लखनऊ खंड पीठ, लखनऊ

रिट प्रिटीशन नं०

आफ 1984.

यादी।

श्री भारत इंडिया पोस्ट एम्प्लाइज यूनियन

बनाम

यूनियन आफ इंडिया तथा अन्य

विपक्षीगम.

अनेकजर नं०-४

भारतीय डाक-तार विभाग
कार्यालय अधीक्षक डाकघर, गोडा मंडल,
गोडा-271001.

ज्ञापन सं०-बी/कान/यूनियन स्ट्रोइक/84 गोडा-271001 दिनांक 24.9.84

प्राप्त रिपोर्टों के अनुसार अधोलिखित अतिरिक्त विभागीय ऐजेन्ट दिनांक 19.9.84 को अनधिकृत रूप से अनियमित हड्डताल पर रहे। प्रत्येक अ. कर्मचारी की उक्त दिन की बैठक अवैध अनुपस्थिति को एतद्वारा अनधिकृत अनुपस्थिति घोषित किया जाता है जो कि सेवा काल में व्यवधान माना जाता है परिपाम स्वरूप सभी प्रयोजनोर्ध उनके सेवा के प्रारम्भ करने की तारीख 20.9.84 अथवा बाद की तिथि, जिस दिन कार्य पुनः प्रारम्भ किया हो, जायगी।

क्र.	नाम	पद	कार्यालय	ले.क
1.	श्री राजेन्द्र प्रसाद दुबे	अ.वि.डा.वा.	मछलीगांव	मनकापुर
2.	श्री साधु सरन	"	बनकसिया	"
3.	श्री दुखदरन प्रसाद मिश्रा	शा.पो.मा.	झिलाही	"
4.	श्री ललित मोहन	अ.वि.वि.	झिलाही	"
5.	श्री वीरेन्द्र बहादुर सिंह	श.पो.मा.	कुञ्जलपुर	"
6.	श्री श्री निवास शुक्ला	"	हरनाठायर	"
7.	श्री पारसनाथ शुक्ला	अ.वि.डा.वा/वि.ए.	"	"
8.	श्री राम अश्विनी	अ.वि.वि.ए.	बल्लीपुर	"
9.	श्री खंडीराम	अ.वि.मे.प्ल.	धुनाही	"
10.	श्री राज कुमार सिंह	अ.वि.वि.ए.	कुञ्जलपुर	"
11.	श्री बंशराज तिवारी	अ.वि.डा.वा.	रेहना	"
12.	श्री पारसनाथ	शा.पो.मा.	बल्लीपुर	"
13.	श्री राम उजागिर मिश्रा	शा.पो.मा.	धुरजापुर	"
14.	श्री हरीश चन्द्र सिंह	शा.पो.मा.	धुनाही	"
15.	श्री शिवशंकर मिश्रा	अ.वि.डा.वा.	कुञ्जलपुर	"
16.	श्री शिव सरन मिश्रा	अ.वि.डा.वा.	बैशीपुर रामलाल	"

क्रमशः १



M. M. S. S.

17. श्री राम नरेश तिवारी	अ.वि.डा.वा.	गिलाही
18. श्री आशाराम	"	"
19. श्री राम चन्द्र	"	"
20. " धरमराज	अ.वि.डा.वा	"
21. श्री सुशील कुमार	अ.वि.वि.र.	"
22. श्री चन्द्र प्रकाश सिंह	शा.पो.मा.	"
23. श्री मोहन लाल	ज.वि.डा.क.	लमटी उकरहवा
24. श्री प्रेमनाथ	अ.वि.मे.प्यू.	मनकापुर
25. श्री नसीर अहमद	अ.वि.डा.वा.	सेहुइया
26. श्री विशेषकर सिंह	शा.पो.मा.	बनकसिया
27. श्री जिनसुन	ज.वि.डा.वा.	जमुनिया कला
28. श्री स.के. सिंह	"	शिवपुर महादेव
29. श्री माधो प्रसाद	"	सोनपुर
30. श्री नहमुल्ला खाँ	"	मनकापुर
31. श्री बृजलाल यादव	अ.वि.डा.वा.	पुरैना
32. श्री बृजमोहन	"	ठकुरापुर
33. श्री राम सुमिरन	अ.वि.वि.र.	गैसडी
34. श्री गोकरन सिंह	अ.वि.वि.र.	"
35. श्री गंगाधर पाठक	अ.वि.डा.वा.	बेगमगंज
36. श्री राम उग्रह तिवारी	अ.वि.पैकर	"
37. " अम्बिका प्रसाद पाण्डेय	अ.वि.वि.र.	"
38. श्री तिलक राम	अ.वि.वि.र.	अइली परसौली बेगमगंज
39. श्री शीतल प्रसाद	अ.वि.डा.वा.	गजसिंहपुर
40. श्री रखाराम मिश्र	"	"
41. श्री देश राज सिंह	"	बनुआ
42. श्री ज्वाला प्रसाद	"	सोनौली मु० उम्मदपुर
43. श्री राधव राम	"	बरौली

ह०/ = अपठनीय
॥ डी० डी० पाण्डेय ॥
अधीक्षक डाकघर
गैंडा मंडल;

गैंडा - 271001.

प्रतिलिपि प्रेषित :-

1-43 उपरोक्त कर्मचारी

44-123 उप.पो.मा.उतरौला, गैसडी, बेगमगंज, मनकापुर, मनकापुर बाजार तथा
अन्य उप डाकघर ।

124-128 स.अ. उत्तरी तथा सभी उ.म.नि.। भविष्य में ग्रेहुटी या परी
सम्मिलित होने के लिए संसुति में उक्त कर्मचारियों के सेवा व्यवधा
ध्यान में रखने हेतु ।

129-130 पो.मा. गैंडा तथा बलरामपुर को आवश्यक कार्यवाही तथा उ
का एलाउन्स काट देने हेतु ।

131-132 स्टाफ अनुशासन परीक्षा नियम पंजिका के लिये ।
133- निदेशक डाक सेवाय, लखनऊ को उनके पत्र संख्या आर०डी
रम-२/१५ दिनाक २२. ८४ के संदर्भ में सूचनाथ, ह०/ = अपठ
गैंडा मंडल, गैंडा- अधीक्षक डाक

सूचना प्रतिलिपि

True copy
Rama Saini

21 22
In the Hon'ble High Court of Judicature At Allahabad ,

(Lucknow Bench) , Lucknow .

Writ Petition No. 1984 .

All India Postal Employees Union

Postmen, Class IV & E.D.A.

.. Petitioner.

Versus

Union of India and Others

.. Opposite Parties.

Annexure 5

Extract from Judgment in Writ Petition 3728 of
1982 decided on 25.1.1983 .

Chandra Bhan Tripathi

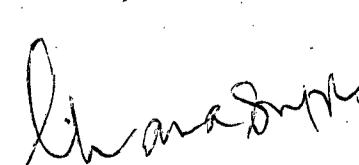
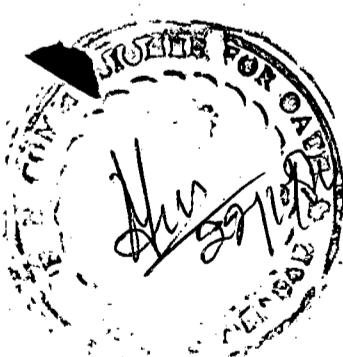
.. Petitioner.

Versus

Union of India & Others

.. Opposite Parties.

Para 5: Now what is the significance of the words "shall be deemed" and "unless decided by a competent authority". According to the learned counsel for the Union of India, in view of these words, it is open to the employee to represent against the action taken through Annexure No. 8. We are unable to accept the submission. The argument puts the cart before the horse. What the learned counsel is suggesting is- first punish and then hear . This, in our opinion is not the principle of natural justice. Principles of natural justice contemplate hearing before punishment . In our opinion the words relied upon by the learned counsel only prescribe a rule of onus. In view of the words hereinbefore mentioned the onus is on the employee to place before the competent authority relevant facts on the basis of which he claims the



that the period of alleged absence may not be treated as interruption or break in service. But this he is required to do only when opportunity of hearing is provided to him by issuing him show cause notice and not by way of representation against the punishment which has already been imposed.

Para 6: Our attention was drawn to Government of India's Instructions in regard to action for unauthorised absence from duty. The instructions collected in Swamy's Compilation of C.C.S. and C.C.A. Rules at page 30 are quoted below :

" If a Government Servant absents himself abruptly or applies for leave which is refused in the exigencies of service and still he happens to absent himself from duty, he should be told of the consequences, viz., that the entire period of absence would be treated as unauthorised entailing loss of pay for the period in question under proviso to Fundamental Rule 17, thereby resulting in break in service. However, if he reports for duty before or after initiation of disciplinary proceeding, he may be taken back for duty because he has not been placed under suspension. The disciplinary action may be concluded and the period of absence treated as unauthorised resulting in loss in pay and allowances for the period of absence under proviso to F.R. 17(1) and thus a break in service. The question whether the break should be condemned or not and treated as dies non should be considered only after conclusion of the disciplinary proceedings and that too after the Government servant represents in this regard".

Para 7 The above instructions also contemplate the consequence prescribed under Rule 17-A to be applied only after the employee had opportunity of hearing. This is apparent from these observations in the instructions he should be told of the consequence viz., that the period of absence would be treated as unauthorised.... "and".... The disciplinary action may be treated as unauthorised concluded and the period of absence treated as unauthorised.... According to these instructions the employee is to be told or informed of



Mr. A. S. Dutt

the consequences. The instructions are in regard to disciplinary proceedings arising from unauthorised absence. In the disciplinary proceedings itself the employee will get opportunity to place his case. The view taken by us is, therefore, in accord with the instructions issued by the Central Government. We are, accordingly, of the view that Annexure 8 is liable to be quashed as being in violation of principles of natural justice and is thus without jurisdiction. I would however, be open to the opposite parties to take appropriate action against the petitioner in respect of the alleged stoppage of work on July 14, 1982 after affording him reasonable opportunity of hearing.

True Copy
Shawky


SRI COMMISSIONED
High Court, Ahmedabad.

75917
22/10/84



24
131/10

In the Hon'ble High Court of Judicature At Allahabad ,

(Lucknow Bench) , Lucknow

Writ Petition No. of 1984 .



All India Postal Employees Union

Postmen , class IV & E.D.A. .. Petitioner

Versus

Union of India & Others .. Opposite Parties .

Affidavit

I Chandra Gupta aged about 50 years S/O Late
Shri R.B.Lal R/O Dharamshala Umrao Lal Ganga Prasad
Reside Lucknow do hereby state on oath as under ; -

1. That the deponent is the Circle Secretary of the All India Postmen , class IV and Extra Departmental Agents Employees Union in U.P. Circle and also the Vice President of its All India organisation and he is fully conversant with the facts of the case deposed to in the writ Petition .
2. That the contents of paras 1 to 13 are true to the deponent's knowledge and those of para 14 are believed to be true .
3. That the true copies of the Annexures to the writ Petition have been compared by the ~~deponent~~ deponent with their originals and they are found to be



Chandra Gupta

25

AB2

1/11

correct .

Lucknow

Oct 22, 1984

Chanchal Gupta

Deponent

Verification

I the above named deponent do hereby verify that the contents of paras 1 to 3 of this affidavit are true to my knowledge. Nothing material has been suppressed or concealed and no part of it is false,

So help me God .

Lucknow

Oct, 22, 1984

Chanchal Gupta

Deponent

I identify the deponent who has signed before me.

(M. Dubey)

Advocate

Solemnly affirmed before me on this 22/10/84 day

of Oct 1984 at 11:10 AM/PM by the deponent Shri

Chanchal Gupta who is identified by Shri

M. Dubey, Advocate High Court, Lucknow Bench,

Lucknow .

I have satisfied my self by

examining the deponent that he under stands the

contents of this affidavit, which has been read

over and explained to him .

SWORN COMMISSIONED
High Court, Allahabad.
Lucknow Bench

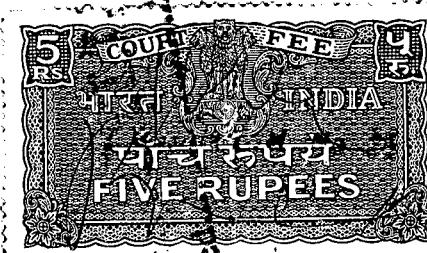
75/97
22/10/84

ब अदालत श्रीमान

High Court of Judicature
महादय
व अदालत, Lucknow, Lucknow Bench, India

वादी (मुद्दे)
प्रतिवादी (मुद्दालेह)

वकालतनामा



All India Postal Employees Union
Postmen, Class IV and E.D.A.

वादी (मुद्दे)

Union of India Post

वकाल

प्रतिवादी (मुद्दालह)

अदालत
मुकदमा
नं०

नं० मुकदमा सन् १९ पेशी की ता० १९ ई०
ऊपर लिखे मुकदमा में अपनी ओर से श्री B. Solomon, M.A.
एडवोकेट

महोदय
वकील

को अपना वकील नियुक्त, करके प्रतिज्ञा [इकरार] करता हूँ और लिखे देता हूँ इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अयील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विष्की [फरीकसानी] का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त [दस्तखती] रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

B. Solomon

साक्षी (गवाह)

M. A. S.
हस्ताक्षर
CIRCLE SECRETARY
ALL INDIA POSTAL EMPLOYEES UNION
POSTMEN, CLASS IV & E. D. A. S.
साक्षी (गवाह) LUCKNOW

दिनांक

22

महीना

10

१९८०

3(a). That in the first line of para one after the

word petitioner 'no 1' be added .

(b). At the close of para 7 after deleting the full

'stop" including the petitioner no 2 " be added.

(c). In para 9 of the writ Petition , in the 7 th

line , after the words employees , the follow -

ing be added

" Including the Petitioner no 2 ".

(d). In para 13 of the writ petition , at the close

of the paragraph, the full stop be ~~mark~~ delet -

ed and "including the petitioner no 2" be

added .

(e). In para 14, in the first line in the word

petitioner, "S) be added and the word has be

deleted and have be substituted in its place.

4. That the above amendments do not change the
nature of the case and do not cause any pre -
judice to the respondents.

It is , therefore , most respectfully prayed
that the above amendments be permitted to ~~be~~ be
made in the writ Petition .

Lucknow

30.10.1984

B. S. Jaiswal
Counsel
For Petitioner.

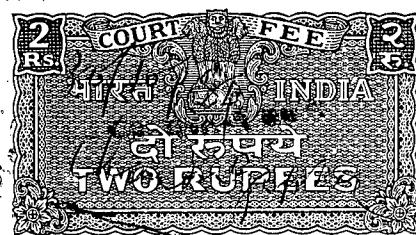
3 P36
In the Hon'ble High Court of Judicature At Allahabad

(Lucknow Bench) , Lucknow .

C.M. Application No. W of 1984

In

Writ Petition No. of 1984 .



1984
AFFIDAVIT
48
HIGH COURT
ALLAHABAD

All India Postal Employees Union

Postman , class IV & E.D.A. .. Applicant .

In re -

All India Postal Employees Union

Postman , class IV & E.D.A. .. Petitioner

Versus

Union of India & Others .. Opposite Parties

Affidavit

30/10/84
I Chandra Gupta aged about 50 years S/O Late
Shri R.B.Lal R/O Dharamshala Umrao Lal Ganga Prasad

Read Lucknow do hereby state on oath as under ;-

1. That the deponent is the petitioner no 1 in the above noted writ Petition and is fully conversant with the facts deposed to in this affidavit .
2. That the contents of paras 1 to 4 of the accompanying application are true to his knowledge.

Lucknow

Oct 30, 1984

Chandra Gupta
Deponent

Verification

I the above named deponent do hereby verify that the contents of paras 1 to 2 of this affidavit are true to my knowledge. Nothing material has been suppressed or concealed and no part of it is false, So help me God.

Oct , 30.1984

Chandra Gupta
Deponent

I identify the deponent who has signed ~~before~~ before me .

M. Dubey
(M. Dubey)
Advocate

Solemnly affirmed before me on this 30/10/1984 day of Oct 1984 at 9.30 Am/Pm by the deponent Shri Chandra Gupta who is identified by Shri M. Dubey Advocate High Court , Lucknow Bench , Lucknow .

I have satisfied my self by examining the deponent that he under stands the contents of this affidavit , which has been read over and explained to him .

G. Sardar

With Comptd. No.
High Court, Lucknow
Case No. 188/1984

188/1984

30-10-1984

AM
X/10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH
LUCKNOW M. P. NO. 411/91 CL
T.A. No. 1533/87T
(WP No. 5239 of 1984)

A.I. Postal Union Class IV, Postman & EDA ... Applicants
and another

Versus

Union of India and others

... Respondents
FF. 19.7.91

In the above noted case, it is respectfully

submitted :

1. That the case has been pending since long and no counter has yet been filed by the respondents consequently no headway is made.
2. That the applicants have been subjected to irreparable loss due to the pendency of the case.
3. That it would be expedient in the interest of justice that the case is considered for ex-parte hearing in absence of the counter.

It is, therefore, most respectfully prayed that the case be considered for ex-parte hearing in absence of the counter from the respondents.

M. Dubey

(M. Dubey)

Advocate

Counsel for Applicants

LUCKNOW

Dated : 19.7.91

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH.
23-A Thornhill Road, Allahabad-211 001

Case No.
T.A. No. 1533 of 1987
No. CAT/Alld/Jud

dated the 11/11/1987

All India Postal Employees Union APPLICANT(S)

41095

VERSUS

41042

Union of India & others RESPONDENT(S)

TO 1. Shri B. Solomon, Advocate, Lucknow High Court, Lucknow.
2. Chief Petaling Council (CG), Lucknow High Court, Lucknow.

Whereas the marginally noted cases has been transferred by
Lucknow High Court Under the provision of the
Administrative Tribunal Act XIII of 1985 and registered in this Tribunal
as above.

Writ Petition No. 5230
of 1989
of the Lucknow High Court, Lucknow

The Tribunal has fixed date of

6.11.89 1989, The

hearing of the matter at Gandhi
Bhawan, Opp. Residency, Lucknow.

If no appearance is made on your
behalf by your ~~same~~ one duly authorised to
act and plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this
day of November 1989.

Dinesh/

DEPUTY REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow.

No. CAT/AKO/Jud/

4020

date the

T.A. No. 1533 of 1990 (T)

M. ... Duley Applicants.
Varsus.

... Union of India Respondents.

To

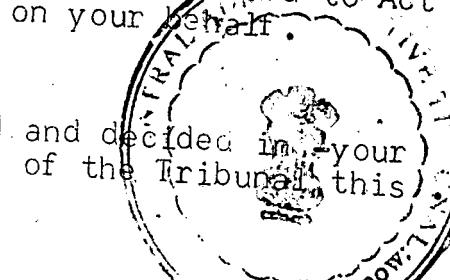
D.S. Randhawa senior standing
counsel govt. of India Lucknow
High Court Lucknow

Whereas the marginally noted cases has been transferred
by under the provision of the Adminis-
trative Tribunal Act 13 of 1985 and registered in this Tri-
bunal as above.

Writ petition No. 5239.....
of 1984.....
of the Court of H.C. Lucknow
arising out of
of order dated
passed by in
.....

The Tribunal has fixed date
of 5.7.90 1990. The
hearing of the matter.
if no appearance is made
on your behalf by our some one
duly authorised to Act and Plead
on your behalf.

The matter will be heard and decided in (your)
absence. Given under my hand sesl of the Tribunal this
..... day of 1990.



16.3.90
Bhartiya
DEPUTY REGISTRAR