

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE TA 1580/87 OF 1987 to 1994/89

NAME OF THE PARTIES Kashi Prasad Applicant

Versus

Union of India and Ors. Respondent

Part A.

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16		
17		
18		

CERTIFICATE

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

Recheck

Dated

Counter Signed.....

[Signature]
16/8/11
Section Officer/In charge

[Signature]
16/8/11
Signature of the
Dealing Assistant

A
7

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

FORM OF INDEX

O.A./T.A./R.A./C.C.P./ No. 1580 1907
Kashi Board-4 U.O.I. & Co.
PART - I

- | | | |
|----|------------------|---|
| 1. | Index Papers | :- 01 to 04. |
| 2. | Order Sheet | :- 05 to 09. |
| 3. | Any other orders | :- n.l. 12065 (by) (Disposed off. at Page (11))
n.l. 3357 w of 85 (Disposed off (Page 12 to 15)) |
| 4. | Judgement | :- Judgement dt. 23-4-20 of CAT, Lucknow Bench
D.F.D. |
| 5. | S.L.P. | :- <u>8/16</u> |

Dy. Registrar

Supervising Officer

Dealing Clerk

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

Dealing Clerk

V.K. Mishra

1

ANNEXURE -A

CAT

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

INDEX SHEET

CAUSE TITLE 1580/87 G
OF 19

NAME OF THE PARTIES Kasho Prasad

Applicant

Versus

Union of India

Respondent

Part A, B & C

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2

Annexure -B

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

APPLICATION No. _____ of 19

TRANSFER APPLICATION No. _____ of 19

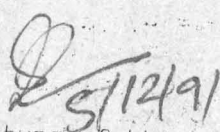
OLD WRIT PETITION No. _____ of

CERTIFICATE

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

Dated :

COUNTER SIGNED :


Signature of the
dealing Assistant

Section Officer/Court Officer

3

18 A 3

CIVIL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

CRIMINAL SIDE

Nature and number of case W.P. 5946-84
Name of parties Kashu Lal vs Union of India
Date of institution 14-12-84 Dated of decision _____

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
				Rs.	P.			
	1-	W.P. with Annexure	26	102	00			
		Original affidavit						
	2-	Banner	1	5	00			
	3-	Contd 12865 (W) 884	1	5	00			
	4-	Contd 3357 (W) 88	6	14	00			
	5-	Arch Sheet	2					
	6-	Buck Copy	1					

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

Date _____

Munsarim

Clerk

9728
4/4

(9)

Group A-15 (a)
In the Hon'ble Court of Judicature at Allahabad, Lucknow Bench,
Lucknow.

5946

Writ Petition No. _____ of 1984
District- Sitapur ,

Kashi Prasad

...

Petitioner

Versus

Union of India & others ...

Opp. Parties

I n d e x

Sl. No.	Description of Documents	Page No.	Remarks
1.	Writ Petition	1 - 8	
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5.	Annexure No.4 Appointment of Enquiry Officer at.15.15/22-1-82	16-17	
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Application for Interim Relief
kept separately.

Lucknow

Dated Nov. 14 12-1984

A.K. Dixit
Counsel for Petitioner,
A.K. Dixit

Advocate

A/S ① ②

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

Writ Petition Under Article 226 Constitution
Of India.

District Sitapur.

Writ Petition no. 5946 of 1984.

Kashi Prasad aged about 42 years son of Sri Puran Das,
presently posted as Telephone Operator, Telephone
Exchange, Sitapur.

.. Petitioner.

V e r s u s .

1. Union of India, Through Secretary to Department of
Post and Telegraphs, Ministry of Communication,
New Delhi.
2. General Manager, Telecom Circle, U.P. Lucknow.
3. Divisional Engineer, Telegraphs, Allahabad Division,
Allahabad.
4. Divisional Engineer, Telegraph, Sitapur.

.. Opp. parties.

WRIT PETITION UNDER ARTICLE 226
TO THE CONSTITUTION OF INDIA.

To,

The Hon'ble Chief Justice and Companion Judges
of the Hon'ble Court.

May it please your Lordships,

The above named petitioner most respectfully

begs to submit as under:-

Kashi Prasad

(5)

Received Mini Duplicates
slav appn
for Ops 1 to 4 for

10.12.84

Hari Nath Luhari

Cybc.

14/12/84

H. N. Luhari

21/12/84

Impressed

Save Adhesive Roll
Total

Correct but final Court-fee receipt
will be made on receipt of lower
Court record.

In time up to

Papers filed. Copy of P. 2

should also be filed.

File - Bench.

Order of Mandamus.

Sitapin.

16.12.84

19/12/84

Hon. K. M. Goyal, J.

Hon. B. K. Kumar, J.

Admit. Notice on
behalf of opposite parties
has been accepted by
the learned Standing

Counsel for The Central
Government. The
opposite parties may
file a Counteraffidavit
within six weeks and
rejoinder affidavit

may be filed
within two weeks

thereafter. The application
for interim relief may
be listed before a Single
Judge immediately
after the expiry of
aforesaid period.

14.12.86

(6)

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P.

No.

5946

of 198

25.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
14.12.84	Hon' K.N. Goyal J Hon' B Kumar J Admit notice on behalf of period of Sd. K.N. Goyal J Sd. B Kumar J 14.12.84 C.M. Appn No 12865 (C) 84	
14.12.84	Hon' K.N. Goyal J Hon' B Kumar J For orders see cur order of date passed on the memo of writ petition Sd. K.N. Goyal J Sd. B Kumar J 14.12.84	
7.1.85	Service Report of 1504. Represented by sec May office proceed Yes Sd. 5/1/85	

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned	
1	2	3	
1-2-85	fixed in C.M.A. No 12865(W)-84 for order	Ct. An Singh	By Lt
	In 12 NTD		
	List in the next week as		
	prayed by Sri A.K. Dixit.		
	b		
	Siz 6	1-2-1985.	
01-2-85	C.M.A. No 62865(W)-84		
	In 12 NTD		
	Rejected for default.		
	b		
	01/2/85		
	b		
	C.M.A. 5357(W)-85		
	Hd. H. N. G. T.		
	Put up with record in the		
	week commencing on 25th		
	March, 1985		
	Sd. H. N. G. T.		
	15.3.85		
25.3.85	fixed in C.M.A. 5357(W)-85 for order	Ct. An Singh	By cont
	In 12 NTD		work cont
	List on Friday as prayed by		25-3-85
	Sri Dilhan		

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 5846 of 1984

Vs. _____

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
25-3-85	for K.M.G.V. not in the next week as prayed by Sh. Tilkani. 25-3-85	
10-4-85	for K.M.G.V. list on 10.4.85 as prayed by Sh. Tilkani. 10-4-85	
10-4-85	fixed with C.M.A. 3357(w)/85 for order at Bact for K.M.G.V. In this case the enquiry has already been continuing for over 15 years. This is shocking to the judicial conscience. It is accordingly ordered that the enquiry shall be finished within three months failing which the	8/4/85 10-4-85

(10)

A/8

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



Civil Misc. Application No. 12,865 (e) of 1984

Inre:

W.P. No. 5946 of 1984

Kashi Prasad aged about 42 years son of Sri Paran Das,
presently posted as Telephone Operator, Telephone Exchange,
SITAPUR.

..

..Petitioner.

Versus.

1. Union of India, Through Secretary to Department of Post
and Telegraphs Ministry of Communication New Delhi.
2. General Manager, Telecom U.P. Circle LUCKNOW (U.P.)
3. Divisional Engineer, Telegraphs, Allahabad Division,
Allahabad.
4. Divisional Engineer, Telegraph, SITAPUR.

..

..Opposite parties.

Application for Interim Relief.

For the facts stated in the writ petition and
affidavit accompanied to it it is most humbly prayed that
this Hon'ble Court may graciously be pleased to direct the
opposite parties by means of an interim mandate that they
shall grant the petitioner the grade promotion in the Scale
of Rs.425-640 per month and to fix his pay in such scale
according to the length of his service.

This Hon'ble Court may also be pleased to grant such
other interim relief as may be deemed fit in the circumstances
of the case.

Counsel for applicant.

Lucknow Dated:

14-12-1984

(A.K. DIXIT) ADVOCATE.

(12)

A/c

3357(w)

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



C. M. Appli. No. of 1985

In re:

W. P. No. 5946 of 1984.

Kashi Prasad Petitioner

Versus

Uma of India & others Opposite Parties.

Application for disposal of
Interim Relief matter.

334

The above noted applicant/Petitioner begs to submit as under:-

1. That aforesaid Writ Petition was admitted on 14.12.84 and 6 weeks time for Counter affidavit and thereafter two week's time was granted for filing of rejoinder affidavit application for interim relief was ordered to be listed up immediately thereafter.
2. That so far no Counter affidavit has been filed.
3. That matter was listed up on 1.2.85 but on account of non availability of petitioners counsel, it got stand out.
4. That since then the petition could not be listed up.

Wherefore it is most respectfully prayed that records of the Writ Petition may kindly be called upon for disposal of interim matter.

Counsel for Petitioner

(A. D. Dixit)
Advocate.

Lucknow:

Dated 15 March, 1985.

~~10~~

u
v



Union of India & others..... Opposite Parties

I, Kashi Prasad aged about 40²² years son of ² Sri. ~~S. P. Des~~².....
~~.....~~² R/C Mohalla Roti Godam, Sitapur do hereby
solemnly affirm and state on oath as under:-

- March 13 1985.

Kasle Rd
DEPONENT

I above named deponent do hereby verify that the contents of
paras 1 to ²⁵ 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.

March 12² 1985.

DEPONENT

(A.K. Dixit.)
Advoca

: 2 :

15

4/12/85

Solemnly affirmed before me by Sri Kashi Prasad, the deponent,
today at 9.10 A.M./P.M. who is identified by thri A.K. Dixit,
advocate High Court Lucknow Bench. I have satisfied myself by
examining the deponent that he understands the contents of this
affidavit which have been read out and explained by me to him.

15

OATH COMMISSIONER

HIGH COURT.

S. Narain Shukla

SHEO NARAIN SHUKLA
OATH COMMISSIONER
High Court Allahabad
Lucknow Bench.

No. 35/122/85
Date 13/2/85



Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
---------------------------------	--	--

12/12/09

No sitting Adj to 16.2.90
This case has been received on transfer.

Notices were issued to the counsels by the Office at Allahabad..... None is present for the parties.....

Let notices be issued again to the parties as directed by Hon'ble Mr. D.K.A arwal, J.M.

OR
noted & issued
27/12/09

12/12

①
Noted
Sitting
for Mr. D.K. Agrawal
14/12/09

16.2.90

No sitting Adj to 23.4.90

23-4-90

from Mr. D.K. Agrawal, J.M.
from Mr. K. Bhatnagar, H.M.

Noted & issued
28/12/90

OR
Case is admitted
stay is granted
CA/RA not filed
S.M.A. is not
has noted date
Notices were
issued on 27/12/09
to O.P. as well
as his counsel
No answer received
has been returned
S.P.

This is a writ Petition of 1984.
More appears for petitioner.
The petition is dismissed
for want of prosecution
without any order as to
costs.

Costs
Am

Dec
J.M.

1.. That petitioner having appointed by opposite party no.3 joined the services of opposite party no.1 on 1.3.1963 as Telephone Operator, at Allahabad City Telephone Exchange and was confirmed ⁱⁿ ~~on~~ such post on 1.3.66.

2.. That from time to time petitioner has remained posted at Allahabad City Telephone Exchange, Naini Exchange, Allahabad Trunk Exchange, Allahabad MDF Exchange from 1963 to 1970. In the year 1971 petitioner was transferred to Sultanpur Exchange under D.E.T. Allahabad and since 28.5.1977 he is posted at Sitapur Trunk Telephone Exchange under D.E.T. Sitapur.

3.. That except present affair giving rise to this petition there is nothing adverse in the service record of the petitioner to his knowledge and notice.

4.. That on 8.11.71 while petitioner was posted at Sultanpur Telephone Exchange he received a charge sheet issued by opposite party no.3 under rule 14 to Central Civil Services (C.C. & A) Rules 1965 alleging that while posted at Allahabad during December 1967 to June 1968 petitioner had submitted 8 false medical bills amounting to Rs.637.00.

A true copy of the charge sheet dated 26.10.1971 alongwith its enclosures is attached herewith as Annexure 1 to this writ petition.

5.. That on receipt of charge sheet (Annexure 1) the petitioner denied the charges on 17.11.1971.



Kashu K

A true copy of such denial of charges is attached herewith as Annexure 2 to this petition.

6.. That upto almost ten years from 17.11.1971 the petitioner received no intimation with regard to progress in the proposed disciplinary enquiry. On 3.1.1981 the petitioner received an intimation from opposite party no.4 (to whome the disciplinary enquiry appears to have been transferred) that one Sri S.D.Misra has been appointed as the Presenting Officer in the Enquiry.

A true copy of such an intimation is attached herewith as Annexure No.3 to this petition.

7.. That in March and April 1981 the enquiry officer Sri A.K.Gupta Accounts Officer, D.E.T. Lucknow started to take preliminary steps of enquiry i.e. admission denial of documents etc. but since he was transferred the enquiry was held up.

8.. That the opposite party no.4 vide his letter dated 15/22-6-1982 appointed one Sri S.C. Avasthi A.D.T.(M) C.O. Lucknow as Enquiry Officer.

A true copy of letter dated 15/22.6.82 appointing Sri S.C. Avasthi as Enquiry Officer is attached herewith as Annexure 4 to this petition.

9.. That Enquiry Officer Sri Avasthi on 11.4.84 at Allahabad recorded statement of few witnesses but since then the matter is at ~~the~~ rest and no further dates of enquiry have been intimated to the petitioner.

10.. That pay scale admissible to the petitioner was from Rs.260-480 and on 1.3.1982 petitioner was

(Signature)



drawing a basic pay of Rs.420/- per month at which stage he reached as a result of increments. On 1.3.1982 petitioner reached to the stage of crossing of efficiency bar at the increment stage of Rs.12/- per month to an entitlement of basic pay at the rate of Rs.432/- per month w.e.f. 1.3.82, Rs.444/- w.e.f. 1.3.83 and Rs.456/- w.e.f. 1.3.84.

11.. That on completion of 16 years of service in the scale of 260-480 a telephone operator becomes entitled to the grade promotion in the scale of Rs.425-640 per month.

12.. That petitioner having completed more than 20 years continuous service on 30.11.83 became entitled to such grade promotion.

13.. That on 31.3.84 the opposite party no.2 promoted as much as 34 telephone operators in the next higher grade of Rs.425-640 per month with effect from 30.11.83.

A true copy of such grade promotion order dated 31.3.84 is attached herewith as Annexure 5 to this petition.

14.. That perusal of grade promotion order (contained in Annexure 5) goes to show that several persons junior than petitioner e.g. Sarva Sri Iliyas Ali, S.C. Misra, G.S. Shukla, V.L. Jatava and Jagdishwar Prasad have been granted with such promotion ignoring the claimant. The petitioner is advised to state that such persons have no better record of service than petitioner (except the present affair).

Kashyap

15.. That upon issue of promotion order contained in Annexure 5 the petitioner contacted the authorities who told him that he has been bye passed for the grade promotion on account of pendency of disciplinary proceedings against him which may be finalised soon and petitioner may be granted grade promotion with retrospective effect if disciplinary proceedings are terminated.

16.. That petitioner for another about 5 months waited for disposal of disciplinary proceedings but with no result or even progress.

17.. That thereupon the petitioner on 18.8.84 and 11.9.84 moved representations to the opposite parties no.2 and 4 to finalise the disciplinary proceedings and to allow him the usual facilities, promotions and crossing of efficiency Bar etc.

18.. True copies of such representations are attached herewith as Annexure No.6 & 7 to this petition.

18.. That so far the opposite parties have neither disposed off the disciplinary proceedings, nor allowed the crossing of E.B. nor other facilities and even the fate of representations has not been communicated by the opposite parties.

19.. That opposite parties have never informed the petitioner about any orders or grounds or notice on which his increments / E.B. was proposed or were ordered to be stopped or postponed. The petitioner has also not been ever apprised that



Kagula

his increments, E.B. or other benefits are being curtailed on account of his unfitness.

20.. That persons juniors than petitioner have been allowed to cross incremental and E.B. stages and even grade promotion ignoring the claim of the petitioner as a result of which such juniors are ^{receiving &} ~~claiming~~ much more salary and other emoluments etc. and are progressing to further stages.

21.. That rule 11 of Central Civil Services (C.C. & A) Rules 1965 prescribe withholding of increments of pay as minor penalty which cannot be imposed without having recourse to Rule 16 of Central Civil Services (C.C. & S (CCA) Rules, 1965, which has not been done in the case of the petitioner.

22.. That having no other alternate effectious and speedy remedy left petitioner begs to invoke the jurisdiction of this Hon'ble Court on and amongst other the following -

G R O U N D S :-

- (A) Because keeping an enquiry pending for an abnormally long time (about 13 years in this case) amounts to violation of principles of natural justice equity and fairness.
- (B) Because simply on account of pendency of disciplinary proceedings nearly on expectation of punishment the promotion cannot be denied, delayed or kept in abeyance.

Raghu

- (C) Because action of opposite parties in stopping / withholding on increments or efficiency bar in violation of provisions of Central Civil Services (C.C. & A) Rules is arbitrary, illegal and malafide.
- (D) Because granting grade promotion to juniors than petitioner infringes Article 16 of the Constitution.
- (E) Because petitioner after completion of much more than 16 years of service on 30.11.83 became automatically entitled to grade promotion, which cannot be withheld merely on the ground of pendency of disciplinary proceedings.
- (F) Because withholding of such promotion amounts to imposition of punishment violating both the letter and spirit of Article 311.
- (G) Because action of opposite parties in ignoring the petitioner from promotion being arbitrary unfair and an reasonable is violative to Article 14 of the constitution.
- (H) Because to keep disciplinary proceedings pending from years to years has a severe demoralising effect on employee and such delayed proceedings cannot be sustained.

Wherefore, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to allow this petition by issuing --

Laford

- (i) a writ direction or Order in the nature of mandamus commanding the opposite parties to release the increments and Efficiency Bar of the petitioner with its due date i.e. 1.3.1982 and to grant him usual grade promotion with effect from 30.11.1983 along with full benefits of arrears of Salary, promotion etc.
- (ii) a writ, direction or order in the nature of mandamus be also issued in favour of petitioner commanding the opposite parties to place the petitioner at the proper place in the gradation list of grade promotion so as to keep his name above to his juniors.
- (iii) Opposite parties be also commanded to terminate the unreasonably prolonged disciplinary proceeding of the year 1971 against the petitioner.
- (iv) any other writ direction or order as may be deemed fit in the circumstances of the case be also issued in favour of the petitioner against opposite parties along with the costs of this petition.

Petitioner

Lucknow: Dated:
14-12-1984

(Kashi Prasad)
Through his counsel:-

(Sri A.K. Dixit)
Advocate.

Kashi Prasad

A/20
(9) 8/11

In the Hon'ble High Court of Judicature At Allahabad,
(Lucknow Bench), Lucknow.

Kashi Prasad ...

...Petitioner.

Vs.

Union of India & others...

... Opp. Parties.

Annexure No.-1

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

Office of the D.E. Telegraphs, Allahabad Division,
Allahabad.

Memo No. Y-5/K.P./3

Dated at AD 26-10-1971.

The Undersigned proposes to hold an inquiry against Shri Kashi Prasad, T.O. under rule 14 of the Central Civil Services (Classification Control and Appeal) rules 1965. The substance of imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is setout in the enclosed statement of articles of charges (Annex.1). A statement of imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annex. II). A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annex. III & IV).

2. Shri Kashi Prasad, T.O. is directed to submit within 10 days (Ten days) of the receipt of this Memorandum a written statement of his defence and also to state whether he desired to be heard in person.

Contd...2

Kashi Prasad

A/21
10
P/2

3. He is also informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should therefore specifically admit or deny each article of charge.

4. Shri Kashi Prasad is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the ~~date~~⁸ inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the C.C.S. (C.C. & A.) Rules, 1965 or the orders/directions issued in pursuance of the said Rule, the inquiring authority may hold the inquiry against him ex-Parte.

5. Attention of Shri Kashi Prasad is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Shri Kashi Prasad is aware of such a representation and that it has been made at the instance and action will be taken against him for violation of Rule 20 of the C.C.S. (Conduct) Rules, 1964.

6. The receipt of this Memorandum may be acknowledged.

To,
Shri Kashi Prasad, T.O.
Telephone Exchange,
Sitapur.

Sd/-
Divisional Engineer Telegraph,
Allahabad.

Kashi Prasad



A/22 (11)
A/P

ANNEXURE-1

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST
SHRI KASHI PRASAD, TELEPHONE OPERATOR.

.....

That the Shri Kashi Prasa, while functioning as telephone Operator, Allahabad, during December, 67 to June 68 failed to maintain absolute integrity and committed misconduct in as much as he submitted in the DET Office, Allahabad 8 false medical reimbursement claim applications amounting to Rs. 637.00 supported with forged prescriptions, essentiality certificates and cash memos in respect of the treatment of himself, father and son, purported to have been issued by Dr. M.G. Gupta Incharge OPD, SBN Hospital, Allahabad and thereby contravened Rule 3(1)(i) of the Central Civil Services (Conduct) Rules 1964.

ANNEXURE -II

STATEMENT OF IMPUTATIONS OF MISCONDUCT IN SUPPORT OF THE
ARTICLES OF CHARGE FRAMED AGAINST SHRI KASHI PRASAD? TELE-
PHONE OPERATOR.

Shri Kashi Prasad, was posted as Telephone Operator at Allahabad during the period December, 1967 to June 1968.

He submitted three medical reimbursement claims applications in respect of his own treatment for the periods 3.12.67 to 12.12.67, 14.12.67 to 23.12.67 and 8.2.68 to 17.2.68 for of Uttam & Co., prescriptions and essentiality certificates purported to have been issued by Dr. M.G. Gupta.

He also submitted three medical reimbursement



Kashi Prasad

X/29 (12) 14

claim applications in respect of the treatment of his father Shri Puran Dass for the periods 2.12.67 to 11.12.67, 12.12.67 to 21.12.67 and 8.2.68 to 17.2.68 for Rs. 81.50, 81.33 and 84.00 respectively, supported with cashmemos of Uttam & Company, prescriptions and essentiality certificates purported to have been issued by Dr. M.C.Gupta .

He also submitted two medical reimbursement claim applications in respect of the treatment of his son Sri Satya Deo Prakash for the periods 5.12.67 to 14.12.67 & 8.2.68 to 17.2.68 for Rs. 76.00 and 77.12 respectively, supported with cashmemos of Uttam & Co., prescriptions and essentiality certificates purported to have been issued by Dr. M.C.Gupta. No doctor by the name of Dr. M.C.Gupta Incharge OPD SRN Hospital Allahabad was posted at the SRN Hospital, Allahabad during the above mentioned period. The prescriptions and essentiality certificates attached with the medical reimbursement claim applications purported to have been issued by dr. M.C.Gupta, are false.

The above facts show that Shri Kashi Prasad has acted in violation of Rule 3 of the Central Civil Services (Conduct) Rules, 1964.

Kashi Prasad



A/24 (13) A/15

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

(Lucknow Bench), Lucknow.

Kashi Prasad...

...Petitioner.

Vs.

Union of India & others...

... Opp. Parties.

Annexur e-2

To,

The Divisional Engineer, Telegraphs,
Allahabad, Division,
Allahabad.

Through:

Engineering Supervisor Telegraphs, Sultanpur

Sir,

With reference to your memo no. Y-5/K.P./3
dated 26.10.71, I have to say that I deny the charges
against me.

Thanking you.

Yours faithfully,

Sd/- 17.11.71

(KASHI PRASAD)

T.O. Telephone Exchange,
Sultanpur.

Date:-17.11.1971.

Kashi Prasad



A/26 (14) 10

In the Honable High Court of Judicature at Allahabad,
(Lucknow Bench), Lucknow.

Kashi Prasad...

...Petitioner

Vs.

Union of India & others...

...Opp. Parties,

Annexure No. 3

STANDARD FORM OF THE ORDER RELATING TO THE APPOINTMENT OF
PRESENTING OFFICER.

(Rule 14(5)(c))

No.: -QE-65/ Kashi Prasad

Government of India.

Name of Department: -Seal
Divisional Engineer, Telegraphs,
Sitapur Division.

Place of Issue Sitapur Dated 3.1.81.

ORDER

WHEREAS an inquiry under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules 1965 is being held against Shri Kashi Prasad T.O. (Name and designation of the accused Officer).

And WHEREAS the ^{for} **President/undersigned considers that a presenting officer should be appointed to present on behalf of the **President/undersigned the case in support of the articles of charge.

Now, THEREFORE, the ** President/undersigned in exercise of the powers conferred by sub-Rule (5)(c) of Rule 14 of the said rules hereby appoints Shri S.D. Misra Asstt. Sub-Inspector of police. (Name and designation of

Contd...2

Kashi Prasad

A/26 (15)

(A)

-2-

Presenting Officer) as the Presenting Officer.

By order and in the name
of President) *fr*

Sd/-

Disciplinary Authority/**
Authority competent to
authenticate order in the
name of president.

Copy to:

1. The Pres-enting Officer.
2. The Accused Officer Shri Kashi Prasad T.O.
3. The Inquiry Officer.
4. Copy for information and necessary action to the CBI
with reference to their letter No.....
dated.....

Disciplinary Authority/**Authority
competent to Authenticate order
in the name of president.

Kashyada



28 16 18

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

Kashi Prasad...

...Petitioner.

Vs.

Union of India....

...Opp. Parties.

Annexure No.4

Confidential/

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE D.E. TELEGRAPHS, SITAPUR.

(Rule 14(2) of C.G.S.(C.G.A.) Rules, 1965).

No. Q-65/Kashi Pd.

Government of India

Ministry of Communication.

Place of Issue: SITAPUR

Dated:- 15/22 Jan. 32

WHEREAS an inquiry under Rule 14 of the Central Civil Service as (Classification, Control and Appeal) Rules 1965 is being held against Shri Kashi Prasad T.O. Sitapur (Name and designation of the Government Servant).

AND WHEREAS the President/ the undersigned considers that an inquiring Authority should be appointed to inquire into the charges framed against the said Shri Kashi Prasad T.O. Sitapur.

NOW, WHEREAS, the President/ the undersigned in exercise of the powers conferred by sub-rule (2) of the said rule, hereby appoints Shri S.G. Awasthi A.D.T.(M) C.O. Lucknow (Name and Designation of the Inquiring Officer) as the Inquiring Authority to inquire into the charges framed

Contd...2

Kashi Pd

against the said Shri Kashi Prasad T.O. Sitapur.

By order and in the name of
president

Sd/-

Designation of the competent
Authority.

(SEAL)

Copy forwarded to:-

1. Shri Kashi Prasad Telephone Operator T runk Telephone Exchange Sitapur.
2. Shri A.K. Gupta A.O. O/O D.E.T. Lucknow. He is requested to transfer all relevant papers concerning to the case to Shri S.C. Awasthi A.D.T.(M), G.O. Lucknow under intimation to this office.
3. Shri S.C. Awasthi A.D.T.(M), G20. Lucknow. He may collect all relevant records concerning to the case from Shri A.K. Gupta A.O. O/O D.E.T. Lucknow.
4. D.E.T. Lucknow.
5. Shri S.C. Chaubay, Supdt. of Police, G.B.I./S.P. 7, Naw al Kishore Road Lucknow w.r. to his D.O. NO. 9610/3/68/70/GW.V/ Luck now dt. 27.12.81 for information and necessary action.
6. Shri S.D. Misra presenting officer O/O Supdt. of Police G.B.I. Naw al Kishore Road, Lucknow.
7. Shri J.N. Srivastava, Post Master, Sitapur.

Kashyap

CA
15/12

A/291 18 22

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

Kashi Prasad...

...Petitioner.

Vs.

Union of India...

...Opp. Parties.

Annexure No. 5

INDIAN POSTS AND TELEGRAPH DEPARTMENT
OFFICE OF THE GENERAL MANAGER TELECOM CIRCLE LUCKNOW.

Memo No. Staff(PG)/M-84/Genl./84.

Dated at Lw. 31.3.84

Consequent upon their having been approved by
D.P.G. following Telephone Operators who have completed 16 years
of regular service in their basic graded on 30.11.83 are hereby
promoted to next higher grade in the pay scale of Rs.425-640 with
effect from 31-11-83 in accordance with the instructions contain
ed in D.G. P&T New Delhi letter No. 1-71/83 NCG dated 17-12-83.
Their pay will be fixed under FR-22(G). They will retain their
original seniority in their basic grade.



Sl.No.	Name of Official	Units where working
1.	Shri N.B. Agnihotri	T.E. Division Sitapur
2.	" S.K. Singh Chauhan	"
3.	" R.D. Sharma	"
4.	" A.S. Mansoor	"
5.	" H.N. Misra	"
6.	" I.B. Srivastava	"
7.	" R.C. Bajpai	"
8.	" Yog Raj Singh	"

Contd...2

K. S. Dube

4/30 (19) (A/7)

9.	Shri Shishu Pal Singh	E.E. Division Sitapur
10.	" Ghada Lal	"
11.	" B.L. Verma	"
12.	" Ilyas Ali	"
13.	" <i>S</i> D.P. Dixit	"
14.	" P.D. Jaiswal	"
15.	" S.H. Chauhan	"
16.	" Nak Ghadan Pd.	"
17.	" S.C. Misra	"
18.	" R.S. Anand	"
19.	Smt. Prabha Madhu Sehgal	"
20.	Shri R.C. Srivastava	"
21.	" Sohan Lal	"
22.	" J.P. Srivastava	"
23.	" Chandiraka Pd.	"
24.	" G.V. Saxena	"
25.	" Dina Lal	"
26.	" G.S. Shukla	"
27.	" H.L. Chaudhary	"
28.	" <i>G</i> V.H. Jatav	"
29.	" L.R. Misra	"
30.	" Jagdishwar Pd.	"
31.	" Shaukat Ali	Director Telecom (W) Lucknow.
32.	" G.K. Srivastava	"
33.	" R.B.S. Yadav	"
34.	" M.L. Verma	"

Sd/- (K.H. Khan)
Dy. General Manager (Admin)
U.P. TELECOM CIRCLE, LUCKNOW-1

Contd...3

Kashyap



3/20

2/2

Copy to D.E.T. Sitapur/Lucknow/ Director Telecom (M) Lucknow for information and necessary action. He will please check up that no vigilance/disciplinary action has been intitated against the officials during the intervening period if so the promotion order should not be given effect to those officials and the fact may be reported to this office.

2. The officials alongwith spare copies for service Book through D.E.T. Sitapur.
3. Circle secretory or respective service unions/associations.
4. Staff & Estt. Section Circle office Lucknow.
5. A.G.M.(S), A.G.M.(TE), ADP(S), A.D.T.(TS) Circle Office Lucknow.
6. Director Telecom (Cent-al) Lucknow.
7. File No. staff(PG)/M-81/STP/84.

Kagislu



4/32 (21) 19

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

Kashi Pras-ad...

...Petitioner.

Vs.

Union of India...

...Opp. Parties.

Annexure No.6

To,

Respected Shri G.Lal,
Divisional Engineer Telegraphs,
Sitapur Divison,
Sitapur.

Subject: Enquiry under rule-14 of CGs(GCA) Rules 1965,
against Shri Kashi Prasad T.O. Sitapur pending
Since 1971.

Sir,

Respectfully, I beg to state that I have been facing a departmental enquiry as mentioned above which has been pending against me from the last 13 (Thirteen) years and no decision would be taken by the department as yet inspite of previous requests due to the reasons best known to the department.

Since I have been debarred from all the facilities/promotions, E.B. due since 1st March 81, L.T.C. in 1st class and departmental promotional exams etc. due to which I have been feeling and suffering with a great physical mental and financial loss since the year 1971 from which the enquiry is pending against me. I am felling it more than punishment due to the mental torture and financial loss from the last 13 years i.e. from the year 1971.

Kashi Prasad

Therefore, I would like to request your honour to kindly take necessary immediate actions and direct the Enquiry Officer to finalise my case at the earliest, failing which I will be compelled to seek assistance of the court for justice in my case since the department has failed to take any decision in my case till now due to which I have been suffering from all the consequences.

An early action will be highly appreciated.

Yours faithfully,

Dated: 18/8/84

Sd/-
(KASHI PRASAD) T.O.
Telephone Exchange, Sitapur.
Sitapur U.P.

Copy forwarded to the following

for immediate necessary action:-

- 1- Shri S.C. Awasthi (Enquiry Officer) S.D.O. T. Lakhimpur-Kheri.
2. G.M.T.U.P. Circle Lucknow.
3. Director Telegraphs (G.4) Lucknow.
4. Vigilance Officer (Director vigilance) U.P. Circle, Lucknow.
5. S.P.T. G.M.T. 7, Nawal Kishore Road, Lucknow.
6. D.G. P&T, New Delhi.
7. Shri Mendu Venktarava General Secretary (G.H.O.) All India
Telephones Traffic Employees Associations Vijai wada (A.P.)

Dated: -18/8/84

Sd/-
(KASHI PRASAD)
Telephone Exchange, Sitapur
Sitapur U.P.

Kashi Prasad

A
31

(23)

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

Kashi Prasad...

...Petitioner.

Vs,

Union of India...

...Opp. Parties.

Annexure No. 88

To,

Respected General Manager (Telecom),
U.P. Circle,
Lucknow.

Subject:- Enquiry under rule 14 of GGS (CCA) Rules 1965 against
Shri Kashi Prasad T.O. Sitapur pending since 1971.

Sir,

Respectfully, I beg to state that I have been facing
a departmental enquiry as mentioned above which has been
pending against me from the last 13 (Thirteen) years and no
decision would be taken by the department as yet inspite of my
previous requests and reminders due to the reasons best known
to the department.

Since I have been debarred from all the facilities/
promotions, E.B. due since 1st March 1981, L.T.C. in 1st
class and departmental promotional exams. etc. due to which
I have been feeling and suffering with a great physical
mental and financial loss since the year 1971 from which the
enquiry is pending against me. I am feeling it more than punish-
ment to the mental torture and financial loss from the last
13 years i.e. from the year 1971.

Therefore, I would like to request your honour to
kindly take necessary immediate actions and direct the enquiry

Contd..2

Kashi Prasad



officer to finalise my case at the earliest failing which I will be compelled to seek assistance of the court for justice in my case since the department has failed to take any decision in my case till now due to which I have been suffering from all the consequences.

An early action will be highly appreciated.

Yours faithfully,

Sd/-

Dated:-11/9/84

(KASHI PRASAD)
Telephone Exchange, Sitapur
Sitapur(U.P.)

Copy to:- For immediate necessary action pl:-

1. Shri S.C. Awasthi (Enquiry Officer) S.D.O. Lakhimpur Kheri.
2. D.E.T. SITAPUR
3. Director Telegraphs (G.O.A), Lucknow.
4. Vigilance officer (Director Vigilance) U.P. Circle, Lucknow.
5. S.P.I. C.B.I. 7 Nawal Kishore Road, Lucknow.
6. D.G.P&T New Delhi.
7. Shri Mendu Venktarav, General Secretary, (G.H.O.)
All India Telephone Traffic Employees Association
Vigaiwada, (A.P.)

Sd/-
(KASHI PRASAD) T.O.
Telephone Exchange, Sitapur
Sitapur(U.P.)

Kashu 24

(25)
A/36

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



Kashi Prasad..

..Petitioner.

Vs.

Union of India & others..

..Opp. Parties.

AFFIDAVIT

I, Kashi Prasad aged about 42 years son of Sri Paran Das presently posted as Telephone Oprater Telephone Exchange Sitapur do hereby solemnly affirm and State on oath as under:-

1. That deponent being petitioner to the aforesaid writ petition is fully conversant with the facts of the case.
2. That deponent verified the contents of paras 1 to 20 of the writ petition to be true from his personal knowledge.
3. That Annexures 1 to 7 to the writ petition are true copies of their original.
4. That the contents of paras 21 and 22 of the writ petition are believed to be true by me.

Deponent

(Kashi Prasad)

Kashi Prasad



(26)
A
37
(A/2)

Verification

I, the above named deponent do hereby verify that the contents of paras 1 to 3 of this affidavit to be true to my own knowledge and that the contents of Para 4 of this affidavit are believed to be true by me. No part of it is false and nothing material has been concealed, so help me god.

Kashi Prasad
(Deponent)

I identify the deponent who has signed is my presence.

Sri A.K. Dixit
Advocate.

Solemnly affirmed before me on 10.12.84 at 9.40 a.m./p.m. by Sri Kashi Prasad, who is Identified by Sri A.K. Dixit, Advocate, High Court Allahabad, Lucknow Bench Lucknow.

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

Sushanta

SHEO RAMAN
OATH CASE
High Court Allahabad
10/12/84
No. 31/305/84
Date 10/12/84

Oath Commissioner,
High Court.

A
28

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

Civil Misc. Appln. No: of 1985

Inre:

Writ Petition No: 5946 of 1984.



Kashi Prasad.....Petitioner.

Versus

Union of India & Others.....Opposite Parties.

Ind. Application for Interim Relief.

For the facts and circumstances stated in the Writ Petition as well as in the affidavit attached with this application, after reballing the order dated 8.2.85 passed on C.M.No: 12685(W) of 1984 (but wrongly mentioned as C.M.62685(W) of 84) an interim mandate may kindly be granted in favour of petitioner commanding the Opposite Parties that they shall grant the petitioner grade promotion in the scale of Rs. 425-640 per month and to fix his pay in such scale according to length of service.

This hon'ble court may also be pleased to grant such other interim relief as may be deemed fit in the circumstances of the case.

Lucknow:

Dated: 25-3-1985.

1.4.1985

(A.K. Dixit)
Advocate.

Counsel for Appellant.

Received by
.....

Har Lihani

Sn C/L

1/4/85

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39

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

W.P.No: 5946 of 1984.



Kashi Prasad.....Petitioner.

Versus

Union of India & Others.....Opposite Parties.

Affidavit in support of Ind. Application
for Interim Relief.

I, Kashi Prasad, aged about 42 years son of Sri Puran Das, presently posted as Telephone Operator, Telephone Exchange Sitapur, do hereby solemnly affirm and state on oath as under:-

1. That application for interim relief moved in the above noted Writ Petition was listed on 8-2-1985.
2. That on account of his mother's death on 8-2-1985 at Sitapur the deponent's counsel could not attend the court upto 16-2-1985 and in these circumstances the aforesaid application could not be attended on 8-2-1985.
3. That on 15.3.1985 when deponent's counsel moved application for calling for records for disposal of interim application, the deponent or his counsel was not aware of the fact that Civil Misc. Application No. 12635(W) of 1984 stood already rejected for default on 8.2.1985.
4. That subsequently deponent's counsel came to know about the fact of dismissal of Civil Misc. Application in default.

Kashi Prasad

A
40

W
2

- 2 -

5. That till now no final orders in the disciplinary proceedings have been passed and even evidence has not been closed.

(X)
6

6. That the facts and circumstances already stated in the Writ Petition ² in support of application for interim relief still exist.

Lucknow:

Dated: 25-3-1985.

Deponent.

Kashi Prasad

Verification

I, the above named deponent do hereby verify that the contents of paras 1 to 5 of this affidavit to be true to my own knowledge and those of the para 6 are believed to be true by me. no part of it is false and nothing material has been concealed, so ² help me God.

Kashi Prasad

Dated: 25-3-1985.

Deponent.

I identify the deponent who has signed before me.

Advocate. ²
A.K. Dixit

Solemnly affirmed before me on 25-3-1985. at 7.00 A.M./P.M. by the deponent Kashi Prasad, who is identified by Shri A.K. Dixit, Advocate, High Court, Lucknow Bench. I have satisfied my self by examining the deponent that he fully understands the contents of this affidavit which have been read out and explained by me.



Sher Narain Shukla
Oath Commissioner
High Court Allahabad
Lucknow Bench.
No 39/122/85
Date 25/3/85

ब अदालत श्रीमान्

[वादी] अपीलान्ट

प्रतिवादी [रिस्पॉण्डेंट]

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

महोदय

वकालतनामा

Kashi Prasad Rehi
vs
Union of India & others... of



दी (अपीलान्ट)

18/12/84

10/12



बनाम

प्रतिवादी (रिस्पॉण्डेंट)

नं० मुकद्दमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री Abhaya Kumar Dixit Advocate

509/20 Ka old Hydra

Lucknow महोदय एडवोकेट

नाम अदालत	नाम फरीकें
मुकद्दमा नं०	बनाम

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

Kashi Prasad

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

10/12

सन् १९८४ ई०

स्वीकृत

Accepted

AMS

10/12/84

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, DELHI
CIRCUIT BENCH, LUCKNOW.

Gandhi Bhawan, Opp. Resident
Lucknow - 226 001.

NO. C-1/LEO/Jud/CB/ 2893 to 2896 Dated the 27.12.04

I.A. No. of 1580 1987 (3)

Kashu Prasad

APPLICANT (A)

VERSUS

Union of India

RESPONDENT (A)

①

To Union of India through Secretary to Deptt. of Post and Telegraphs; Ministry of Communication, New Delhi

whereas the marginally noted cases has been transferred by H.E. LKO

Under the provision of the Administrative Tribunal Act 13 of 1955 and registered in this Tribunal as above.

Writ Petition No. 59416/86

of 1986

of the Court of H.E. LKO

arising out of

Order dated

passed by

The Tribunal has fixed date of 16.2.90 1990. The hearing of the matter.

If no appearance is made on your behalf by your case one duly authorized to act and plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand and seal of the Tribunal this

27 day of 12 1990.

② Cr. M. Telecom U.P. Lucknow

③ Divisional Engineer Telegraphs Alld. Division Alld.

④ Divisional Engineer Telegraph Sitaburi

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow.

No. CAT/AKO/Jud/ 36587 date the 26/4/90

T.A.No. 1580/87 of 1990 (T)

Kashu Prasad Applicants.

Varsus.

Union of India Respondents.

To Shri H. M. Telekar Adv
High Court Lucknow

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

Writ petition No. 5946/87
of 19.....
of the Court of High Court -
..... arising out of
of order dated
passed by in
.....

The Tribunal has fixed date
of 23/4.....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 seal of the Tribunal this 19
..... day of 2.....1990.

DEPUTY REGISTRAR

Bhartiya

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

T.A.No. 1580 of 1987

No.CAT/A11d/Jud

dated the .

APPLICANT(S)

Kashi Prasad

VERSUS

RESPONDENT(S)

Union of India

TO

- 1- Shri A.K.Dixit, Advocate, Lucknow High Court
Lucknow.
- 2- Shri H.N.Tilhari, Advocate, Lucknow High Court
Lucknow.

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

Writ Petition No. 5946
of 198 4
of the Lucknow High Court, Lucknow

The Tribunal has fixed date of
12-12-1989 1989 . The
hearing of the matter at Gandhi
Bhawan, Opp. Residency, Lucknow.

If no appearance is made on your
behalf by your name 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 25th
day of August 1989.

dinesh/

DEPUTY REGISTRAR

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

Writ Petition Under Article 226 Constitution
of India.
District Sitaipur:



Kashi Prasad aged about 42 years son of Sri Purn Das,
presently posted as Telephone Operator, Telephone
Exchange, Sitaipur.

..

.. Petitioner.

V e r s u s.

1. Union of India, Through Secretary to Department of
Post and Telegraphs, Ministry of Communication,
New Delhi.

2. General Manager, Telecom Circle, U.P. Lucknow.

3. Divisional Engineer, Telegraphs, Allahabad Division,
Allahabad.

4. Divisional Engineer, Telegraph, Sitaipur.

..

.. Opp. parties.

WRIT PETITION UNDER ARTICLE 226
TO THE CONSTITUTION OF INDIA.

To,

The Hon'ble Chief Justice and Companion Judges
of the Hon'ble Court.

May it please your Lordships,

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

1.. That petitioner having appointed by opposite party no-3 joined the services of opposite party no-1 on 1.3.1963 as Telephone Operator, at Allahabad City Telephone Exchange and was confirmed on such post on 1.3.66. 

2.. That from time to time petitioner has remained posted at Allahabad City Telephone Exchange, Maini Exchange Allahabad Trunk Exchange, Allahabad MPF Exchange from 1963 to 1970. In the year 1971 petitioner was transferred to Sultanpur Exchange under D-3-T. Allahabad and since 25.5.1977 he is posted at Sitapur Trunk Telephone Exchange under D-3-T. Sitapur.

3.. That except present affair giving rise to this petition there is nothing adverse in the service record of the petitioner to his knowledge and notice.

4.. That on 8.11.71 while petitioner was posted at Sultanpur Telephone Exchange he received a charge sheet issued by opposite party no-3 under rule 14 to Central Civil Services (C.C.S. & A) Rules 1965 alleging that while posted at Allahabad during December 1967 to June 1968 petitioner had submitted 3 false medical bills amounting to Rs.637.00.

A true copy of the charge sheet dated 26.10.1971 alongwith its enclosures is attached herewith as Annexure 1 to this writ petition.

5.. That on receipt of charge sheet (Annexure 1) the petitioner denied the charges on 17.11.1971.

A true copy of such denial of charges is attached herewith as Annexure 2 to this petition.

6.. That upto almost ten years from 17.11.1971 the petitioner received no intimation with regard to progress in the proposed disciplinary enquiry. On 3.1.1981 the petitioner received an intimation from opposite party no-4 (to whom the disciplinary enquiry appears to have been transferred) that one Sri S-D-Misra has been appointed as the Presenting Officer in the Enquiry.

A true copy of such an intimation is attached herewith as Annexure No-3 to this petition.

7.. That in March and April 1981 the enquiry officer Sri A-K-Gupta Accounts Officer, D-3-F- Lucknow started to take preliminary steps of enquiry i.e. admission denial of documents etc. but since he was transferred the enquiry was held up.

8.. That the opposite party no-4 vide his letter dated 15/22-6-1982 appointed one Sri S-C-Avasthi A-D-F-(H) C-O- Lucknow as Enquiry Officer.

A true copy of letter dated 15/22-6-82 appointing Sri S-C-Avasthi as Enquiry Officer is attached herewith as Annexure 4 to this petition.

9.. That Enquiry Officer Sri Avasthi on 11.4.84 at Allahabad recorded statement of few witnesses but since then the matter is at the rest and no further dates of enquiry have been intimated to the petitioner.

10.. That pay scale admissible to the petitioner was from Rs.350-450 and on 1.3.1982 petitioner was

drawing a basic pay of Rs.420/- per month at which stage he reached as a result of increments. On 1.3.1982 petitioner reached to the stage of crossing of efficiency bar at the increment stage of Rs.12/- per month to an entitlement of basic pay at the rate of Rs.432/- per month w.e.f. 1.3.82, Rs.444/- w.e.f. 1.3.83 and Rs.456/- w.e.f. 1.3.84.

11.. That on completion of 16 years of service in the scale of 260-480 a telephone operation becomes entitled to the grade promotion in the scale of Rs.425-640 per month.

12.. That petitioner having completed more than 20 years continuous service on 30.11.83 became entitled to such grade promotion.

13.. That on 31.3.84 the opposite party no.2 promoted as such as 34 telephone operators in the next higher grade of Rs.425-640 per month with effect from 30.11.83.

A true copy of such grade promotion order dated 31.3.84 is attached herewith as Annexure 5 to this petition.

14.. That perusal of grade promotion order (contained in Annexure 5) goes to show that several persons junior than petitioner e.g. Sarve Sri Ilyas Ali, S.C. Misra, G.C. Shukla, V.L. Jataria and Jagdishwar Prasad have been granted with such promotion ignoring the claimant. The petitioner is advised to state that such persons have no better record of service than petitioner (except the present affair).

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15.. That upon issue of promotion order contained in Annexure 5 the petitioner contacted the authorities who told him that he has been by passed for the grade promotion on account of pendency of disciplinary proceedings against him which may be finalised soon and petitioner may be granted grade promotion with retrospective effect if disciplinary proceedings are terminated.

16.. That petitioner for another about 5 months waited for disposal of disciplinary proceedings but no result or even progress.

17.. That thereupon the petitioner on 18.2.34 and 11.3.34 moved representations to the opposite parties no. 3 and 4 to finalise the disciplinary proceedings and to allow him the usual facilities, promotions and crossing of efficiency Bar etc.

18 True copies of such representations are attached herewith as Annexure No. 6 & 7 to this petition.

18.. That so far the opposite parties have neither disposed off the disciplinary proceedings, nor allowed the crossing of E.B. nor other facilities and even the fate of representations has not been communicated by the opposite parties.

19.. That opposite parties have never informed the petitioner about any orders or grounds or notice on which his increments / E.B. was proposed or were ordered to be stopped or postponed. The petitioner has also not been ever apprised that

AB

his increments, S-S-or other benefits are being curtailed on account of his unfitness.

20.. That persons juniors than petitioner have been allowed to cross incremental and S-S-stages and even grade promotion ignoring the claim of the petitioner as a result of which such junior are claiming much more salary and other emoluments etc.and are progressing to further stages.

21.. That rule 11 of Central Civil Services (C-S-S & A) Rules 1965 prescribe withholding of increments of pay as minor penalty which cannot be imposed without having recourse to Rule 16 of Central Civil Services (C-S-S (CCA) Rules, 1965, which has not been done in the case of the petitioner.

22.. That having no other alternate effectious and speedy remedy left petitioner begs to invoke the jurisdiction of this Hon'ble Court on and amongst other the following -

GROUND :-

- (A) Because keeping an enquiry pending for an abnormally long time (about 13 years in this case) amounts to violation of principles of natural justice equity and fairness.
- (B) Because simply on account of pendency of disciplinary proceedings nearly on expectation of punishment the promotion cannot be denied, delayed or kept in abeyance.

1/30

- (C) Because action of opposite parties in stopping / withholding on increments or efficiency bar in violation of provisions of Central Civil Services (C.S. & A.) Rules is arbitrary, illegal and mala fide.
- (D) Because granting grade promotion to juniors than petitioner infringes Article 16 of the Constitution.
- (E) Because petitioner after completion of much more than 16 years of service on 30.11.83 became automatically entitled to grade promotion, which cannot be withheld merely on the ground of pendency of disciplinary proceedings.
- (F) Because withholding of such promotion amounts to imposition of punishment violating both the letter and spirit of Article 311.
- (G) Because action of opposite parties in ignoring the petitioner from promotion being arbitrary unfair and unreasonable is violative to Article 14 of the constitution.
- (H) Because to keep disciplinary proceedings pending from years to years has a severe demoralising effect on employee and such delayed proceedings cannot be sustained.

Wherefore, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to allow this petition by issuing --

A
C
B

- (i) a writ direction or order in the nature of mandamus commanding the opposite parties to release the increments and Efficiency Bar of the petitioner with its due date i.e. 1.3.1952 and to grant him usual grade promotion with effect from 30.11.1953 along with full benefits of arrears of Salary, promotion etc.
- (ii) a writ, direction or order in the nature of mandamus be also issued in favour of petitioner commanding the opposite parties to place the petitioner at the proper place in the gradation list of grade promotion so as to keep his name above to his juniors.
- (iii) Opposite parties be also commanded to terminate the unreasonably prolonged disciplinary proceeding of the year 1971 against the petitioner.
- (iv) any other writ direction or order as may be deemed fit in the circumstances of the case be also issued in favour of the petitioner against opposite parties along with the costs of this petition.

Petitioner

Lucknow Dated:
1984

(Kashi Ram)
Through his counsel:-

(Sri A.K. Dixit)
Advocate.

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

Shri Prasad ...

... Petitioner.

vs.

Union of India & others...

... Opp. Parties.

Annexure No.-1

INDIAN POSTS AND TELEGRAPH DEPARTMENT.

Office of the P. & T. Magistrate, Allahabad Division,
Allahabad.

Mem. No. Y-5/K.P./3

Dated at A 26-10-1971.

The Undersigned proposes to hold an inquiry against
Shri Shri Prasad, P.O. under rule 14 of the Central Civil
Services (Classification Control and Appeal) Rules, 1965.
The substance of imputations of misconduct or misbehaviour
in respect of which the inquiry is proposed to be held is
set out in the enclosed statement of articles of charges
(Annex. I). A statement of imputations of misconduct or
misbehaviour in support of each article of charge is enclosed
as (Annex. II). A list of documents by which, and a list
of witnesses by whom, the articles of charges are proposed
to be sustained are also enclosed (Annex. III & IV).
2. Shri Shri Prasad, P.O. is directed to submit within
10 days (ten days) of the receipt of this Memorandum a
written statement of defence and to state whether
he desires to be heard in person.

Contd...2

Handwritten initials or signature in a circle.

3. He is also informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should therefore specifically admit or deny each article of charge.

4. Shri Kashi Prasad is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the State Inquiring Authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the C.S.S. (C.S. & A.) Rules, 1965 or the orders/directions issued in pursuance of the said Rule, the inquiring authority may hold the inquiry against him ex parte.

5. Attention of Shri Kashi Prasad is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Shri Kashi Prasad is aware of such a representation and that it has been made at the instance and action will be taken against him for violation of Rule 20 of the C.S.S. (Conduct) Rules, 1964.

6. The receipt of this Memorandum may be acknowledged.

To,
Shri Kashi Prasad, T.O.
Telephone Exchange,
Sitapur.

Sd/-
Divisional Engineer Telegraphs,
Allahabad.

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ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE AGAINST
SHRI KASHI PRASAD, TELEPHONE OPERATOR.

That the Shri Kashi Prasad, while functioning as telephone Operator, Allahabad, during December, 1967 to June 68 failed to maintain absolute integrity and committed misconduct in as much as he submitted in the DIT Office, Allahabad 3 false medical reimbursement claim applications amounting to Rs. 637.00 supported with forged prescriptions, essentiality certificates and cash notes in respect of the treatment of himself, father and son, purported to have been issued by Dr. M. J. Gupta Incharge OPD, S.M. Hospital, Allahabad and thereby contravened Rule 3(1)(i) of the Central Civil Services (Conduct) Rules 1964.

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT IN SUPPORT OF THE
ARTICLES OF CHARGE AGAINST SHRI KASHI PRASAD, TELEPHONE OPERATOR.

Shri Kashi Prasad, was posted as Telephone Operator at Allahabad during the period December, 1967 to June 1968.

He submitted three medical reimbursement claim applications in respect of his own treatment for the periods 3.12.67 to 12.12.67, 14.12.67 to 23.12.67 and 2.1.68 to 17.2.68 for of Utam & Co., prescriptions and essentiality certificates purported to have been issued by Dr. M. J. Gupta.

He also submitted three medical reimbursement

25

claim applications in respect of the treatment of his father Shri Purnam Das for the periods 2.12.67 to 11.12.67 12.12.67 to 21.12.67 and 2.2.68 to 17.2.68 for Rs. 51.50, 51.33 and 54.00 respectively, supported with cashmemos of Utam & Company, prescriptions and essentiality certificates purported to have been issued by Dr. M.C.Gupta.

He also submitted two medical reimbursement claim applications in respect of the treatment of his son Sri Satya Das Prakash for the periods 5.12.67 to 14.12.67 & 2.2.68 to 17.2.68 for Rs. 76.00 and 77.12 respectively, supported with cashmemos of Utam & Co., prescriptions and essentiality certificates purported to have been issued by Dr. M.C.Gupta. No doctor by the name of Dr. M.C.Gupta Incharge of SMS Hospital Allahabad was posted at SMS Hospital, Allahabad during the above mentioned period. The prescriptions and essentiality certificates attached herewith with the medical reimbursement claim applications purported to have been issued by Dr. M.C.Gupta, are false.

The above facts show that Shri Kashi Prasad has acted in violation of Rule 3 of the Central Civil Services (Conduct) Rules, 1964.

(H/2)

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

(Lucknow Bench), Lucknow.

Kashi Prasad...

...Petitioner.

vs.

Union of India & others...

...Opp. Parties.

Annexure C-2

To,

The Divisional Engineer, Telegraphs,
Allahabad, Division,
Allahabad.

Through

Engineering Supervisor Telegraphs, Sultanpur

Sir,

With reference to your memo no. Y-5/L.P./3 dated 26.10.71, I have to say that I deny the charges against me.

Thanking you.

Yours faithfully,

Sd/- 17.11.71

(KASHI PRASAD)

T.O. Telephone Exchange,
Sultanpur.

Date:-17.11.1971.

Presenting Officer) as the Presenting Officer.

By order and in the name
of President)

SG/a

Disciplinary Authority/Authority competent to
authenticate order in the
name of President.

Copy to:

1. The Presenting Officer.
2. The Accused Officer Shri Kashi Prasad T.O.
3. The Inquiry Officer.
4. Copy for information and necessary action to the CBI
with reference to their letter No.....
dated.....

Disciplinary Authority/Authority
competent to authenticate order
in the name of President.

12/3

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

Kashi Pressed...
Vs.
Union of India....

...Petitioner.
...Opp. Parties.

Annexure No. 4

Confidential

INDIAN POST AND TELEGRAPH DEPARTMENT
OFFICE OF THE D. S. TELEGRAPH, SITAPUR.

(Rule 14(2) of C.C.S. (C.C.S.) Rules, 1955).

No. 98-65/Kashi P.D.
Government of India
Ministry of Communications.

Place of Issue: SITAPUR

Dated:- 15/22 Jan. 57

WE HAVE an inquiry under Rule 14 of the Central Civil Service (Classification, Control and Appeal) Rules 1955 is being held against Shri Kashi Pressed T.O. Sitapur (Name and designation of the Government Servant).

AND WHEREAS the President/ the undersigned considers that an Inquiring Authority should be appointed to inquire into the charges framed against the said Shri Kashi Pressed T.O. Sitapur.

NOW, WHEREAS, the President/ the undersigned in exercise of the powers conferred by sub-rule (2) of the said rule, hereby appoints Shri S.C. Anandhi A.T.T. (M) T.O. Lucknow (Name and designation of the Inquiring Officer) as the Inquiring Authority to inquire into the charges framed

Contd...2

Against the said Shri Kashi Prasad I.O. Sitapur.

By order and in the name of
President

Sd/-

Designation of the competent
Authority.

(SEAL)

Copy forwarded to:-

1. Shri Kashi Prasad Telephone Operator T runk Telephone
Exchange Sitapur.
2. Shri A.K. Gupta A.O. O/o T.E.T. Lucknow. He is requested
to transfer all relevant papers concerning to the case to
Shri S. S. Anandhi A.T.T.(H), O.O. Lucknow under intimation
to this office.
3. Shri S. S. Anandhi A.T.T.(H), O.O. Lucknow. He may collect
all relevant records concerning to the case from Shri
A.K. Gupta A.O. O/o T.E.T. Lucknow.
4. T.E.T. Lucknow.
5. Shri S. S. Chaubey, Supdt. of Police, C.B.I./P.P. at 7, New at
Kishore Road Lucknow w.r. to his T.O.No. 9510/3/62/70/27.V/
Luck now dt. 27.12.61 for information and necessary action
6. Shri S. V. Misra presenting officer O/o Supdt. of Police
C.B.I. New at Kishore Road, Lucknow.
7. Shri J. E. Srivastava, Post Master, Sitapur.

17/15

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

Kashi Prasad...

...Petitioner.

Vs.

Union of India...

...Opp. Parties.

Annexure No. 5

INITIAL POSTS AND TELEGRAPH DEPARTMENT
OFFICE OF THE GENERAL MANAGER TELEPHONE CIRCULAR LUCKNOW.

Memorandum No. Staff(P 3)/A-8/ Genl./84.

Dated at Lucknow 31.3.84

Consequent upon their having been approved by
D.P.O. following Telephone Operators who have completed 15 years
of regular service in their basic grade as on 30.11.83 are hereby
promoted to next higher grade in the pay scale of Rs. 483-540 with
effect from 31-11-83 in accordance with the instructions contain-
ed in P.O. & T. New Delhi letter No. 1-71/83 WOS dated 17-12-83.
Their pay will be fixed under PB-22(1). They will retain their
original seniority in their basic grade.

Sl. No.	Name of Official	Units where working
1.	Shri H.B. Agnihotri	T.S. Division Sitapur
2.	" S.K. Singh Chauhan	"
3.	" B.T. Sharma	"
4.	" A.S. Khandelwal	"
5.	" H.N. Misra	"
6.	" I.B. Srivastava	"
7.	" B.C. Bajpai	"
8.	" Yog Raj Singh	"

Contd...9

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9.	Shri Shishu Pal Singh	T.S. Division Sitapur
10.	" Chheda Lal	"
11.	" B.L. Varna	"
12.	" Tiyas Ali	"
13.	" B.P. Dixit	"
14.	" R.P. Jaiswal	"
15.	" S.H. Chaudhan	"
16.	" Bak Chheda P.O.	"
17.	" S.S. Misra	"
18.	" T.S. Anand	"
19.	Smt. Prabha Madhu Sahgal	"
20.	Shri P.C. Srivastava	"
21.	" Sohan Lal	"
22.	" J.P. Srivastava	"
23.	" Chandiraka P.O.	"
24.	" G.V. Saxena	"
25.	" Vine Lal	"
26.	" G.S. Shukla	"
27.	" H.L. Chaudhary	"
28.	" V.R. Jaisay	"
29.	" L.P. Misra	"
30.	" Jagdishwar P.O.	"
31.	" Shaukat Ali	Director Telecom (Lucknow).
32.	" G.K. Srivastava	"
33.	" R.B.S. Yadav	"
34.	" H.L. Verma	"

Sd/- (K.M. Khan)
 Dy. General Manager (Adm)
 U.P. TELECOM DIVISION, LUCKNOW-1

(1/1)

Copy to D. S. T. Sitapur/Lucknow/ Director Telecom (N) Lucknow for information and necessary action. He will please check up that no vigilance/disciplinary action has been initiated against the officials during the intervening period if so the promotion order should not be given effect to those officials and the fact may be reported to this office.

2. The officials alongwith spare copies for service Book through D. S. T. Sitapur.
3. Circle secretary or respective service unions/associations.
4. Staff & Staff Section Circle office Lucknow.
5. A.C.M.(S), A.C.M.(S), ADI(S), A.D.T.(S) Circle Office Lucknow.
6. Director Telecom (Central) Lucknow.
7. File No. staff(PS)/M-31/STP/24.

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

Kashi Prasad...

...Petitioner.

Vs.

Union of India...

...Opp. Parties.

Annexure No. 3

To,

Respected Shri G. Lal,
Divisional Engineer Telegraphs,
Sitapur Division,
Sitapur.

Subject: Enquiry under rule-14 of G.O. (G.O. Rules 1938,
against Shri Kashi Prasad T.O. Sitapur pending
Since 1971.

Sir,

Respectfully, I beg to state that I have been
facing a departmental enquiry as mentioned above which
has been pending against me from the last 13 (Thirteen)
years and no decision would be taken by the department
as yet in spite of previous requests due to the reasons best
known to the department.

Since I have been debarred from all the
privileges/promotions, T.D. due since 1st March 81, L.T.C.
in 1st class and departmental promotional exams etc. due
to which I have been feeling and suffering with a great
physical mental and financial loss since the year 1971
from which the enquiry is pending against me. I am feeling
it more than punishment due to the mental tortured and
financial loss from the last 13 years i.e. from the year
1971.

A/12

Therefore, I would like to request your honour to kindly take necessary immediate action and direct the Inquiry Officer to finalise my case at the earliest, failing which I will be compelled to seek assistance of the court for justice in my case. Since the department has failed to take any decision in my case till now due to which I have been suffering from all the consequences.

An early action will be highly appreciated.

Yours faithfully,

Sd/-
(KASHI PRASAD) T.O.
Telephone Exchange, Sitapur.
Sitapur U.P.

Dated: 12/2/54

Copy forwarded to the following

for immediate necessary action:-

- 1- Shri S.C. Swasthi (Inquiry Officer) S.T.O.T. Lakhimpur-Kheri.
2. C.M.T.U.P. Circle Lucknow.
3. Director Telegraphs (C.A.) Lucknow.
4. Vigilance Officer (Director vigilance) U.P. Circle, Lucknow.
5. S.P.R. C.M.T. 7, Naval Kishore Road, Lucknow.
6. R.O. PAT, N on Delhi.
7. Shri Benda Venkteraya General Secretary (C.M.T.) 11 India Telephone Traffic Employees Association Vijay Vada (A.P.)

Sd/-
(KASHI PRASAD)
Telephone Exchange, Sitapur
Sitapur U.P.

Dated: 12/2/54

Lucknow Bench, Lucknow.

(H/3)

Kashi Prasad...

...Petitioner.

Vs,

Union of India...

...Opp. Parties.

Annexure No. 7

To,

Respected General Manager (Telcom),
U.P. Circle,
Lucknow.

Subject:- Enquiry under rule 14 of UPSCA Rules 1946 against
Shri Kashi Prasad T.O. Sitapur pending since 1971.

Sir,

Respectably, I beg to state that I have been facing
a departmental enquiry as mentioned above which has been
pending against me from the last 13(Thirteen) years and no
decision would be taken by the department as yet inspite of my
previous requests and reminders due to the reasons best known
to the department.

Since I have been debarred from all the facilities/
promotions, etc. due since 1st March 1971 i.e. L.T.C. in 1st
class and departmental promotions, etc. due to which
I have been feeling and suffering with a great physical
mental and financial loss since the year 1971 from which the
enquiry is pending against me. I am feeling it more than punish-
ment to the mental torture and financial loss from the last
13 years i.e. from the year 1971.

Therefore, I would like to request Your honour to
kindly take necessary immediate actions and direct the enquiry

Contd...2

(13)

Verification.

I, the above named deponent do hereby verify that the contents of paras 1 to 3 of this affidavit to be true to my own knowledge and that the contents of Para 4 of this affidavit are believed to be true by me. No part of it is false and nothing material has been concealed, so help me god.

(Deponent)

I identify the deponent who has signed is my presence.

Advocate.

Solemnly affirmed before me on day of Nov. 1934 at a.m. by Sri Kashi Prasad, who is Identified by Sri A.K. Dixit, Advocate, High Court Allahabad, Lucknow Bench Lucknow.

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

Oath Commissioner,
High Court.