

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.**

INDEX SHEET

T.A. 1536/82

CAUSE TITLE: W. P. No 5728/89 OF

NAME OF THE PARTIES ... *Y. Y. Srikastava* :.....,.....Applicant

Versus

401.800

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)

The File received from record room without Basta.

Dated 9.7.9.4.1.1.

Counter Signed.....

Ngan 05/11

Section Officer/In charge

1. 31

Signature of the
Dealing Assistant

3.9.91

A-2

D. R.

A3

Respondent's side

is present. Applicant

to file Rejoinder by

14/11/9114.11.91

D. R.

Both the parties are

absent. Applicant

to file Rejoinder by

29/1/9229.1.92

D. R.

Both the parties are

absent. Applicant

to file Rejoinder by

20/4/9220.4.92None Parties are present
Applicant to file Rejoinder
by 9.7.92.9.7.92

D. R.

by Registrar

Respondent's side is
present. Applicant is
absent. He is ordered
to file Rejoinder by 1/9/92.

1-9₁ 9₂
P.R.

Applicant is present. A.R.A.
has been filed till to day.
List for F.H. on 30-9-92
before the Hon'ble Bench.

30-9-92

No Setting of D. B. off
to 3.11.92

3.11.92

No Setting of D. B. off
to 23.12.92

d

23.12.92

No Setting off to 11.2.93

2

11.2.93

No Setting off to 23.2.93

4

of
R.A. has completed after

(S.F.H.)

10/11/91

oil

(S.F.H.)

11/11/91

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

W.E.S.
A.D. 1987

1987

(L)

T.A. NO

1986

(TL)

Date of Decision

N.N. Srivastava

Petitioner

Advocate for the
Petitioner(s)

V E R S U S

U.P. I. (P.U.C.)

Respondent

Advocate for the
Respondents

C O R I A N

Hon'ble Mr. Justice C. C. Srivastava, V.C.

Hon'ble Mr. K. Rayamajhi, A.D.

1. Whether Reporter of local papers may be allowed to see the Judgment ?
2. To be referred to the reporter or not ? ✓
3. Whether their Lord Ships wish to see the fair copy of the Judgement ?
4. Whether to be circulated to other benches ? ✓

See

Vice-Chairman / Member

14/4

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

T.A. No: 1536 of 1987

W.P. No: 5173 of 1989

N.N.Srivastava, Applicants.

Versus

Union of India (Defence) Respondents.

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

Hon'ble Mr. K.Obayya, A.M.

The applicant is Lower Divisional Clerk in the pay scale of Rs. 260-400 with admissible allowances in Dogra Regiment, Records Office , at Faizabad. He has filed this writ petition before the High Court for quashing the impugned order dated 26.9.84 passed by the officer incharge Dogra Regiment, Records office and also quash the order notified in patt II dated 5,7,84 notifying extra ordinary leave without pay and allowances issued to the opposit parties to forbear from illegally deducting the amount of Rs. 520.70 P. from the salary of the applicant and also to refund the entire amount deducted from the salary of the applicant. According to ^{was taken} the applicant whatever action ~~made~~ against him ^{was taken} it is because of union activity made by him against the officers and their behaviour towards him.

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The story starts with the deduction of Rs. 520.70 P. from the salary of the applicant in the month of July, 1984 and thereafter deductions of the amount and the other deductions such as the deduction on account of G.P. Fund, Central Govt. Insurance Scheme etc. The applicant was paid only a sum of Rs. 324.70 P. which he was asked to receive and on enquiry he was informed that the above amount of Rs. 520.70 P. had been deducted from the applicant's salary for adjustment in the applicant's leave account. According to the applicant, no prior intimation and notice was given to him and his deduction has wrongly been made from his salary and the representation ^{yielded} ~~held~~ ^u no result. In reference to Rule 15 in chapter III of the above Rules it is provided as under:-

" Rule 15. Except as provided in the note below a leave account shall be maintained in form 2 for each govt. servant by the audit officer, in the case of gazetted Govt. servant by the Head of office or an officer authorised by him in the case of non gazetted govt. servant.

Note:- In the case of Senior Officer in the Govt. of India Secretariat or any attached office who is Gazetted

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Govt. servant the leave account

shall be maintained by the Head

Office ". Ref:

Reference to Rule 16 has also been made and according to the applicant no deduction can be made. It is pointed out that the applicant was deprived of his leave account as back as during the year 1982 that he was adjusted in leave quota admissible to him. This was done by the office letter dated 30.8.1982. Despite the said information, he continued against the excess leave. He was fully aware that he was availing leave over and above his entitlement and therefore, the amount of Rs. 520.70 P. was deducted all of a sudden is not correct. The Government money drawn by the employee was not given to him and is recovered from him. The leave account of the applicant ~~in the audited~~ was not received from previous unit and that's why, the applicant who was supposed to know it, ^{give} continued to ~~do~~ leave application which was sanctioned by the Administration as per orders of Hon'ble High Court of Judicature. He wanted ^{applied} regularisation of 122 days of excess leave ~~appeal~~ ed by him which could not be done and that's why the recovery has been made. In view of the averments made in the CA it has been stated that

the amount for 122 days extra ordinary leave without pay and allowances was to be recovered from the petitioner, which worked out to Rs. 3124.15 P, it was decided to recover the amount in six instalments @ Rs. 520.70 P. per month commencing from the salary for the month of July, 1984, and in case the mistake was made by the parties, the applicant cannot be given benefit of the mistake and allowed to retain sums not entitled to.

For the above reasons, the application has got no merit, and, accordingly, it is dismissed. No order as to cost.


Member-A


Vice-Chairman

Lucknow Dated: 23.2.93

(jw)

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KA

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

Writ Petition No. 5172 of 1984



SCF=101
M/27/84



Sri H.N.Srivastava, son of Sri K.L.Srivastava
House No. 294, Kashmiri Mohalla, Faizabad.

... Petitioner



Versus

1. Union of India, through Secretary, Ministry of Defence, New Delhi.
2. Officer Incharge, Records, Records Office, Dogra Regiment, Faizabad.
3. Major S.S. Barar, Senior Record Officer, Dogra Regiment, Records Office, Faizabad.



... Opp. Parties.

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



1. That the Petitioner is Lower Division Clerk in the pay scale of Rs.260-400 with admissible allowances in Dogra Regiment, Records Officer, at Faizabad. He has been serving the above department as such for the last about 23 years. The present

Praveen

MEMO

To : Mr. Justice

Re : Report of Comptroller

obj. of P.O.
be tried.

~~Ex-Officio~~ Bench.

Last Sup. Order No 4 226-9-86.
Faizabad.

Notice for 23-10-84

Amount
22 x 84
22 x 86

Several copies for PPS 122.

Signature.

(D.S. RAMDHADH)

Senior Standing Counsel

Central Govt.

22-10-84

Hon. K. N. G. J.
Hon. B. R. S.

With this petition for admission in the second week of December, 1984. In the meantime the deduction from the salary of the ~~petitioner~~ petitioner shall not exceed Rs. 200/- (Rs. two hundred) per month. Counsel for the Union of India shall seek instructions in the matter. The petitioner shall be responsible for ~~the~~ ^{the} work on the ~~of~~ ^{of} ~~his~~ ^{his} ~~official~~ ^{official} ~~work~~ ^{work} ~~which~~ ^{which} ~~he~~ ^{he} prepares ~~in~~ ⁱⁿ ~~it~~ ^{it}. A copy of this work be supplied to petitioners Counsel on payment of necessary charges today.

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emoluments being received by the petitioner including pay and all admissible allowances etc. aggregate to Rs.1035.40 P. The petitioner had joined the above office at Faizabad ^{on} July 1979 after being transferred from Lucknow where he was serving the above department before joining at Faizbad.

2. That the petitioner is also the Joint Secretary of the Employee Union known as National Defence Employees Union, Faizabad, which is affiliated to Indian National Defence Workers Federation and Indian Trade Union Congress which the organisations of all India level.

3. That the opposite party no.2 Major S.S. Barar is the ^{present} Senior Records Officer and is the immediate superior of the petitioner in the department. The petitioner had espoused the just cause of certain defence employees working in the defence department who were being victimised by the opposite party no.3 and in this matter he had made certain complaints to the higher authorities ^{on} bringing the aforesaid to their notice which greatly annoyed and displeased the opposite party no.3.

4. That in consequence of the above functioning of the petitioner as representative and office bearer of the aforesaid Union the opposite party no.3 started causing harassment to the petitioner in various ways.

Officer-in-charge

Officer-in-charge



Hon. S. S. Ahmed, T

Hon. B. K. Munir

Admit.

Notice on behalf

of opposite parties
has been accepted
by the Senior Standing
Counsel for the
Government of India.
He may file counter
affidavit within six
weeks and the
petitioner will file
the rejoinder affidavit
two weeks thereafter.

Until further
orders, it is directed
that the opposite
parties will not
make any deductions
from the salary
payable to the
petitioner.

Parvez
Parvez

2/6-2-85

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5. That the senior officers of the local record office at Faizabad including the opposite party no.3 had insulted the petitioner calling him in his office on being displeased with him on account of the petitioner agitating the cause of payment of bonus due to the employees. The petitioner made a complaint of the same to the Adjutant General Org.(1) Pers.(A) Army Head Quarters, New Delhi. A true copy of the aforesaid representation/complaint made by the petitioner as stated above is annexed hereto as Annexure No.1. This representation was sent by the above authority for the comments of the concerned officer on which the petitioner was again insulted by the opposite party no.3 in a meeting and in the presence of other persons and the officials of the department. The petitioner also sent a complaint regarding the above incident to the authority mentioned above at New Delhi vide a true copy of the same annexed hereto as Annexure No.2 which is dated 1.3.1984.

6. That thereafter the opposite parties 2 and 3 who are closely associated with each other and are in hand & glove with each other started causing substantial pecuniary loss to the petitioner.

7. That all of sudden a sum of Rs.520.70 P. was deducted from the salary of the petitioner ^{of and in} in the month of July, 1984 after deductions of the above amount and the other deductions such as the deduction on account of G.P.Fund, Central Govt. Insurance Scheme etc. The petitioner was paid

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W. B. Mohan

only a paltry sum of Rs.324.70 P. which the petitioner was asked to receive and on enquiry he was informed that the above amount of Rs.520.70 had been deducted from the petitioner's salary for adjustment in the petitioner's leave account.

8. That it may be stated further that before making the above deductions for making socalled adjustment in the leave account the petitioner was not given any prior intimation or issued any notice. The petitioner contacted the opposite party no.3 Major S.S.Barar and enquired about the above deductions on which the said authority informed the petitioner that the aforesaid adjustments are being made in accordance with the position notified by Part II Order No.30 (Civ.) dated 5.7.1984 notifying the extra ^{as leave} ordinary without pay and allowances with respect to the leave of 122 days availed of by the petitioner but which ^{as} ~~it~~ was not due to him. The petitioner requested the opposite party no.3 and on his refusal, the opposite party no.2, to make above order available to the petitioner for his inspection and verification but both the authorities refused to allow the petitioner ^{to have a copy of an} to inspect the same nor has he been allowed to inspect the same. Both the opposite parties have informed the petitioner that the aforesaid period of 122 days relate to the extra ordinary leave which had actually been availed of by the petitioner during the period 1981 to 1983.

09/10/84

9. That the petitioner with the assistance of the scanty information supplied to him as stated above

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prepared a representation against the above high handed ~~xxx~~ action of the opposite parties 2 and 3 in making the aforesaid substantial deductions from his salary and submitted the same to the opposite party no.2 on 28.8.84. A true copy of the above representation dated 28.8.84 is annexed hereto as Annexure No.3.

10. ^{submitted} That it is further that on each occasion when the petitioner went on leave he submitted his application for leave before leaving the office. It is also to be noted that right from year 1981 the petitioner has been receiving his full salary without any deduction on account of the leave taken by him during the aforesaid period which shows that the leave ^{which} had been taken by him earlier on each occasions were fully sanctioned and were against the leave which were due to ^{him}.

11. That in the above representation vide Annexure No.3 the petitioner gave the break up of the period of absence of 122 days for which the extra ordinary leave has been granted to the petitioner and in the said representation the position of balance of leave due has also been shown and suitable adjustments in the leave account were also suggested. The succinct details given in the above representation make it clear that the entire period of leave availed of by the petitioner during the above period had been and could be adjusted against the leave permissible to the petitioner under the

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rules and the deductions in the petitioner's salary mentioned above were not at all justified. The above deductions are clearly motivated to cause serious harassment to the petitioner with the spirit of ^{as} vengeance and bring the petitioner to financial ruin as the petitioner has a large family to maintain and with the small amount of remaining salary ^{as} stated above he is unable to make his both ends meet.

12. That the rules contained in the Central Rules Service (Leave Rules) 1972 are applicable in the matter of grant of leave to the employees working in the above office.

13. That under Rule 7 of the above Rules, it is provided that although the leave ^{can} not be claimed as of right but ^{as} it is also provided that it shall not be open to the competent authority to alter the kind of leave due and applied for except at the written request of the Govt. servant. Rule 15 in Chapter III of the above Rules it is provided as under :-

" Rule 15. Except as provided in the note below a leave account shall be maintained in form 2 for each govt. servant by the audit officer, in the case of gazetted Govt. servant by the Head of office or an officer authorised by him in the case of non gazetted govt. servant.



W. B. Wesley

Note:- In the case of Senior Officer in the Govt. of India Secretariat or any attached office who is Gazetted Govt. servant the leave account shall be maintained by the Head Office".

Rule 16 (1) of the above Rule reads as under :-

" Rule 16 (1) - No leave shall be granted to a Govt. servant until a report regarding its admissibility had been obtained from the authority maintaining the leave accounts.

Note:- The order sanctioning leave shall indicate the balance of ordinary leave/half pay leave at the credit of the Govt. servant. "

Rule 16 (2) (a) of the above rulea reads as under :-

" Where there is a reason to believe that ~~the~~ obtaining the admissibility report will be unduly delayed, the authority competent to grant leave may calculate, on the basis of available information, ~~an~~ amount of leave admissible to the Govt. Servant and ~~whose~~ provisional sanction of leave for a period not ~~exceed~~ exceeding ~~40~~ days

- (b)
(c)

10/10/84

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14. That the rules relating to the grant of commuted leave are contained in rule 30 and that relating to 'leave not due' and 'extra ordinary leave' are contained in Rules 31 (1), and, Rule 32 respectively
15. That in view of the legal provision the very fact that the petitioner was being paid the entire salary without any deductions on account of adjustment for leave during the long period between 1981 and 1983 established that the petitioner had been granted leave against the leave due in his leave account which is also corroborated by the facts detailed in the petitioner's representation referred to above vide Annexure No.3. As the petitioner was not aware of the possible complications which have arisen at present, he did not take the precaution of preserving the said applications while applying for the aforesaid leave on each occasions. He took care ~~and~~ ^{as} in seeking that he was availing leave against the leave due to him. It is also stated that on each occasion leave was sanctioned to the petitioner.
16. That the opposite party no.2 without ~~the~~ ^{as} considering the aforesaid representation of the petitioner vide Annexure 3 and without verifying the correctness of its contents rejected the said application by a perfunctory order dated September 26, 1984 cursorily informing the petitioner that the period of absence from duty has been regularised by ^{as} grant of extra ordinary leave ~~without~~ pay and allowances. The petitioner's request for grant of

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1/1/85

Subhash Kumar

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"leave not due" was rejected by the said authority with ~~a~~ wild allegations that the same cannot be considered as the petitioner was not performing official duties of a Task Clerk for the last 5 months in spite of repeated instructions issued to him. Further ~~the~~ ^{as} allegation ~~which~~ has been made is that the petitioner had torn piece of official letters which had been personally handed to him. Both these allegations beside being absolutely vague are entirely false and baseless. The petitioner has never been asked to perform the duties of a Task Clerk and he has never torn the official letter as ~~falsely~~ ^{as falsely as} alleged. No disciplinary action against the petitioner has ever been taken on the above grounds and the bonafide request of the petitioner for grant of leave not due to him could not be rejected on the above ground as the same tantamount to ^{alleging an} inflict ~~penalty~~ ^{of} penalty upon the petitioner without taking disciplinary proceedings which is contrary to law, and is arbitrary and is also violative of the principles of natural justice. A true copy of the ~~xx~~ above letter issued by the opposite party no.2 dated September 26, 1984 to the petitioner is annexed hereto as Annexure No.4.

A/1084

17. That the petitioner is advised to state that there is no legal provisions in the aforesaid leave rules entitling the competent authority to make deductions in salary in the manner in which it has been done when the leave of one kind or the other is available to an employee.

18. That in view of the above facts the aforesaid

M. B. Basu

order vide Annexure No.4 and the notification in Part II Order No.30 (Civ.) dated 5.7.84 notifying extra ordinary leave without pay and allowances, of which the copy could not be obtained by the petitioner and for which the opposite parties may be directed to furnish the same to this Hon'ble Court, are absolutely unsustainable in law and are liable to be quashed and set aside.

19. That the deductions in the aforesaid manner of Rs.520.70/- per month have already been made from the petitioner's salary for the months of July, August and September, 1984 and the opposite parties are preparing to deduct the said amount in the current month of October and it is expedient in the interest of justice to direct the opposite parties 2 & 3 to forbear from making aforesaid deductions of the above amount from the petitioner's salary henceforth during the pendency of this petition in this Hon'ble Court and also to refund to the petitioner the amount already deducted from the petitioner's salary as stated above.

of 21.10.84

20. That aggrieved by the impugned order dated 26th September, 1984 and the Notification in Part II Order No.30 (Civ.) dated 5.7.84 and having no equally efficacious and adequate alternative remedy the petitioner begs to prefer this petition on the following grounds :-

M. Mushtaq

G R O U N D S

- A. Because the order dated 26-9-84 ~~v de~~ Annexure No.4 and the notification in Part II Order No.30 (Civ.) dated 5.7.84 notifying extra ordinary pay and allowances in respect of petitioner's salary ~~without jurisdiction~~ are absolutely illegal, arbitrary, and unjustified and are therefore unsustainable in law.
- B. Because the deductions from the salary of the petitioner as stated above are in the nature of punishment without holding any disciplinary proceedings against the petitioner and are contrary to the regulation contained in Civil Service Regulations according to which no punishment can be inflicted without holding disciplinary proceedings.
- C. Because the aforesaid orders are also violative of the principles of natural justice and are nullity in the eye of law.
- D. Because the aforesaid orders are also vitiated by malafides.

R E L I E F

Wherefore it is respectfully prayed that this Hon'ble Court may kindly be pleased to issue :-

- (i) writ of certiorari quashing the impugned order ~~vde~~ Annexure No.4 dated 26.9.84 passed by the opposite party no.2 and also quash the order notified in Part II Order No.30 (Civ.) dated 5.7.84 notifying

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extra ordinary leave without pay and allowances.

(ii) writ of mandamus directing the opposite parties to forbear from illegally deducting the above amount of Rs. 520.70/- from the salary of the petitioner and also to refund the entire amount referred to above already deducted from the salary of the petitioner.

(iii) any other writ, order or direction as may seem to be just and proper in the circumstances of the case.

(iv) to award costs of this petition.

(v) to waive statutory notice as the matter is urgent.

S.K. Mehrotra

(S.K.Mehrotra)
Advocate
Counsel for the petitioner.

Lucknow: Dated:
Oct. 22, 1984.

Abhishek

१३ दि अक्टूबर २०११ नैट शापिंग लुटी बैंकर ऐट मला हावाद,
लसनदान रोड, लसनदान।

रिट पिटी शन नं० शापिंग १६८४

नरसिंह नरायन श्रीवास्तव --- पिटी शनर

वनाम

यूनिशन शापिंग एन्ड लॉपार्टीज

शनैर्जूर नं० -१

प्रेषाक,

नरसिंह नरायन श्रीवास्तव,
लिपिक शर्धी सारा, अमिल्स वारा र्लिय
डीगरा रेजो भेन्ट, पंजाबाद।

सैवा भै,

श्री मान एहलुटेन्ट जनरल, बार्म (१) पार्ट (२)
सैमा मुख्यालय, नह दिल्ली।

आरा:-

प्रमारी अधिकारी,
अमिल्स, डीगरा रेजो भेन्ट, पंजाबाद।

निधारित प्रणाली आरा

विषय:- वरिष्ठ अमिल्स अधिकारी एवं तनके श्रद्धी नसा
अमिल्स अधिकारीयां आरा मृठे शरीपां भै
फास आना।

महीक्या,

शुभिन्द्र निवेदन है कि प्रार्थी अमिल्स वारा र्लिय
डीगरा रेजो भेन्ट पंजाबाद भै लिपिक यद पर कार्य आरा

ही प्राणी द्वारा विषाग में लगभग २६ वर्षों से दायर करता चला रहा है प्राणी का स्थान अन्तर्गत प्राणी के स्वर्य के विनाशी पर दुग्ध शिथि न्ता (परिष्वम) लगभग ८५ अगस्त १९७६ की सेना मुख्यालय डॉगरा रेजीभन्ट भूमि भाष्ट जुलाही सन् १९७६ की सेना मुख्यालय द्वारा दिया गया था।

प्राणी को उपरीकृत अधिकारियों द्वारा लगातार मानसिक यन्त्रणार स्वर्व कष्ट दिया जा रहा है जिसका कि मुख्य कारण प्राणी का रक्त कम्बारों संगठन भूमि संयुक्त मंत्री के पद पर हीमा एवं संयुक्त मंत्री की हीसियत से रिकाउ अपिक्स के प्रशासनिक अधिकारियों के विरुद्ध शिकायतें सेना के उच्च अधिकारियों को मैजना एवं उसको जांच करवाना है। इन पर्वों एवं शिकायतों के अधार पर सानीय अधिकारियों के प्राणी के विरुद्ध अनुशासनात्मक कार्यवाही भी को और प्राणी की लः महेभूमि तक के लिए वार्षिक धैतन वृद्धि नवम्बर १९७६ भूमि रौपेक दी गई थी। इस दण्ड के विरुद्ध प्राणी के एक अपोल को जिसकी वाद भूमि प्राणी के प्रार्थना पन के अधार पर तत्कालीन एडजुटेन्ट जनरली एस०क० सिन्हा साहब ने प्राणी के प्रार्थना-पत्र के तथ्यों को देखते हुए प्राणी को उदान धैतन बृहि रौपेली के दण्ड की समाप्त कर दिया था।

प्राणी को तब से लैकर अजंतक उसी प्रकार ये



JK

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मानसिक कष्ट किया जा रहा है विगत दिसंबर १९८३ के
 यद्देश्य में प्राथों ने एडजुटेंट जनरल सेना मुख्यालय को अधिलेख
 कायालिय डीगरा रेजीभेंट में के प्रशासन द्वारा असेनिक
 कम्बारियाँ को समय से बांस का वितरण न करने के बारे में
 एवं अधिलेख अधिकारों के पद्धति में भैमनाथ साहब के द्वारा रिकाहौं
 अफिस के कम्बारियाँ को परेशान करने के बारे में एक तार
 एवं शिकायत पत्र बहसियत संयुक्त मंत्री के मेजा था। जिसके
 स्थानीय रिकाहौं अफिस के वरिष्ठ अधिकारी प्राथों से प्रति-
 शोधित हो गये और प्राथों को विमिन प्रकार के कूठे आपै
 में पासाने को साजिश करने पर उताह ही गये तथा अन्य
 जाह्यत्रों में पासाने का बुचल पर रहे हैं जिसमें माजूदा
 परिष्ठ अभिलेख अधिकारी भैर एस०एस० बरार साहब ने
 प्राथों को अपने कमरे में बुलाकर अपमानित किया एवं यह
 कहा कि उन्हें मार्च द्वे में रिटायर ही जाना है उनका कु
 नहों दिग्दीगा-लैकिन मैं तुम्हें सबक सिखाकर रहूँगा। तथा एस
 प्रकार से वे प्रतिमाह हीने वाले दरबार के माध्यम से लगातार
 प्रतिक्रिया करते चले थे उनका यह सुलत्तर कहना है कि
 "तुम्हें प्रशासन का दलाल चाटकार बनकर काय बरना हीना।
 जैसा कि दो चार कम्बारी करते हैं" प्राथों ने इस पर
 अप्रित्त को। इस अप्रित्त एवं रुदा कम्बारी संगठन में हीने



के नाते उपराष्ट्र अधिकारी द्वारा उनके अधीनस्थ अमिलेस अधिकारी कैप्टेन रघुवीर सिंह जिनकी कि यूरे शब्दों में प्राणी का अनुमानीय अधिकारी कहा जाता है और उन्हें के अधीन प्राणी कार्य करता है, तरह-तरह से मानसिक यातनार्थी दिलवार्थी जाने को मोहिम तैयार की जारहे हैं यहाँ तक की भेजर एस०एस०वरार वरिष्ठ अमिलेस अधिकारी प्राणी का हाथ पर पक्की ज्वानों से तुड़वा हालने की मी घम्की है रहे हैं।

अतः श्री मान् जी से प्रार्णिना है कि प्राणी को दयनीय दशा की देखते हुए प्राणी की रक्षा की जाय एवं उपराष्ट्र तथ्यों को जांच करवार जाय अन्यथा प्राणी की अपनी जान की रक्षा एवं नीलरों की बराने हेतु न्यायालय की शरण में जाना पड़ेगा।

घन्यवाद।

अपकान अरामारो

ह०। एन०एन०श्रीवास्तव,
२३०-२-८४
(एन०एन०श्रीवास्तव),
एस०टी०स००

दिनांक:- १३फरवरी १९८४।

- प्रतिलिपि अग्रिमकार्यवाही हेतु एवं एन०एन०श्रीप्रैजितः-
- १- एड्जुटेन्ट जनरल, अर्म(१)पर्स(ए) सेना मुख्यालय, नईदिल्ली
 - २- श्री एस०पी०दुराना भेस्टर अपन डॉस००एम०, (स्टाफ साइड) अमेरी डेवाटर काउन्सिल।

संघ प्रतिलिपि



हन दि आनरैलु लाई कैट अपन जुलेकैचर ऐट छला हाबाद,
लखनऊ बैच, लखनऊ।

रिट पिटी शन नं० अप्र० १६८४

नरसिंह नरायन श्रीवास्तव ----- पिटी शनर

बनाम

यद्दनियन आफ छिन्डियाव अन्य ----- अप०१०पा टी०४

श्रीगुरु नं० २

प्रेषाक,

नरसिंह नरायन श्रीवास्तव,
एल०हो००सो०। द्य०पी०
श्रमिलेख कायर्लिय, होगरा रैजो बैट,
फैजा बाद (य०पी०)

सेवा में,

श्री मान रहजूटैट जनरल,
आर्म(१) (पर्स) (ए)
सेना मुख्यालय, नई दिल्ली - ११००११।

दरातः+ प्रपाते श्रिकारो, श्रमिलेख कायर्लिय होगरा
रैजो बैट।

निधारित प्रणाली बारा

विषय :- सिविलीयन सभिलन भै प्राणी का भैजर ऐस०३००
बारा, बरिष्ठ श्रमिलेख श्रिकारो सोरा अपमान
करना एवं धमको दैनन्द।

महोक्य,

प्राणी के प्रार्थना-पत्र दिनांक १३-२-८४ का

०२/१०४५

✓
J

४८ १७ (५२)

-२-

वृपया अवलोकन दर्शन-

२- प्राणी है उपर्युक्त प्राणी-पत्र के सन्दर्भ में प्राणी को भेजर एस०एस०बार, वरिष्ठ अमिलेख अधिकारी भजर डेंगरा रेजिमेन्ट द्वारा प्राणी को सिविलियन सम्मिलन(दरबार) के समक्ष अपमानित किया गया। घटना का क्रम निम्नलिखित है :-

३- दिनांक २८-२-८४ प्रातः के लारे ५ बजे लजकर चालो स मिनट पर सिविलियन सम्मिलन(दरबार) में प्राणी है उपर्युक्त प्राणी-पत्र को यू०डी०सी००श्री राम सिंह को यह अदैश पारित किया कि प्राणी को उत्तप्राणी-पत्र को पटा जाय। प्राणी है उपर्युक्त प्राणी-पत्र को वरिष्ठ अमिलेख अधिकारी ने यू०डी०सी० श्रीरामसिंह को किया एवं पढ़ने के लिए कहा। चूंकि प्राणी है उपर्युक्त प्राणी-पत्र में वरिष्ठ अमिलेख अधिकारी भेजर एस०एस०बार के सिनापन-शिकायत लिखी गई पाई गयी इस कारण भेजर एस०एस०बार साहब ने प्राणी को मरी दरबार में अपमानित करना शुरू कर दिया।

४- ज्ञाधी है उपर्युक्त प्राणी-पत्र को यू०डी०सी० श्रीराम सिंह द्वारा सिविलीयन सम्मिलन के तमक्ष पढ़वाया गया एवं प्राणी को मरी पर्यंत दरबार में अपमानित किया गया। वरिष्ठ अमिलेख अधिकारी भेजर एस०एस०बार जिनतै अध्यक्षता में यह सिविलीयन सम्मिलन हुआ प्राणी को समूर्ध

दरबार के समेत वरिष्ठ अभिलेख अधिकारी मैजर एस०एस० बरार
ने प्राथों को अप मानजनक शब्दों एवं धमकी देते हुए अपने दोनों
हाथों की मेजपर जौर जौर से पटकते हुए कहा कि इसने अपनी
कब सौदड़ाली है और इसके साथ दो और तीन की और कब
सुदैय ह तुम लौगों के यूनियन का ज्वाइंट सेक्रेटरी है इसने
तुम लौगों के लिए क्या कर दिया है मैं इसको इस अपलोकेशन
को एहजूटेन्ट जनरल को नहीं भेजूँगा। एहजूटेन्ट जनरल, क्या मेरा
कमी शन ले लैगा मैं इसको अपलोकेशन को फाइकर बासकैट में
पैक करूँगा इसके अतिरिक्त कुछ शब्द ऐसे कहे जिसको कि
प्राथों पत्र में अकित नहीं किया जा सकता ज्योंकि वे शब्द
बहुत ही अशैमनीय शब्द हैं।

५- प्राथों ने उपरोक्त वाक्यों को सुनने के बाद
आपने की तथा यह कहा कि चूंकि यह मामला प्राथों का
व्यक्तिगत है इसका सिविलियन समीलन के समेत रखना
न्यायोचित नहीं है अतः प्राथों सिविलियन समीलन को मर्यादा
को देखते हुए प्राथों स्वयं समीलन के बाहर जा रहा है और
इस तरह प्राथों समीलन के बाहर चला आया।

६- अतः प्राथों श्री मान् जी से प्रार्थना करता है कि
मामले को गम्भीरता को देखते हुए श्री मान् जी का तुरन्त
हस्तेचाप करना न्याय को हित में अत्यन्त आवश्यक है ज्योंकि
जब वरिष्ठ अभिलेख अधिकारी, मैजर एस०एस० बरार मरे दरबार



John

A handwritten letter 'B' is written on the left. To its right is a circle containing the text 'Baa' and a small drawing of a sheep.

— 8 —

मैं प्राणी को अपमानित कर सकते हूँ तर्थे वे किसी भी समय
प्राणी के साथ दुःखी भी कर सकते हैं तथा किसी भी मृत्यु अराम
भी फँसा सकते हैं

६ पुनः श्रीमान् जी से प्रार्थना है कि विषय की गम्भीरता को देखते हुर प्राथ्यों के प्रार्थना पत्र के तथ्यों को निष्पत्त जांच करवाइ जाय एवं प्राथ्यों की नौकरी एवं जानकी रद्दा को जाय।

प्राप्तो हस कायं का सर्व आमारो रह्या तथा
आपकी एवं आपके परिवार की सदा शम्भासना करता रह्या

આપકા આજાકારો

दिनांक १-मार्च, ८४।

४०। एन० एन० श्री वा स्त्री ,
१०३-८३

४०३-८४
(एन०एन०श्री वा स्त्री)

फ्रतिलिपि अग्रिम कार्यवाहे हैत प्रेषित :-

१- एहजूट-ट जनरल, ग्रामी(१) (पत्ती) (स) सिना मुख्यालय,
नहीं दिल्ली - ११००११।

२- श्री एस०पी०खुराना, भिन्नर अपने जी०सी०ए०प० (स्टाफ साइट) आमे० हेडक्वारटर्स कॉस्मिल।

ਫਿਰੀਂ ਭੁਵ ਅਪਨ ਰੇਮਾਚੰ ੮੪
੨ ਕਾਪੀ ਜੁ
ਹੀ। ਅਪੂਰਿਤ,
ਰੇਮਾਚੰਦੀ।

सत्य प्रतितिपि

2/18/80

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

Annexure No. 3

N.M.Srivastava Petitioner.

vs

Union of India and others Opp. Parties.

N.M. Srivastava, LDC/OP

Records The Dogra Regiment

Faizabad (U.P.)

To

The Senior Record Officer
Records The Dogra Regiment
Faizabad (U.P.)

Subject:- Regularisation of Leave by grant of "Leave not due".

Sir;

1. With due respect and humble submission I beg to state that I am surprised to note that a heavy deduction of Rs. 520/-70 per month is being made from my pay and allowance, from the month of July 84 on account of absences regularised by you as Extra Ordinary Leave without pay and allowances for the following periods inspite of the fact that Earned leave and Half pay leave existed in my credit during these period and also I being entitled for "Leave Not Due" as per rule 31 of Central Civil Service (leave)

Rule- 1972:-

<u>Number of days</u>	<u>Period of absence for which Extra Ordinary Leave granted</u>
20 days	09-2-81 to 28-2-81
12 days	02-6-81 to 13-6-81
1 day	28-8-81
31 days	06-9-81 to 06-10-81

Leave taken during 1-7-82 to 31-12-82	-	20 days	4 days
Earned leave credited on 1-1-83	15 days	-	19 days
Leave taken during 1-1-83 to 30-6-83	-	4 days	15 days
Earned Leave credited on 1-7-83	15 days	-	30 days
Leave taken during 1-7-83 to 31-12-83	-	16 days	14 days

3. Thus it will be seen that Earned Leaves were in my credit at the end of each half year from 30-7-79 to 31-12-83. IT is therefore, not understood as to how my absence has been regularised as Extra Ordinary Leave without pay and allowances although I requested in my application for leave as due.

4. However, it is requested that my absence regularised by you as E.O.L without pay and allowances my please be regularised by grant of leave as stated below against each:-

- (a) 20 days wef 09-2-81 to 28-2-81 - by grant of leave
Not Due as the absence was due to self sickness
on M.C.
- (b) 12 days wef 02-6-81 to 13-6-81- by grant of half
pay Leave
- (c) 1 day for 28-8-81 - by grant of Half
pay Leave.
- (d) 31 days wef 06-9-82 to 6-10-81- by grant of Leave
Not Due as absence is due to self sickness on
Medical Certificate.



John

- (e) 21 days wef 13-10-81 to 2-11-81- by grant of
leave Not Due' as the absence was due to self
Sickness on M.C.
- (f) 1 day for 30-1-82 - by grant of
Half pay Leave.
- (G) 1 day 15-6-82 - by grant of
Half pay Leave.
- (h) 1 day for 23-4-83 - by grant of
Half pay Leave.
- (j) 3 days wef 28.4.83 to 30-5-83- bt grant of 'leave
Not Due' as the absence was due to self sickness
on M.C.
- (k) 1 day for 17.6.83 - by grant of
Half pay Leave.

Note:- Half pay Leave were in my credit on these
days for which requested as para 4 above .

5. It is therefore, that part II order No. 30 (Civ)
dated 5.7.84 notifying E.O.L. without pay and allowance
in my respect may be cancelled and fresh part II or er
may kindly be published regularising my leave as indi-
cated above. The pay and allowances recovered may
please be refunded to me through Sy pay Bill to save
me from financial Harassments which may have bad
affect on my health and to my family.

Thanking you.

Yours faithfully

(N.N. Srivastava, LDC/OF)

Dated : 28 August 1984.

T. C.

J. N.

X/2 25
A.M.
X

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

Annexure No. 3

N.N. Srivastava Petitioner.

vs

Union of India and others Opp. Parties.

Telephone Military 20 Dogra Regiment Abhilekh
Karyalaya

Records the Dogra Regiment
Faizabad (U.P.)- 224001

0487/NNS/PO/LA 26 Sep 84

7762151 LDC
Sri N.N. Srivastava
Records The Dogra Regiment
Faizabad (U.P.)

REGULARISATION OF LEAVE

1. Refer to your application dated 228 28 Aug. 84.
2. You have been granted earned leave and comuted leave as per your entitlements. The excess period of absence from duties has been regularised by grant of EOL without pay and allowances.
3. Your request for grant of "leave not due" cannot be considered as you are not performing any official duties of a task clerk for the last five months inspite of issuing repeated instructions. Instances are that you have been torn into pieces official letters which were personally handed over to you.

Of 21.10.84
(Raghbir Singh)
Capt
Karyavahak Varisht Abhilekh
Adhikari
Officiating Senior Recrdd
Officer.

Kritey Prabhari Abhilekh
Adhikari
for Officer-in-Charge
Records.

T. C.

Jan

26
A.S.
33

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

Affidavit

In

Writ Petition No. of 1984.



N.N.Srivastava

Petitioner

Versus

Union of India and others. ... Opp. Parties.

I, N.N.Srivastava, aged about 41 years, son of Sri K.L.Srivastava, H.No.294 Kashmiri Mohalla, Faizabad, the deponent do hereby solemnly affirm and state as under :-

1. That the deponent is the petitioner in the above noted writ petition and as such he is fully acquainted with the averments made therein.
2. That the contents of paras ^{as} 1 to 20 ^{as} of the accompanying writ petition are true to my personal knowledge and those of paras ^{as} X ^{as} are believed to be true by me and those of paras ^{as} X ^{as} are based on record and those of paras ^{as} X ^{as} are derived from legal knowledge.

N.N.Srivastava

3. That the contents of annexures 1 to 4 have been compared with the originals and are ~~as~~ certified to be true copies thereof.

Lucknow: Dated:
Oct. 22, 1984

Chh. Srivastava
Deponent.

Verification

I, the deponent abovenamed, do hereby verify that the contents of paras 1 to 3 of this affidavit are true to my personal knowledge. No part of it is false and nothing material has been concealed, so help me God.

Chh. Srivastava
Deponent.

Lucknow: Dated:
Oct. 22, 1984

I identify the deponent who has signed before me. T. S. K. P.


Solemnly affirmed before me on 21-10-84
at 6.30 a.m./p.m. by Sri K.N. Srivastava, the
deponent who has been identified by Sri
G. D. Shukla, Clerk to Sri S.K. Mehta, Advocate
High Court, Lucknow Bench, Lucknow.

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

Radeep Kumar Sardar
OATH COMMISSIONER
HIGH COURT OF UTTAR PRADESH
LUCKNOW, U.P.
No. 94/270, D. 21.10.84.



न्यायालय श्रीमान -- *for the Hon'ble High Court of Uttar Pradesh*
 N. N. Srivastava *Chabedwala* नियुक्त अधिकारी

बनाम *Union of India & Ors.* प्रियवर्द्धन/रिस्पान्डेंट/बिपक्षी/अभियुक्त

लकान्त नाम व्यवहार विवरण कर निर्धारिण वर्ष-
 W. P. No. 1924
 उपर्युक्त व्यवहार में मैहम *N. N. Srivastava*

S. K. Tchrobra *Advocate* *Dehradoon* प्रति
 एडवोकेट

को व्यवहार की कार्यवाही, उत्तर, प्रति उत्तर के निमत्त प्रारम्भ न्यायालय से
 अन्तम न्यायालय अपील तक बद्दाय मैहनताना नियुक्त कीके अधिकार देताहूँ देतेहै कि
 एडवोकेट वकील महोदय मुझेहम प्रतिज्ञे पक्ष से जो कुछ कार्यवाही, प्रश्न या उत्तर लि-
 खित अथवा मौखिक करें याकोई प्रमाण पक्ष नीति पक्ष तथा दस्तावेज यत्यदि प्रस्तुत व प्र
 ट करें या वापस लें या प्रतिलिपि पक्ष में या युपया या चेक प्राप्त करें या मेरें हमारे

हमारे हस्ताक्षर की हुई संधि पक्ष प्रस्तुत करें बिक्रीकर कार्यालय में "सी" फार्म प्राप्त

करें। अन्य एडवोकेट या वकील को कार्यवाही तथा विवादार्थ स्तम नियुक्त करें या
 कोई प्रार्थना पक्ष देतो या अपहिल या निगरानी या ब्रस आब्जेक्शन या तज्वीज

सानी या बाजदायर या इजराय डिगी अपने हस्ताक्षर से दया करें वह सब

मुझ / हम प्रतिज्ञ के लिए हुए के समान होगा वह सब मुझो / हमको स्वीकार

होगा उसका दायित्व प्रतिज्ञ के ऊपर होगा। अतः यह वकालतनामा लिखिं दिया

कि प्रमाण रहें और अवसर पर कामा आवे।

तिथि 22 माह 10 सन 1926 ई

स्वीकृत

S. K. Tchrobra

एडवोकेट, अधिकार-
 Counsel for the
 litigant

चिन्ह या हस्ताक्षर

W. N. Srivastava

Before The Central Administrative Tribunal

Circuit Bench Lucknow

T.A. NO 1536 of 1987 (T)

M.P. No. 217/91/PL

N. N. Srivastava

petitioner

-vs-

Union of India and others..... opp. parties

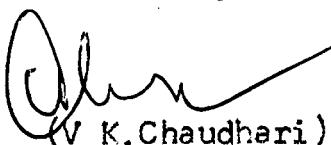
Application for Condonation of Delay in filing

counter affidavit and taking on record

That the opposite parties beg to submit as under:-

1. That in the above noted case the counter affidavit could not be filed in time because it took sometime to get it vetted by the law ministry.

2. Therefore it is most respectfully prayed that the delay in filing the counter affidavit may kindly be condoned and counter affidavit be taken on record and such other order as are deemed just and proper be also passed.


(V.K. Chaudhary)

Advocate, counsel for the
opp. parties.

Lucknow,

Dated: 10-6 Feb. 1991

X39

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

W.T.A. No. 1536 of 1987(T)

NN Srivastava ... Petitioner

-vs-

Union of India and others .. Opposite parties

COUNTER AFFIDAVIT ON BEHALF OF OPPOSITE PARTIES.

I, 2de - D K Dasgupta aged about 35 years,
son of Shri D K Dasgupta
at present posted as Officer-in-Charge, Record
Office, Dehra Reciment, Faizabad do hereby solemnly
affirm and state as under:-

*R.P.A.
G/T/90*

1. That the deponent is the Opposite party no.2 in the above noted writ petition and he is read and understood the contents of writ petition & annexures as well as the reply given as under:-
 2. That the deponent has been authorised to sign the counter affidavit on behalf of ~~all~~ the Opposite parties no.1 & 2 and as such he is well conversant with the case.
 3. That the contents of para 1 of the
- G.P.*

Applicant Canceled
as not Available

Chair

writ petition are incorrect as stated

hence denied and in reply it is submitted

that the petitioner is not serving in the

Dogra Regiment from the last 22 years. He

was transferred to Dogra Records during

July 1979 on compassionate grounds from

Garrison D Engineer (West), IES, Lucknow.

4. That the contents of para 2 of the

writ petition are not correct as stated ~~and~~

hence denied ~~and~~ and in reply it is submitt-

ed that the National Defence Employees Council is not a

recognised Body. In this connection a copy of Army Head-

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quarters letter NO. B/05I04/Org I (Pers) (a) dated 27 Mar 84
is attached herewith an Annexure NO- C-I to this affidavit.

3. That the contents of para 3 of the writ petition are not correct as stated hence denied and in reply deponent was informed that the petitioner was not interested in the interest~~s~~ of civilian employees the petitioner used to make imaginary and complaints which would be clear a copy of statement given by 5 employees of 3I.5.84.. A true copy of stated statement is being filed as Annexure C-2 to this Counter Affidavit.

4. That the contents of para 4 of the writ petition are not correct as stated hence denied and in reply it is submitted that the petition ~~as~~ has~~x~~ never been harrassed. On the contrary he takes shelter of an un-recognised council for his illegal actions and creates additional work or the unit which has to look after thousands of soldiers of the Regiment.

5. That the contents of para 5 of the writ petition are not correct as stated denied and in reply it is submitted that Bonus to the civilian employees was paid on due date and as such the question of calling LDC NN Srivastav in the office and insulting him does arise. He made a false allegation to higher authorities for the non payment of Bonus to civilian employees. When the higher authorities wanted to know the correct position, they were informed of the correct position vide this office letter NO. 0483/A/I/27I/IA dated 09 Mar 84, copy enclosed as the allegations being false,

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Annexure C-3 to the counter affidavit the allegations being false, the case was closed by Army Headquarters.

6. That the contents of para 6 of the writ petition are not wrong hence denied and in reply it is submitted that no pecuniary loss to ~~EMXNM~~ petition have ever been caused by the organisation.

7. That the contents of para 7 of the writ petition are not correct as stated hence denied and in reply it is submitted that the petitioner was apprised of his leave account as back as during 1982 that he has exhausted his leave quota admissible to him.

This office letters NO 0487/35/LA dated 21 Aug 82 and NO 0487/NNS/42/LA dated 30 Aug 82 refer. Despite this, he continued to avail leave excess to his entitlement. Therefore his allegation that amount of Rs. 520.70 was deducted all of a sudden, is not correct. Government money drawn by an employee which is not due to him has to be recovered and accordingly this office took action to recover the salary of the individual. The true copy of the read dated 21.8.82 and 30.8.82 are being enclosed herewith as Annexure NO. 8 and C-4 and C-5 to this counter affidavit.

8. That the contents of para 8 of the writ petition are not correct as stated hence denied and in reply it is submitted that as long back as during 1982 the petitioner was informed that he is availing leave excess of his entitlement vide this office letters NO. 0487/NNS/35/LA dated 21 Aug 82 and NO. 0487/NNS/42/LA dated 30 Aug 82. He was also shown his leave account when the entries pertaining to

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adjustment of leave published in Record Office Do Part II NO (Civ)/84 dated 05 Jul 84 were made, but he refused to sign.

9. That in reply to contents of para 9 of the writ petition it is submitted that necessary reply to the representation dated 28 Aug 84 received from the petitioner was given to him. In this connected a copy of this office letter NO. 0487/NNS/80/LA dated 26 Sep 84 has been attached by the petitioner as Annexure NO. 4, to the writ petition.

10. That in reply to contents of para 10 of the writ petition it is submitted that the petitioner was posted to Dogra Records from BE (West) Lucknow but his leave account duly audited was not received from his previous unit,xx Under the impression that the petitioner who is a cleark and excepted to know his leave entitlement full well continued to submit his leave applications which were sanctioned by the administration as a good gesture. He rather betrayed the admisnistration by availing excess leave. The question of deductions arose only when his leave account duly audited was received in the Dogra Records on 11 May 1984.

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II. That in reply to contents of para 11 of the writ petition are not correct as stated and in reply it is submitted that the petitioner suggested in his petition to regularised 122 days excess leave availed by him by granting him:-

(i) Leave not due.

(ii) By granting half pay leave.

~~The suggestion of the individual cannot be~~

12/12/1982
4/2

The suggestion of the individual cannot be accepted as 'half pay leave' applied by the individual could not be sanctioned in the absence of requisite medical/fitness certificates which he did not produce in support of the leave application. Secondly 'leave not due' can not be sanctioned at this belated stage as the regularisation pertains to the period 1981 to 1982. Further grant of 'leave not due' is at the discretion of the office and no one can claim it as a right.

I2. That in reply to contents of para I2 & I3 writ petition it is submitted that the nature of leave applied by the petitioner has never been altered by ~~this~~ the opp. party.

I3. That the contents of I4 of the writ petition are not disputed.

I4. That in reply to contents of para I5 of the writ petition it is submitted that since the leave account of the petitioner was not received from his previous unit, the leave applied by the individual was sanctioned under the impression that the individual being a clerk and fully aware of his entitlement of the individual that he was not aware of the complications is not tenable, he being a clerk.

BB 21/9/82

I5. That the contents of para I6 of the writ petition are not correct as stated and in reply it is submitted that the orders containing regularisation of absence of 122 days period of the petitioner are strictly within the ambit of leave rules. Further- more the contention

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of the individual that he was not informed about his performance of them official duties are incorrect. In fact he was instructed several times to take over the charge of official a-ssignment. In this connection copies of letters No 2039/I27/EI dated 30 May 84, NO 2039/I28/EI dated 14 Jun 84 and No 2039A/I30/EA dated 16 Jun 84 are enclosedas Annexure NOC-6 to 6-8 to this counter affidavit. Disciplinary action against the individual was not initiated with the hope that better sense will prevail upon him. He relized his conduct on 29 Oct 84 and took charge of a table in the Non-effective Records Groupk on 29 Oct 84.

16. That in reply to contents of para I7 & I8 of the writ petition it is submitted that the petitioner wilfully availed excess leave. He was fully aware that he was availing leave over and above his entitlement as explained in paras 7&8 above. Hence the period of 122 days was regularised by ~~was~~ granted of Extra OrdinaryLeave without pay and allowances. (~~Excess~~) vide Rule 32 (I) (e) of Central Civil Services (Leave) Rules, 1972. Moreover, the leave account of the petitioner has been sudited by the local audit authorities and deduction has been started after audit of his leave account by the audit authorites.

21/10/1980

17. That in reply to the contents of para I9 of the writ petition it is submitted that since the petitioner availed excess leave for 122 days, the recovery made out of his salary is within the rule. No refund can be made. However as per orders of Hon'ble High Court of Judica-ture at Allahabad, Lucknow Bench, Lucknow

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only Rs.200/- are being recovered from the salary for the month of October 1984 till whole amount paid in excess is liquidated.

18. That in reply to the contents of para 20(A), (B) and (C) of the writ petition it is submitted that since the amount for 122 days extra ordinary leave without pay and allowances was to be recovered from the petitioner, which worked out to Rs.3124.15, it was decided to recover the amount in six instalments of Rs.520.75 per month commencing from the salary for the month of July 1984. The present monthly salary of the petitioner comes to Rs.906.50 after affecting normal recoveries of Rs.190.00 per month. The petitioner has put in about 22 years of service. Therefore he should be aware about the order/rules pertaining to leave entitlement in vogue. It is therefore recommended

01/11/90 that the excess pay and allowances drawn by the petitioner when not due to him during the year 1981-83 should be recovered from the petitioner as early as possible.

19. That in view of the facts and circumstances stated above the writ petition filed by the petitioner is liable to be dismissed with costs against the petitioner.

Lucknow,

Dated: *04* Feb 1 1990.

Deponent
(P K Dasgupta)

से० लै०

2 Lt

सहायक अधिलेख अधिकारी
Assistant Record Officer

X
X
X

Verification

I, the above named deponent do hereby verify that the contents of Para I of this affidavit is true is my personal knowledge and those Para to are believed to be true on the basis of official records and information gathered and those of Para are believed to be true on the basis of legal advice. No part of it is false and nothing material fact has been concealed, so help me god.

Lucknow

Dated 8 feb 90

(P.K. Dasgupta)

सेना लेने

9 Lt

सहायक अधिकारी

Assistant Record Officer

Deponent

I identify the deponent
which has singed before me.

V.K. Chaudhary

Solemnly affirmed before me on.... 4/2/90

at A.M. by Shri Dr. D.R. Joshi, the deponent
who has been identified by Sri V.K. Chaudhary

Advocate High Court, Lucknow Bench, Lucknow.

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

7/2/90

C.A.

7.30 A.M.

V.K. Chaudhary
V.K. Chaudhary

D.Y.
D.Y. Chaudhary
Advocate.)

S. Chaudhary

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X US

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW.

Writ petition NO. 5173 of 1984

N. N. Srivastava

..... Petitioner

Versus

Union of India & others

.... Opp. Parties.

Annexure C-I

Confidential

Tele 378553

Sangathan Nideshalaya (org I (Par
(a) Adjustant General Sha

Thal Sena Mukhyalaya

Organisation Directorate (org I
Pers (a) Adjustant General Branch

Army Headquarters

DHQ PO New Delhi-II 110011

B/05104/org I (Pers) (a) 27 Mar 84

Records

The Dorga Regiment

Faizabad

Delay in payment of Bonus and Medical Allowance

I. Reference your letter NO 0483/A/I/271/LA dated

09 Mar 84.

2. The case has been examined. It is observed that the petitioner has complained against your Record Office in the capacity of Joint Secretary of the National Defence Employees Council, Faizabad. As such, no action can be taken against him in the capacity

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despite the fact that the allegations levelled by him have been found to be baseless and that the said association is not a recognised body.

3. Centre Commandant, being the competent authority, may consider the desirability of taking action under the CCS (CC&A) Rules 1965 as deemed appropriate based on his activities as an employee of your Record Office. This Headquarters, being the Appellate Authority, is not in a position to give any direction/ Advice.



Sd/- x x x x x

(Shri Ram Singh)

Col

Col 'A'

Org I (Pers)

Adjutant General



7/2/90

AS
X
18

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW.

Writ petition NO. 5173 of 1984

N.N. Srivastava

.... Petitioner

Versus

Union of India & others

.... Opp Parties.

Annexure C-2

STATEMENT OF CLASS VI EMPLOYEES IN CONNECTION WITH THEIR
CONTEMPLATED GRIEVANCES PROJECTED BY LDC NN SRIVASTVA
AS JOINT SECRETARY NATIONAL DEFENCE EMPLOYEES COUNCIL

1. It has come to us as surprise when we, the undersigned came to know about the complaint made by the petitioner on our behalf falsely projecting our grievance. In fact we have been deprived of our genuine claims and other facilities. On the contrary we have found that the administration goes all out to solve our problems.

2. As far as we know, it was administration who at its own took the expeditious action in the initiation of our claim of arrears of pay and allowances of Selection Grade. In fact the staff was detailed separately particularly for this job.

3. We do not subscribe to the fictitious complaint put up the petitioner on our behalf as we do not consider him as our spokesman. It is our earnest request that authorities should not take any cognizance if ever such complaints are lodged by the petitioner in future also in the capacity of the Joint Secretary, National Defence Employees Council.

7/2/90
Signed by-

In the presence of
I Sd/- xxxx

I. Sd/- x x x x x x x x
(Shri Ganga Saran, Peon/SG)

Capt 31/5/84

2. Sd/- x x x x x x x x x x

2. (SL-199X Capt Prem Nath) 3. (Shri Sripat Yadav, Peon/SG)

2. Sd/- x x x x x

3. Sd/- x x x x x x x x x x

(SL-02790y Lt Venugopal MM) (Shri Lalita Prasad, Peon/SG)

[Signature]

ASL

IN THE HONBLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW.

Writ petition NO. 5173 of 1984

N. N. Srivasta Petitioner
Versus
Union of India & others Opp. parties

Annexure C-3
Discipline : civilian employees

I. Refer to:-

- (a) Army Headquarters letter NO B/05I04/Org I (Pers)(a) dated 22 Dec 83;
- (b) This office letter NO 0483/I/227/LA dated 20 Jan 84;
- (c) Army Headquarters letter NO B/05I84/Org I (Pers)'s dated 02 Feb 84 and
- (d) This office letter NO 0483/A/I/248/LA dated 27 Feb 84

2. As already intimated vide this office letter referred to at Para I (d) above, the petitioner was asked to elucidate the grievance contained in this telegram dated 14 Dec 83, the copy of which was received under Army Headquarters letter referred at para I (C) above. Earlier, the petitioner vide his application dated 23 Feb 84, copy forwarded vide this office letter cited at Para I (d) above, had replied that he was not in position to do so because of sickness of his wife. It was contended in the application by the individual that his wife was totally bedridden. In another application dated 02 Mar 84 (copy attached) the individual has come out with a totally different version. Now he is replying to the query by stating that the telegram in question was not issued by him that is the petitioner and that no action is warranted on his part. In fact, as may be seen from his application he wanted to drag the administration to indulge in direct correspondence with the so called National Defence Employees Council Faizabad, which is not permissible; this being an unrecognised organisation.

33/2/1984

3. However, another application dated 13 Feb 84, copy enclosed, may be considered relevant to the issue wherein the individual has tried to malign the administration as

K. J.

usual without specifying the particular grievances. As a matter of fact as already brought out in this office letter NO 0483/I/227/IA dated 20 Jan 84, the individual is in the habit of making imaginary complaints against the administration. The minutes of monthly ~~of~~ civilian sammelan held as well as quarterly welfare committee are the corroboratory testimony of this statement. At no stage any point grievance was brought out by any of the employees.

4. Incidentally, an anonymous letter (photostat copy enclosed) purported to be issued on 17 Jan 84 was received in this office in which it has been alleged that the petitioner is not maintaining his actual wedded wife Urmila Srivastava but he is keeping another lady, Smt Shobha Singh, by whom the petitioner has a son named 'Pintoo'. Since the contents of the letter reflected the version of an earlier petition from Smt Urmila Srivastava (photo stat copy attached) mentioned above, a confidential The senior Supdt of Police, Faizabad was conducted. The Senior Supdt of Police, Faizabad vide his letter NO IT/C-49/84 dated 23 Feb 84 (photo stat copy enclosed) has confirmed the facts mentioned in the above anonymous letter. Incidentally, the petitioner has given the name of Mr Kapil Kumar, the boy from Smt Shobha Singh, as his son in his official documents. A copy of Family Details furnished by the individual in terms of Army Headquarters letter NO 90659/Org 4 (Civ) (b-ii) dated 31 Aug 66 is enclosed,

5. From para 3 to 4 above it may be seen that prima facia the petitioner has committed grave offences in contravening to CCS (Conduct) Rules and Violation of provisions of the E IPC.

6. Apart from above, the statement mentioned in the anonymous letter which is subsequently verified to be true by the police authorities being forth another interesting factor relevant to the issue. According to the anonymous letter Smt Shobha Singh remains sick. The petitioner has been claiming re-imbursement of medical expenses on account of the illness of his wife. He has also recently claimed the medical advance of the treatment of his wife. In the police verification report actually wedded wife

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of the individual viz Smt Urmila Srivastava is not being supported by the individual. This, therefore, implies that he has been deceitfully submitting fraudulent claims for the expenditure incurred on the treatment of Smt Shobha Singh in the name of his legally wedded wife viz Smt Urmila Srivastava, yet another offence under Indian Penal Code.

7. Not only this, as per confidential police verification report, mentioned in the preceding Paras, Smt Urmila Srivastava, the actually wedded wife of the petitioner is dependent merely on the pension of her ~~father~~ father-in-law. The petitioner has acted in a manner unbecoming of a Government servant by neglecting his wife and family. The case, therefore, attracts the provisions of Government of India, Ministry of Home Affairs letter NO F/25/I6/59-Estt(A) dated 01 Sep 59 for taking departmental action against the individual without invoking any of the conduct rules.

8. The facts brought out in Para 3 to 7 above, have further proved that the individual is an undesirable element whose further retention in service may be detrimental in the interest of the state. Under the circumstances the only course open to deal with him is to take administrative action. It may be brought out that longer the individual is allowed to remain in service the worse will be the effect on the discipline of other employees in this office. You are therefore requested to take expeditious action in the matter.

7/2/90



(H S Lamba)
Brigadier
Prabhari Abhilekh Adhikari
Officer Incharge Records

P.S.
A.S.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW.

Writ petition NO. 5173 of 1984

N.N. Srivastava

.... Petitioner

Versus

Union of India & others

.... Opp. Parties.

Annexure NO. C-4

I. Refer to your application dated 29 Jul 82 (requesting for conversion of Earned Leave wef 10 Jul 82 to 21 Jul 82 into commuted leave and application for Earned Leave on 2 Aug 82.

2. It is to inform you that since your joining this office only 60 days Half Pay Leave has accrued to you. You had already applied for 131 days commuted Leave against 262 days Half Pay Leave which far in excess of your entitlement of Half Pay Leave (Commutued Leave).

3. Inspite of regular reminders your previous leave account has not so far been received from AGE(P) Inden, Lucknow. Your absence from duty for 131 days has not so far been regularised.

4. As such, Your request for conversion of Earned Leave from 10 Jul 82 to 21 Jul 82 into Commuted Leave vide your application dated 29 Jul 82 cannot be acceded to.

5. As regards your leave application for Earned Leave on 02 Aug 82, no Earned Leave is standing to your Earned Leave Account. Therefore, this absence will either be regularised on receipt of your leave account grant of Half Pay Leave/ ~~or~~ Computed Leave if due, or will be treated as EOL without pay.

6. Please note the contents for future guidance.

Sd/- x x x x x x x

(SR Kolhatkar)

Major

Varishat Abhilekh Adhikari

Senior Record Officer

Kritey Prabhari Abhilekh
Adhikari for Officer Incharge
Records



A/S
K/S

IN THE HON'BLE HIGH COURT OF JUDICATURE ~~AT~~ ALLAHABAD
LUCKNOW BENCH, LUCKNOW.

Writ petition NO 5173 of 1984

N.N. Srivastava

..... Petitioner

Veraas

Union of India & others

..... Opp. parties.

Annexure NO. C-5

Leave : Civilians

I. Reference to your application dated 16 Aug 82.

2. You have applied for one day earned leave for 16 Aug 82 vide your application under reference to regularise your absence for the said day. In this connection you are hereby informed that no Earned Leave is standing to your Earned Leave account. Therefore, this absence will either be regularised on receipt of your leave account by grant of Earned Leave/Half Pay Leave/ Commuted Leave, if due, or will be treated as EoL without pay.

7/2/90

Sd- x x x x x x x

(DP Yadava

Lt

Sahayak Abhilekh Adhikari

Assistant Record Officer

Kritey Prabhari Abhilekh Adhikari
for Officer Incharge Records

(56)
K/54

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW.

Writ petition NO. 5173 of 1984

N.N. Srivastava

..... Petitioner

Veraas

Union of India & others

.... Opp. Parties.

Annexure NO. C-6

INTER GROUP POSTING

I. Further to this office letter NO. 2039/I22/EI
dated 28 Apr 84.

2. It has been reported to me that you have still
not taken over the charge of Sheet Roll's Clk -4 Dogra.

3. You are, therefore, advised to accomplish the
assigned task by 04 June 84.


Sd- x x x x x x x

(Tarlochan Datt)
Captain

Abhilekh adhikari
Record Officer

Kritey Prabhari Abhilekh adhikari
for officer Incharge Records

1/2/1984

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW.

Writ petition NO. 5173 of 1984

N. N. Srivastava

... petitioner

Versus

Union of India & others

.... Opp. Parties.

Annexure NO c-7

TAKING OVER OF CHARGE

I. Further to this office letter NO 2039/I277/EI dated 30 may 84.

2. It has again been reported to me that despite several advices given to you, you have still not taken over the charge already assigned to you. This is an irresponsible attitude of an employee. In your own interest you are again advised to take over the assigned tasks by 22 Jun 84.

21/2/96

Sd/- X X X X X X

(Tariochan Datt)

Capt

Abhilekh ~~Officer~~ Adhikari

Record Officer

Kritev Parishad Adhikari
for Senior Record Officer

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW

Writ petition NO. 5 173 of 1984

N. N. Srivastava

.... Petitioner

versus

Union of India & others

.... Opp. Parties.

Annexure C-8

TAKING OVER OF CHARGE

1. Further to this office Letter NO 2 093/I28/EI dated 14 Jun 84 and your interview with SRO dated 15 Jun 84.
2. Since you have also been advised by SRO during your interview with him on 15 Jun 84 to take over the charge/ task assigned to you, you are therefore, again advised to take over the charge immediately and not as per date given under the above quoted letter.

Sd/- x x x x x x x x
(Tarlochan Datt)
Captain
Abhilekh Adhikari
Record Officer
krity Varisht Abhilekh Adhikari
for officer in-charge Record

21/2/90

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
w. P. No. 5173 of 1984.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
23/10/84	<p>22nd R.N.G. ? 22nd B.K. ?</p> <p>list this petition for admission in the second week of December, 84 - - -</p> <p>on payment of necessary charges today.</p> <p>Sd. R.N.G.</p> <p>Sd. B.K.</p> <p>23/10/84</p> <p>cm. A.M. No. 160 88 @ 2/2/84.</p>	
3/11/84	<p>22nd R.N.G. ? 22nd B.K. ?</p> <p>for orders, see on main petition.</p> <p>Sd. R.N.G.</p> <p>Sd. B.K.</p> <p>23/10/84.</p>	
10/12/84	<p>fixed Court with C.M.A. No. 11,080 (W)-84</p> <p>for orders</p> <p>Hon. R.N.G.S</p> <p>Hon. B.K.S</p> <p>list after correctly showing the name of Sri S. K. Mehrotra and Chief Standing Counsel Central Government as parties' Counsel respectively.</p> <p>MHS/-</p>	<p>FO by Bonal</p> <p>10/12/84</p>

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
15.1.85	fixed for adj. N OUSA H D B K M A R T 80 15.1	P ?
4.2.85	fixed for adj. N OUSA H D B K M A R T	
	Put up tomorrow.	
27.2.85	P T 2 H N OUSA H D B K M A R T	
5/3/85	Hon Syed Sajid Ahmed J Hon Brijesh Kumar J	
	Put up tomorrow. Learned Counsel for the petitioner undertakes to inform Sri H. N. T. Lahari Senior Standing Counsel for Central Govt.	
7/3/85	P T 2 Hon S. Ahmed J Hon B. Kumar J Admt - Stayed Bom	

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. _____ of 198_____

W.P. - No. 5173 - 861

X
58

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	<p>2-5-65 (</p> <p>for attendance and for filing C-A 19 W.P. No 1 to O.P. No. 3</p> <p>by R.P.)</p> <p>(Banc)</p> <p>28-3-65.</p>	

Telephone Military 20

REGISTERED

Dogra Regiment Abhilash Karyalaya
Records The Dogra Regiment
Faizabad(UP) -224001

0433/B/ 64/LA

27 Apr 85

The Deputy Registrar
(Civil Court)
Lucknow Bench
Allahabad High Court
Lucknow

WRIT PETITION NO 5173 OF 1984 FILED BY
SHRI N N SRIVASTAVA, LDC, RECORDS THE
DOGRA REGIMENT VS UNION OF INDIA

Dear Sir,

- 1.. Refer to your letter No Nil dated 23 Mar 85.
2. It is intimated that Major S S Brar, Senior Record Officer, has retired from service wef 01 Feb 85. Hence any further correspondence meant for this office may please be addressed as under :-

513
Scout
R 23
DR
G/S/BS
NW
16.2.85
SC/591

"Senior Record Officer
Records The Dogra Regiment
Faizabad(UP)

Yours faithfully,


(Venugopal MN)
Lt
Administrative Officer
for Officer-in-Charge Records

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकोणाक (मुत्तफरिक) प्रार्थना - पत्र सख्त्या सन १६ ई०

रु. ५१७३ सन १६ ई० ५५० मे

S. N. N. Srivastava प्रार्थी

Union of India प्रत्याधी

To the - Major S. S. Barai Senior Record Officer
Deogra Regiment Record Office

Dauzabai प्रत्याधी

चूंकि उपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में

बीसा

समाप्त अवधि
Amendment

एक रजिस्ट्री
Received a R

यानेवाले का
Addressed

देखिये प्रार्थना-पत्र

आप दिनांक २ माह सन १६ (८५)
ये कि प्रार्थना-पत्र क्यों न स्वीकार का
के बाद नियमानुसार विहित कियी और

पर या उससे पहले स्वयं अद्यवा किसी
से कार्य करने के लिए कानूनन अधिकृत
सुनवाई और निर्णय आपकी अनुपस्थित
में हो जायेगे ।

से हस्ताक्षर और न्यायालय की मोहर से आज दिनांक २ माह सन १६ (८५)

के साथ किया गया ।

के राज्योकेट

तिथि

छिप्टी अधिकारी
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १६५० की नियमावली के अध्याय ३० नियम ६ के अन्तर्गत प्राप्त
तलवाना मिल गया ।

तलवाना प्राप्त करने वाले कानून के हस्ताक्षर

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अधियाय १२, नियम १ और ७)

दीवानी विभाग

प्रकोणांक (सुन्तरफर्मिक) प्रार्थना - पत्र संख्या सन १९४५ ई०

रा० ५४७३ सन १९४५ ई० मे

Sh. N. N. Srivastava प्रायो

Union of India and others प्रत्याधी

for - Major S. S. Barar, Senior Record Officer
Dogra Regiment, Records Office

Faizabad प्रत्याधी

प्रत्याधी

चूंकि उपर लिखे प्रायो ने इस न्यायालय में उपर्युक्त मुकदमे के उत्तराभ्यास में
के नाम के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक माह सन १९४५
को या उससे पूर्व उपस्थित होकर कारण चतुर्भाये कि प्रार्थना-पत्र क्यों न स्वीकार का
लिया जाय। उक्त प्रार्थना-पत्र को सुनवाई उसके बाद नियमानुसार विवृद्धि कियो और
दिन होगी।

विदित हो कि आप उपर लिखे दिनांक पर या उससे पहले स्वयं अपना किसी
एडब्ल्यूकेट या ऐसे व्यक्ति द्वारा, जो आपको ओर से कार्य करने के लिए कानूनन अधिकृत
हों उपस्थित न होंगे तो उस प्रार्थना-पत्र को सुनवाई और निर्णय आपको अनुपस्थित
में हो जायेगे।

मेरे हस्ताक्षर और न्यायालय को मोहर से आज दिनांक माह सन १९४५
को जारी किया गया।

Sh. N. N. Srivastava के रुपरेक्ट

तिथि

१०.८.४५

छिप्टी रजिस्ट्रेटर
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९४५ की नियमानुसारी के अधियाय १२ नियम १ के अन्तर्गत
तलवाना मिल गया।

तलवाना प्राप्त करने वाले कलकत्ता हाईकोर्ट

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Dr. P. Residency
Lucknow

No. SAT/LKO/Jud/CD/2335

Dated the 12/12/89

T.A.No. of 1536 1987 (T)

M. M. Srivastava

APPLICANT'S

Versus

Union of India

RESPONDENT'S

① Shri. S. K. Mehra, Adv
High Court, Lucknow.

Whereas the marginally noted cases has been transferred by
H. C. Lko. Under the provision of the Administrative
Tribunal Act 13 of 1985 and registered in this Tribunal as above.

Writ Petition No. S-172/894

of 198 _____
of the Court of _____

arising out
of Order dated _____
passed by _____

The Tribunal has fixed date of
25.1.90 1989. The hearing
of the matter.

If no appearance is made
on your behalf by your 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 seal of the Tribunal this

day of 1989.

dinesh/

② Union of India through DEPUTY REGISTRAR
Secretary, Ministry of Defense
New Delhi.

③ Officer Incharge, Records Records Office,
Dagra Regiment, Faizabad.

④ Major S. S. Bazar Senior Records
Officer, Dagra Regiment Records
Office Faizabad.