

(14)

(J.M)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH,

LUCKNOW

T.A. 1692/87(T)
(Writ Petition No. 121 of 1985)

Smt. Renu Nigam

...Petitioner.

versus

Union of India & others ...Respondents.

HON. MR. P.S. HABEEB MOHAMMAD, ADM. MEMBER.
HON. MR. J.P. SHARMA, JUDICIAL MEMBER.

(Hon. J.P. Sharma, J.M.)

Smt. Renu Nigam impleading Officer Commanding, Central Command, Signal Regiment, Cantt. Lucknow and Officer In-charge Commanding, Signals Records, Jabalpur filed the writ petition (No. 121/85) in the Hon'ble High Court, Lucknow Bench with the prayer for issuing a direction in the form of writ of certiorari quashing the order of termination from service dated 10.12.1984 and also praying for consequential benefits. She also sought a direction regarding the declaration of her status as Quasi Permanent under C.C.S (Temporary Services) Rules, 1965.

2. The writ petition stood transferred to the Central Administrative Tribunal, Allahabad Bench under section 29 of the Administrative Tribunals Act, 1985.

3. The facts of the case are that the applicant got employment as an Operator in a temporary capacity with effect from 26.2.1979 with the opposite parties Nos. 2 & 3 in Central Command, Signal Regiment, Lucknow. The applicant is M.A. in Hindi and her name was sponsored by the Employment Exchange and after interview on the scrutiny of educational

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certificates from the stage of High School onwards, she was given the aforesaid appointment, in which she has been working continuously.

(Ann. 2)

4. However, subsequently, on 12.8.83 a letter was issued to her as to whether she had passed the High School with English as one of its subjects or not, to which the applicant gave a reply on 20.8.82 that she had not passed the High School with English as one of its subjects. By the order dated 29.12.1984 (Annexure 4) the applicant was served with a termination order said to be under sub rule 1 of Rule 5 of Central Civil Services (Temporary Services) Rules, 1965 and her services were to be terminated with effect from 28.1.1985. Thereafter, the applicant had come to the Hon'ble High Court and filed the above writ petition for the reliefs referred to above.

5. The Hon'ble High Court granted an interim stay and the termination order was suspended as a result of which the applicant is working since then without break.

6. The respondents contested the writ petition and denied the contentions of the applicant that she had acquired the Quasi Permanent Status and further that the applicant did not possess the minimum educational qualification having not passed the High School Examination with English as one of its subjects. So she could not have been allowed to join ~~for~~ the post and it was overlooked; in fact that she did not have the minimum educational qualification. So, when the correct facts were discovered, a notice was given to the applicant to give details of having passed High School with English as one of its subjects. The applicant failed to give the same and so her services were terminated under sub rule 1 of Rule 5 of C.C.S. (Temporary Services) Rules, 1965.

(16) (2)

The respondents further contended
7. /that the applicant is not entitled to any relief
and the appointment is ab initio void. The applicant was
a temporary servant and so her services were terminated
without any stigma attached to that by the impugned order
after serving one month's notice. In view of this the
applicant is not entitled to any relief.

8. We have heard the learned counsel for both the
parties at length. Firstly, the termination order, which is
said to have been passed under sub rule 1 of Rule 5 of
C.C.S. (Temporary Services) Rules, 1965, is in itself an
order which has been passed not according to the precedents
on the subject. The applicant had been in service since
1979 and she continued till December, 1984, so even if
there was some irregularity in her appointment then the
time taken by the respondents to find out the correct
facts, cannot be said to be based on reasonable basis. By
keeping the applicant in service and allowing her to do
the work to the entire satisfaction of the respondents,
cannot make non passing of High School with English as one
of the subjects totally unfit for the job. Even at the time
of arguments it is conceded by the learned counsel for the
respondents Shri Dhawan that now she has also passed High
School examination with English as one of the subjects.

9. It is not the case of the respondents that the applicant
did not discharge her duties properly. No remarks adverse
to her working, though lacking the initial qualification,
had been brought to the notice of the Tribunal in the
Counter affidavit. In such case, it has been pointed out
by the learned counsel for the applicant that long standing
services cannot be terminated without satisfactory reason.
There is some substance in this argument.

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10. The learned counsel for the applicant has relied on the authorities mentioned below:

A.I.R. 1970

1) R.N. Borav s. Union of India(Supreme Court 470)

2) Bachan B. Das v s. State of Orissa (1973 (2) SLR page 499)

In fact both the above authorities support the case of the applicant. It has been held that continuing in service, though initial qualification may not be up to the mark, and even the applicant continues to the satisfaction of the employer, then the termination order of services shall be against the principles of natural justice and equity.

11. Further, there is obviously another point in favour of the applicant that she still continues to work from 1979 to 1990 and now she has become much overage to go elsewhere for service and as such she is entitled to a reasonable sympathetic consideration on this account also. In view of the matter that there is nothing against her during all these years of service in the same post, it cannot be said that she is not competent to discharge the duties effectively and efficiently.

at the decision

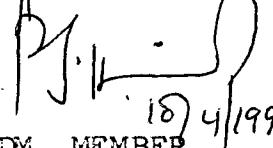
12. The respondents have arrived to terminate the services of a temporary employee as per provisions of sub rule 1 of the aforesaid Rules but at the same time, if a post is continued for a number of years, and still there is vacancy to be so caused then the termination order, by itself will lose its significance as innocuous order. The Court has, however, ^{the} right to look behind and find out the real fact which led to the passing of the termination order. Mere inadvertence by the respondents'

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Department was discovered five years after and that too, that the applicant had not taken English as one of the subjects in High School. In fact, High School certificate has been filed both to show the educational qualification as well as the date of birth and in this situation it cannot be said that the applicant has committed any cheating or defrauded the respondents.

13. In view of the above discussion, we find that the termination order dated 10.12.1984 (Annexure -4) cannot be sustained and is liable to be quashed and the applicant shall be deemed in service for all purposes and shall be entitled to all consequential benefits. ~~however~~, The writ petition/T.A. is allowed, but the parties shall bear their own costs.

JUDL MEMBER.


ADM. MEMBER. 18/4/1990

Dated the 18th of April, 1990.

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE 1692/82 OF

NAME OF THE PARTIES Police v. Vigyan, Applicant

Versus

..... CEST. CH. Respondent

Part A.

Sl.No.	Description of documents	Page
1		
2	INDEX	1 to 3
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7	Coupler	
8	R.A.	
9		
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16		
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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)

File B/C weed out / destroyed

Dated

Counter Signed.....

✓
Section Officer/In charge

B.M.
Signature of the
Dealing Assistant

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case *Case No. 121-85*
 Name of parties *Smt. Reenu Nigam - v. Union of India*
 Date of institution *8/1/85* Date of decision

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
1.		Writ Petition with Answer and Affidavit.	20		10/- 00			
2.		Power.	1-		5/- 00			
3.		Civil. 293 (w) - 85 - passing	3-		5/- 00			
4.		Civil. 10329 (w) - 86 - passing Order	5-		7/- 00			
5.		Memorandum Circular.	1-	-	-			
6.		Order-Sheet.	2-	-	-			
7.		Search Report	-	-	-			

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. *10/-* that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.

Munsarim.

Clerk.

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REBELLION DURING THE MARCH 1971

Opposition of Petition

The names the Chief Justice
and the companion Justices
of this Hon'ble Court,

The names petition of the above-named
petitioner respectfully knoweth as under:

- 1- That the petitioner was appointed as Civilian Switch Board Operator in a temporary capacity with effect from 26-1-1979 and she is working in the same capacity till date continuously without any break under the opposite places M.I.I and C.I.I. Central Command and General Report, Lucknow. Against a permanent post with no body else holding any here against the same.
- 2- That the educational qualification of the petitioner is P.M.A. and that she has also undergone the training for Telephone Operator in the P.M.A. Department as outside candidate and has also passed the Certificate Course in the year 1976 & after which she was

Reenu Nigam.

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6/1/85

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
W.P. No. 131 of 1985.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned		
		1	2	3
24-8-85	Zam SS Ahmed,? Zam B Kumar,? Notice of this Petition - - - - - - - - - - List of 21st January, 1985 for a direction Sd. SS Ahmed Sd. B Kumar 8-1-85 C.M. No. 293 (w) 85			
8-1-85	Zam SS Ahmed,? Zam B Kumar, List already with, show up for hearing Sd. SS Ahmed Sd. B Kumar 8-1-85			
21-1-85	fixed with C.M. No. 293 (w) 85. - formerly 17/1/85 Sd. B Kumar but up tomorrow			By Et Sd. B Kumar

21-1-85

(1) 6/2 10/1

ORDER SHEET
 IN THE HIGH COURT JUDICATURE AT ALLAHABAD
 No. _____ of 198
 25

Date 1	Note of progress of proceedings and routine orders 2	Date of which case is adjourned 3
	<p>was also considered at the higher level but it was decided that it was not possible to give any relaxation to the petitioner. Looking, however, to the fact that the petitioner has worked on the post in question for the last six years and, prima facie, appears to have attained the status of permanent employee, we direct that the petitioner shall be allowed to continue on the post in question with further orders.</p> <p>A copy of this order shall be given to the learned Counsel for the petitioner today, if possible.</p> <p>Dated 18/1/85 1985</p>	

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

D/B

O.A./T.A. No. 1692 1987Smt. Renu Nigam Applicant(s)

Versus

Union of India & Ors. Defence Respondent(s)

Sr. No.	DATE	Orders
	20.8.88	<u>Officer deput</u> An application has been filed in this case for transferring the case to Circuit Bench. of appeal dated 19th September 1988 may be fixed for orders before D.R.C at Circuit Bench. In this appeal notices may be issued to the parties w.p. against termination order submitted previously.
	23.9.88	<u>DR(5)</u> List this case before Circuit Bench for orders before D.R.C on 19-9-88.
	23.9.88	<u>D.R.</u> None is present. The case is adjourned to 28.10.88.

Hon' Mr. D.K. Agrawal, J.M.

8/8/89 No sitting of Division Bench, let this case be listed on 24/10/89 for hearing.

De J.M.

(sns)

OR Case submitted
for hearing

24.X.89

No Sitting of D/B Adj. to 14.12.89.

24/12/89

14-12-89

No Sitting Adj. to 1.1.90.
Applicant is present.

h B.O.C

OR Submitted for
hearing

14/12

23/12

Hon' Mr. Justice Kamleshwar Nath, V.C.

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

1/1/90 On the request of counsel for the parties,
the case is listed for final hearing on 7-2-90.

A.M.

h
V.C.

(sns)

7-2-90

No Sitting Adj. to 9.4.90
Applicant is present

OR S.P.H
L
4/4

Hon. P.S. Babu Mohammad, A.M. -
Smt. J.P. Sharma, J.M.

Arguments heard. Judgment reserved.

M.H.

A.M.

AM

J.M.

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2613 (11)

100/1935.

1 re

Ex-Parte Petition No. 12 of 1935.

1 C.P. 8/87
8/11/35

Smt. Nenu Aliya, aged about 18 years wife
of Mohan Rayamji Patel, resident of C/o Gur
Prasad Aliya, Deraudia Jagat Deva Junior High
School, Deraudia, Amreli.

Petitioner.

Versus

1- Union of India through Secretary of State
of Defense, Government of India, Petitioner.

2- Major General, Dr. S. S. Danner,
Commandant, Central Sec. I.

3- Major General, C. G. Danner, Major
Sec. I, Inter. Sec.

4- Dr. S. S. Danner, Petitioner.

5- Dr. S. S. Danner

6- Dr. S. S. Danner, Petitioner.

7- Dr. S. S. Danner

8- Dr. S. S. Danner

Service (Central)

H. C. J. Form No. 88, Part I

HIGH COURT OF JUDICATURE AT ALLAHABAD

(LUCKNOW BENCH), LUCKNOW

CIVIL SIDE

ORIGINAL JURISDICTION

1692/87⁵

WRIT PETITION NO. ————— OF 198

1. *Leucosia* (Leucosia) *leucosia* (L.) *leucosia* (L.)

UNDER

St. Kilda, Victoria

Petitioner.

VERSUS

三

Union of Indian Letter

Opposite-Party

Date of institution

8-188

Counsel for Petitioner

5. Stark Niagara

Counsel for Opposite-Party

S H N. Tilka: Sir D. R. Dreson

Date and result of petition

SUP-A.P. 162 Uch. Nya. 11-5-83-(673)-1983-15,000 (E)

Group 13(a)

✓ 153
JW

RECEIVED IN THE POSTAL DEPARTMENT
RECORDED MAIL

RECORDED MAIL 121

10/28/55

RECORDED MAIL 121

RECORDED MAIL

RECORDED MAIL 121

RECORDED MAIL

RECORDED MAIL	RECORDED MAIL
---------------	---------------

1- Letter of the petitioner	1 to 1
1- Attached copy	1 to 15
1- Attached copy (True copy of the application letter dated 10-1-1970)	15
4- Attached copy (True copy of one copy of the letter)	17
5- Attached copy (True copy of the application letter dated 10-1-1970)	13
3- Attached copy (True copy of the application letter dated 10-1-1970)	13
7- Valuation of the copy	1
3- Date of the copy	1 to 1

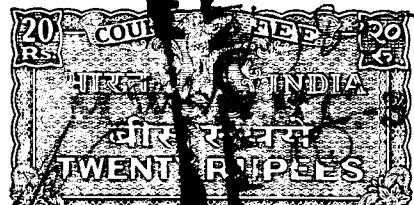
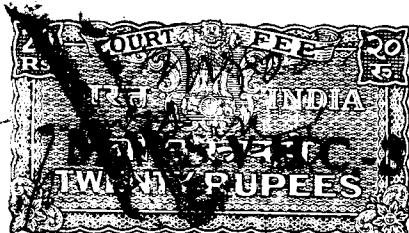
RECORDED MAIL 121

Haji Ali Nisam
(Advocate)

Witness for the petitioner

10-1-1970

10-1-1970



Mr. Petitioner No. 171 of 1935.
Mr. Denu Nigam, aged about 26 years wife of
Shri Sayaji Nigam, resident of C/1 Gur Prasad
Nigam, Venkha Dara at Deva Junior High School
Tumurgoj, M.C.M.

Exhibit No. 1001
7/1/185

..... Petitioner.

Witness

1- Union of India through Secretary, Ministry
of Defence, Government of India, its Agent.

2- Officer Commanding, Central Company, 8th Bengal
Regiment, Cent. Accm.

3- Officer Commanding C. Company, 8th Bengal Regiment,
Jabu, M.C.M.

Renu Nigam.

..... Opposing Parties.

✓ (2)
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(3)

granted the one certificate. There-after she got herself enrolled in the Employment Exchange as a candidate for suitable appointment. There-after she also worked as a telephone Operator for 630 days in the Telephone Exchange, Kaiserbagh Lucknow, Utsali.

3- that in the year 1974, the petitioner received an intimation from the Employment Exchange, Lucknow, to the effect that she has been found eligible for the vacancy of Civilian Switch Board Operator in the Military Exchange, Lucknow, and that she has to appear for an Interview at Central Cantonment Signals Regiment, Lucknow on 18-1-1974, with original certificates. The petitioner appeared before the Interview Board and submitted all the educational certificates including High School certificate in original, which were duly perused by the Interview Board. The interviewing officers asked the petitioner to submit all those certificates with them which she complied with. All the certificates remained in the custody of the opposite parties till for months before.

4- that the opposite party has found the performance of the petitioner satisfactory

Renu Migan

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we also found her copy of appointment, thereafter an appointment letter dated 26-1-1979 was issued by the Officer Commanding Central Command Signal Regiment, Jalandhar. A true copy of his appointment letter dated 26-1-1979 is being filed herewith as Annexure no.1. According to the terms of the appointment letter, the petitioner was appointed on the post of Civilian Kitchen Board Operator in a temporary capacity with effect from 26-1-1979 until further orders.

5- That the petitioner has been working since the beginning of her service till date with utmost honesty, integrity and efficiency and to the full satisfaction of her employer. No explanation has ever been called from her and no such cause notice has been issued to her nor has she been ever complicated with any adverse entry during the past about six years of her service. The petitioner, therefore, observes that her work and conduct has been adjudged as satisfactory by her employers. She has been receiving yearly increments without any set or otherwise.

6- But in August, 1981 i.e., after completing almost five years of her service,

Renu Nigam.

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the petitioner received a letter dated 20-8-1938 informing her that according to her High School Certificate which has been in the custody of the opposite parties, English was not one of her subjects in the High School examination. She was asked whether she has passed English subject separately and if so she should inform about the exact position by 13-9-1938. A true copy of the said letter is being filed herewith as Annexure no. 2.

7- That the petitioner in reply to the said letter informed back the opposite parties that English was not her subject in the High School nor has she passed it separately. She also enquired as to what was the relevance of this query because she had, at no point of time, professed to have passed High School in English either before the Employment Exchange or before the opposite parties or even before the Interview Board. Her testimonials were duly presented before the Interview Board and all the subjects taken by the petitioner to the High School were clearly mentioned in the certificate which remained in the custody of the opposite parties themselves. She was not even aware

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that there was any necessity of her having passed High School in English. The reply of the petitioner as submitted before the opposite parties in response to the query dated 20-3-1965 (Annexure no. 5) is being filed herewith as Annexure no. 6.

3- That after her reply no further query was made from the petitioner by the opposite parties nor any explanation was called from her nor any notice was served on her that it was necessary for her to have passed High School in English. It would be relevant to point out here that the opposite parties have not notified their vacancies in the News Papers. They had simply asked for the names from the Employment Exchange and the Employment Exchange itself has never communicated to the petitioner that any qualification other than possessed by her was required for the job against which her name was forwarded by the Employment Exchange. It can fairly be presumed that the opposite parties had not informed the Employment Exchange that passing of English at High School level was an essential qualification for appointment to the post of Civilian Counter Board Operator or else the Employment Exchange would not

Renu Nigam.

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have forwarded the petitioner's name. In any case, once the petitioner's name was forwarded by the Employment Exchange to the opposite parties and the opposite parties themselves interviewed thoroughly the petitioner and perused her testimonials including High School Certificate and after doing all the onerous exercise issued an appointment letter to her without mentioning any condition of having the qualification of High School in English, they are now estopped from raising it as a plea to challenge the validity of her appointment after six years of service.

9- That to the great surprise and shock the petitioner all of a sudden received an order of termination dated 29-11-1984. A true copy of the said order is being filed herewith as Annexure no.4. The said order states that her services would stand terminated after one month of service of the order on her in pursuance of sub-rule (1) of rule 5 of the Central Civil Services (Temporary Services) Rules, 1965 i.e., according to the said order, the petitioner's services would stand terminated on 28-1-1985.

10- That as stated in the foregoing paragraphs the petitioner has not been given any reason for termination of her services. All her colleagues

Renu Nigam

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and juniors are still working on the said post. No retrenchment has taken place. The petitioner is at a loss, to understand as to why his services are being sought to be terminated without any rhyme or reason. In the circumstances the aforesaid termination order is most arbitrary and discriminatory in character, hence in contravention with Articles 14 and 16 of the Constitution of India.

11- That the order which appears to be termination simpliciter, is, in fact, an order of dismissal or removal from service without taking due process of law or given any opportunity of defending herself or without showing any cause, hence it is in fact an order of punishment passed without following due process of law in contravention with the provisions of Article 311 of the Constitution of India.

12- That the petitioner has put in almost six years of continuous service without any break. According to Rule 8 of the Central Civil Services (Temporary Services) Rules 1965 the petitioner has become entitled for a quasi-permanent status after the completion of three

Renu Nigam

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years of service itself. The opposite parties have arbitrarily and wrongfully not declared her to be quasi permanent for the reasons of their own which is an discriminative act on their part. This act of omission on the part of opposite parties, however, cannot extinguish the right of the petitioner to have become quasi permanent in the year 1982 itself and in law she will be deemed to have been entitled to the said status. In that view of the situation also her/ ~~signature~~ services could not be terminated like a temporary servant in the manner they are being sought to be done.

10- That the petitioner would suffer irreparable loss and injury if the impugned termination order is allowed to be implemented with effect from 23-1-1985 as the petitioner would be rendered jobless after six years of meritorious and satisfactory service without any valid reason and in contravention with the principles of natural justice, equity and good conscience. On the other hand, the opposite parties would suffer no loss or injury if the order is stayed as the post against which the petitioner has been working is a permanent post with nobody holding lien against the same and no selection against the same has been made

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time date. Balance of convenience, therefore, is also in favour of the petitioner and in staying the operation of the impugned termination order till disposal of the writ petition.

11- That the petitioner has submitted a representation before her immediate boss against the impugned termination order but she has been frankly told that the opposite parties are not going to reconsider the said termination order.

12- That feeling aggrieved and having no other equally efficacious remedy available, the petitioner invokes the writ jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India on the following amongst other grounds:

G R A U N D S

(i) Because the impugned termination order is ultra vires of the Constitution of India.

(ii) Because the impugned termination order is, in fact, dismissal order inflicting

Renu Nigam

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punishment on the petitioner without any valid reason and without following the due process of Law.

(iii) Because the impugned termination order is against the principles of natural justice, equity and good conscience and is in contravention with the Articles 14 and 16 of the Constitution of India.

(iv) Because the impugned termination order is discriminative, arbitrary and passed in colourable exercise of power hence void.

(v) Because the impugned termination order is contrary to the provisions of Article 311 of the Constitution of India hence is liable to be quashed by this Hon'ble Court.

(vi) Because pet-his has become entitled to quasi permanent status in the year 1982 & the opposite party ought to have declared her

S D A & A B

Therefore, it is humbly prayed that this Hon'ble Court may be pleased to:

(A) Issue an order, direction or writ in the nature of Certiorari quashing the

Renu Niigam

13 (17)

10/12/84

impugned termination order dated 29-12-1984
(Annexure No.4) after summoning its original.

(B) issue an order, direction or writ in the nature of Mandamus directing the opposite parties not to implement the impugned termination order in any way or to interfere in the due discharge of her duties as Civilian switch board operator under the opposite parties as heretofore.

(C) to issue any other order, direction or writ in favour of the petitioner when this Hon'ble Court may deem fit in the circumstances of the case, and further to direct the opposite parties to grant the petitioner quasi permanent status as per normal rules & practice.

(D) award costs of this petition to the petitioner.

A. S. Vishwanath
Advocate M.G.A.
S.A.L.
M.U.S.S. & C.L. P.T.T. & C.L.U.N. R.

acknow. Dated
January 7/1 1985.

Renu Nigam

(13)

Y 14 11

In the High Court of Judicature at Allahabad

Plucknow Bench Allahabad



Writ Petition No.

of 1985

1984

AFFIDAVIT

HIGH COURT
ALLAHABAD

Smt. Renu Nigam Petitioner.

Versus

Union of India and others Opposite-Parties.

AFFIDAVIT

I, Renu Nigam, aged about 28 years, wife of Sari Dayanidhi Nigam, resident of C/o Gur Prasad Nigam, Behind Dhanat Devi Junior High School, Kankarbagh, Lucknow, the defendant do hereby solemnly affirm and state on oath as under:

1- That the defendant is the petitioner in the above-noted writ petition and as such she is fully conversant with the facts of the case deposed to hereunder.

2- That the contents of paragraphs 1 to 11 of the accompanying writ petition are true to my personal knowledge, those of paragraphs 12 to 16 are believed to be true on the basis of record and those of paragraphs 17 to 21 are believed

Renu Nigam to be true on the basis of legal advice.

(14)

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Q- That Annexures no. 1 to 4 are the true copies of their originals. They have duly been compared with their original and they are correct copies.

Subs: Dated
January 7/11 1985.

Renu Nigam
Deponent

Verdict

W¹¹
I, the above-named deponent do hereby verify that the contents of paragraphs no. 1 to 6 of this affidavit are true to my personal knowledge, to part of it as false and nothing material has been concealed. So named as Govt.

Subs: Dated
January 7/11 1985.

Renu Nigam.
Deponent

I do hereby the deponent do has
sugget before me.

Afzal Nigam
(Abdul Afzal)
Advocate

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(3)

Swearny affirmed before me on 7-1-95
at 10 AM / P.M. by the deponent Sat. Renu Aligam,
who is identified by Dara Asma Aligam, Advocate,
Jhunjhunu Court Clerk, Jhunjhunu, Rajasthan.

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

A. M. S. S.
C. S. I.
D. I. C.
P. M. 921597
TTS

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17/17

~~Copy to General Officer Commanding, Central Command, Lucknow.~~

~~Copy to General Officer Commanding, Central Command, Lucknow.~~

16/12/1978.

DR 3865

Smt. Renu Nigam ~~....., P.C. Lucknow,~~

Venue

Office of India and others, ~~....., Lucknow-Part 1.~~

Attention required

Ref. 670

Copy to Major General Officer Commanding, Central Command, Lucknow-Part 1.

2634/Au/A-2/177

26 Dec. 78

Subject: Renu Nigam

Attention required

(a) The Chief Signal Officer Headquarters Central Command, Lucknow hereby appoints Major Renu Nigam, daughter of Major D. N. Nigam for the post of Civilian Electronics Officer in a temporary capacity with effect from 10 Dec 78 until further orders of the Military Exchange, Lucknow.

Authority: Army Headquarters (Assistant General Officer Commanding, Central Command, Lucknow-Part 1/DR 3865/City) (b) of 10 Sep. 1978, vide order no. 51, DR 78/DR 9, dated 12

DR 16/12/1978 (Part 1/DR 3865)

to C.S.

Officer Commanding

Copy to General Officer Commanding, Central Command, Lucknow.

For copy
Renu Nigam

इन दि आनरेबु ल हाई कोर्ट आफ जुडीकेवर एट इलाहाबाद

लखनऊ बैच लखनऊ

रिटिपिटीशन नं.

आफ 1985

श्रीमती रेनु निगम..

वादी

बनाम

यूनियन आफ इंडिया तथा अन्य...

अपो. पार्टीज

अनेक्षर नं. 2

दूरभाषः- 670

मध्य कम्बान सिग्नल रेजिमेन्ट
लखनऊ-226002

1658/एडम/स-3/76

अगस्त 83,

श्रीमती रेनु निगम
सी.एस.बी.ओ.
मिलाईरी एक्सचेन्ज,
मध्य कम्बान सिग्नल रेजिमेन्ट,
लखनऊ-2

स्थायीवते

- 1-आपके हाई स्कूल की परीक्षा सन् 1967 के अनुसार आपका अग्रेजी का विषय नहीं है। अगर आपने अग्रेजी अलग से पास किया है तो यह कार्यालय में यह सूचना 13 अगस्त 83 तक प्रमाण पत्र के साथ भेजने का कष्ट करेगा।
- 2- अगर आप ने कोई भी प्रमाण पत्र प्रेश नहीं किया तो यह समझा जायेगा कि आपने हाई स्कूल की परीक्षा बिना अग्रेजी के पास किया तदनुसार यह सूचना सिग्नल अभियोद्धा को भेजा जायेगा।

एम.डो.धुग्धव्यामृ
कान्ता अधिकारी,
कृति कमान अफियर।

True copy
Renu Nigam.

(18)

19 (12)

2000 m.s.l. and 1000 m.s.l. at the time of capture at 4.00 a.m.

BUCKINGHAMSHIRE COUNCIL

1932-1933. 1933-1934. 1934-1935.

2.5% KOH-alginate, 1.5% NaCl, 0.05% CaCl_2

VOLUME 40

Journal of India and Oceania, Vol. 1, No. 1, 2018, Page 18.

The *Chrysanthemum* section

C. C. H. K. - 24C-103

Ref: Year 10.1653/AC-1/A-1/70 10.10/3/86 recd.
S-17-3-36.

With reference to the above, I beg to
say that my High School Certificate
is in your office, & the one which
separately I have to add is the English
one.

卷之三

1. Introduction

14-5-35

6. $\{ \mathcal{A}_i \}_{i=1}^n$

Calculus
Calculus, with C.I.

Technicolor
Renu Nigam

~~Let this be a notice to you that you are hereby required to appear before the Central Civil Service (Examinations) Board, New Delhi, on the 10th January 1955.~~

~~At the time of your appearance before the Board, you will be required to produce your certificate of education and other documents.~~

dated 21st December 1954. At 1955.

Smt. Renu Agarwal, ~~Examiner of Publications~~

Verbal

Union of India and others v. the opposite-Parties.

ANNEXURE A

Notice of Discontinuance of Services to Smt. Renu Agarwal

Notice (1) of Discontinuance of Services (Dismissal)
dated 21st December 1954

In pursuance of clause (1) of rule 5
of the Central Civil Service (Examinations) Service, 1950 I hereby give notice to Smt. Renu Agarwal that her services shall stand terminated
with effect from the date of expiry of a period
of one month from the date on which this notice
is received by her, as the case may be tendered to
her.

U/-
(A.C. Garg)
A.C. Signals Records

Place: Jabaipur

Date: 10 Dec 54

Annexure B

I hereby certify that I have received on this day
of the notice of discontinuance from service.

Place:

U/- (Smt. Renu Agarwal)
U/- Grade II

True copy
Date 10-1-55.

Renu Agarwal

(20)

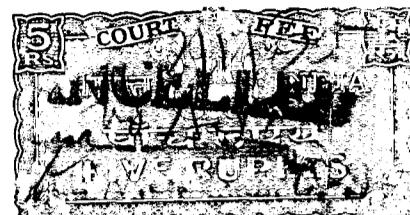
ब अदालत श्रीमान् उच्च न्यायालय इलाहाबाद महोदय *Supreme Court
Benares*

वादी(मुद्दे) for petition वादी

प्रतिकादी (मुदाघलेह)

वेकालतनामा

1992 ⁺
7/1/28



۲۱

South Reno Niguan

वादी (मुहर्ई)

भारत द्वारा दूसरे देशों के लिए वित्तीय सहायता देने की विधि विवरित की गई।

नाम अदालत
नं सुकदमा”
नाम फरीकेन

नं० सुकदमा ^{W.P.} सन् १९४५ पेशी की ता० १६ ई०
उपर लिखे सुकदमा में अपनी ओर से श्री अशोक निगम
एडवोकेट, २१० गंगाप्रसाद रोड, लखनऊ महोदय
को अपना वकील नियुक्त करके प्रतिज्ञा [इकरार] करता हूँ और
जिखे देता हूँ इस सुकदमा में वकीज महोदय स्वयं अथवा अन्य
वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य
कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी
जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल
दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने
हस्ताक्षर से दाखिल करें तथा तसदीक करें या सुकदमा उठावें
या कोई रुपया जमा करें या हमारी या विपक्षी [फरीकसानी] का
दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त [दस्तखती]
रसीद से लेवें या पंव नियुक्त करें - वकील महोदय द्वारा की
गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिए
यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर
काम आवे ।

Recd
for petitioned

Afzal Nigam
Alwazali स

Alvarez

11000

हस्ताक्षर

Rene Niemann

7.1.84 दिनांक 7/1/85 महीना

7.1.84 दिनांक 7/1/85. महीना

(2)

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1- That the said respondent further filed the accompanying writ petition supported by an affidavit challenging the validity of the unsigned termination notice dated 18-1-1984 as contained in Annexure no.4 to the writ petition on various grounds narrated in the petition and is confident that the Hon'ble Court would be pleased to accept the same.

2- That as stated in the accompanying writ petition the petitioner would suffer irreparable loss and injury if the unsigned termination notice/order as contained in Annexure no.4 is not stayed.

PLAINTIFF

Therefore, it is hereby prayed that this Hon'ble Court, in view of the facts and circumstances stated above grant as in the accompanying writ petition supported by an affidavit, as so requested by the petitioner the stay of the operation of the unsigned termination notice/order dated 18-1-1984 as contained in Annexure no.4.

Afzal Nigam

(23)

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of the writ petition till the disposal of the
writ petition and to expect the opposite party to
treat the petitioner in a like manner as
of the opposite parties.

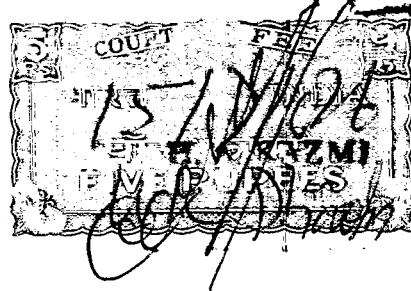
Abdul Nizam
(Advocate)

Counsel for the defendant
presently Mr.

Plaintiff Dated
January 26/1935.

S/B

36/



PER = Rs 5/-

36/14/8/86

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

(A.M)

Civil Misc. An. No. 10329 (W) of 1986.

Union of India. ; ... Applicant.

In re

Writ Petition No. 121 of 1985.

Srimati Renu Nigam. Petitioner.

Versus

Union of India and others. Respondents.

1163C
Application for Variation of the
Ex-parte Stay Order.

For the facts and reasons given in the accompanying counter-affidavit it is most respectfully prayed that the ex-parte stay order passed in the instant writ petition may kindly be vacated.

Lucknow dated

July 15, 1986.

14-07-86

(U.K. DHADON)
Additional Standing Counsel
Central Government
Counsel for the Applicant.

6/2
S/1

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

COUNTER-AFFIDAVIT ON BEHALF OF RESPONDENTS.

In re

Writ Petition No. 121 of 1985.

Srimati Renu Nigam. Petitioner.

versus

Union of India and others. Respondents.

I, Colonel MAK Niazi, aged about 45 years, son of Shri Masud Ahmed Khan Niazi, Officer Commanding Central Command Signal Regiment, Cantonment, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is Officer Commanding Central Command, Signal Regiment, Cantonment, Lucknow respondent no. 2 and is competent to swear the affidavit on behalf of respondents no. 1 and 3 in the instant writ petition. The contents of the writ petition have been read over and explained to the deponent who has understood the same and its parawise reply is as follows.
2. That with respect to the contents of para 1 of the writ petition it is submitted that the petitioner was appointed in a temporary capacity as Civilian Switch Board Operator in Central Command Signal Regiment, Lucknow, the minimum qualification for which was Matriculation with English as a compulsory subject.
3. That the contents of para 2 of the writ petition need no comments.

Reserve
6/2

4. That with respect to the contents of para 3 of the writ petition it is submitted that subsequent to the appointment of the petitioner it was discovered that she did not possess the requisite qualification and as such her appointment was found irregular.

5. That with respect to the contents of para 4 of the writ petition only this much is admitted that the appointment letter contained in Annexure No. 1 was issued to the petitioner. Rest of the contents of this para are denied.

6. That the contents of para 5 of the writ petition need no comments.

7. That with respect to the contents of para 6 of the writ petition only this much is admitted that the show-cause notice dated August 13, 1983 contained in Annexure No. 2 was issued to the petitioner. Rest of the contents of this para are denied.

8. That with respect to the contents of para 7 of the writ petition only this much is admitted that a reply contained in Annexure No. 3 to the writ petition was submitted by the petitioner. Rest of the contents of this para are denied.

9. That the contents of para 8 of the writ petition as stated are denied. It is further submitted that the minimum qualifications for the post of Civilian Switch Board Operator was Matriculation or equivalent examination with English as a compulsory subject and when the papers of the petitioner were checked up it was found that the petitioner did not possess the required qualification and hence a show-cause notice

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was issued to her.

10. That the contents of para 9 of the writ petition are not disputed. The termination order was served upon the petitioner.
11. That the contents of para 10 of the writ petition as stated are denied. It is further submitted that the petitioner did not possess the requisite qualification. Hence her appointment to the said post was void and irregular and accordingly her services were terminated by the order dated December 29, 1984. (The order of termination is neither arbitrary nor discriminatory and is a valid one and does not contravene the provisions of Articles 14 and 16 of the Constitution of India).
12. That the contents of para 11 of the writ petition as stated are denied. The order of termination was passed after giving an opportunity of being heard to the petitioner as a show-cause notice was given to the petitioner before passing the termination order (and as such it is not in contravention of the provisions of Article 311 of the Constitution of India).
13. That the contents of para 12 of the writ petition as stated are denied. It is further submitted that the petitioner was not ~~matriculate~~ ^{acquainted} with English as a compulsory subject and her very appointment was irregular and void and as such the question of quasi-permanency of her ~~service~~ ^{service} did not arise.
*Re: Delegation
Ce*
14. That the contents of para 13 of the writ petition as stated are denied.

15. That the contents of para 14 of the writ petition ~~are~~ need no comments.

16. That ~~the~~ with respect to the contents of para 15 of the writ petition it is submitted that the grounds taken in the writ petition are untenable. The writ petition has no merits and deserves to be dismissed with costs.

Lucknow dated
July '15, 1986.

Mohan Lal
Deponent.

Verification
I, the above-named deponent do hereby verify that the contents of paras 1 to 15 except portion within brackets in paras 11 and 12 of this counter-affidavit are true to my own knowledge from the perusal of the relevant records and the contents of portion within brackets in paras 11 and 12 and para 16 of this counter-affidavit are believed by me to be true on the legal advice tendered and no part of it is false and nothing material has been concealed, so help me God.

Lucknow dated
July '15, 1986.

Mohan Lal
Deponent.

I identify the deponent who has signed and put his left thumb impression in my presence. ~~He is formally~~
~~known to me~~

M
(Mohan Lal)
Clerk to Sri U.K. Dhaon
Additional Standing Counsel
Central Government.

Solemnly affirmed before me on 15.7.86
at 30 a.m./p.m. by ~~Sir~~ Col. M.A.K. Niazi,

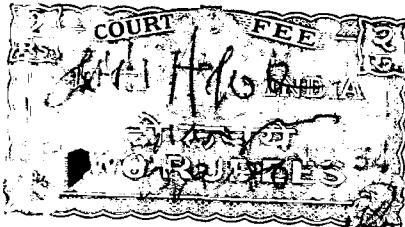
Mohan Lal
OATH (X) ~~on the~~ Clerk to Sri U.K. Dhaon, Additional Standing
Held " " Counsel, Central Government.
S1/116/

15.7.86 I have satisfied myself by examining the deponent that he understands the contents of this ~~affidavit~~ counter-affidavit which has been read out, and explained by me.

Central Administrative Tribunal
IN THE HIGH COURT OF UTTAR PRADESH AT ALLAHABAD

Circuit-
LUCKNOW BENCH LUCKNOW

(A/M)



Writ Petition No. 121 of 1985.

Smt. Renu Nigam ... Petitioner

1986

AFFIDAVIT
86
HIGH COURT
ALLAHABAD

VS.

10/9/86
The Union of India & Others .. Opp. Parties.

Rejoinder-Affidavit to the counter-

Affidavit filed by Colonel A. K. Niazi,
aged about 45 years S/o Shri Masud Ahmad
Khan Niazi, Officer Commanding Central
Command Signal Regiment, Cantonment,
Lucknow.

10/9/86
I, Renu Nigam aged about 29 years wife of
Shri Shyamji Nigam, Resident of C/o Shri G. P.
Nigam, behind Daulat Devi Junior High School,
Thakurganj, Lucknow, the deponent hereby solemnly
affirm and state on oath as under :

1. That the deponent is petitioner in the above noted writ petition and as such she is fully conversant with the facts of the case deposed here-

Renu Nigam.

16/1

under. She has read and understood the contents of the counter-affidavit.

2. That at the very outset the contents of the counter-affidavit are denied to the extent they are in contravention with the averments made in the writ petition and the contents of the writ petition are reiterated as correct, and to the extent they may be specifically admitted in the following paragraphs.

3. That the contents of paragraph (1) of the counter-affidavit need no comments.

3. That in reply to paragraph 2 of the counter-affidavit it is stated that its contents are incorrect, hence denied and the contents of paragraph 1 of the writ petition are reiterated as correct. It is further submitted that the alleged minimum qualification of matriculation with English as a compulsory subject was never communicated to the candidates, hence it is denied that there was any such minimum qualification. Whatever legibility might have been prescribed by the opposite parties, they might have been sent to the Employment exchange. The deponent was called through the Employment exchange and the Employment exchange had forwarded deponent's name for the interview, finding her qualifications to be enough and she was called for interview only after she was found eligible. As already submitted in the writ petition, the deponent has submitted her original certificates including that of the Matriculation (High School) before the Interview Board which clearly laid down her subjects in the high school which did not include English as compulsory subject. Had there been any eligibi-

159 85

Renu Nigam

lity condition to that effect, it was open to the opposite parties to have rejected the deponent's case or asked her whether she is matri-culated in English, but the same was not done and her qualifications were found satisfactory by the interview-board. Her performance was also found above the mark and that is why she was selected and appointed. It is therefore now not open for the opposite parties to challenge the validity of her appointment itself after five and a half years of continuous service and deponent's acquiring quasi-permanent status.

4. That the contents of para 3 of the counter-affidavit need no comments.

5. That the contents of paragraph 4 and 5 of the counter-affidavit are incorrect, hence denied and those of paragraphs 3 and 4 of the writ petition are reiterated as correct. The opposite parties have not disclosed as to how they discovered that the deponent did not possess the requisite qualifications and found her appointment irregular. They have also not given the relevant rules. The real facts in this regard have already been stated in the foregoing paragraphs.

6. That the contents of paragraph 6 of the counter-affidavit need no comments.

7. That the contents of paragraph 7 and 8 of the counter-affidavit are incorrect, hence denied and those of the corresponding paragraph 6

10/9/86

and 7 of the writ petition are reiterated as correct. It is specifically submitted that the alleged show-cause notice referred to in the latter paragraph did not at all disclose any reasons or basis for the termination order. It did not say that English was compulsory and deponent's appointment was irregular and no explanation was sought from the deponent on this score either.

8. That in reply to the contents of paragraph 8 of the counter-affidavit it is stated that its contents are incorrect, hence denied and those of paragraph 7 of the writ-petition are reiterated as correct and the denials of the opposite parties are vehemently denied, as incorrect.

9. That the contents of paragraph 9 of the counter-affidavit are incorrect, hence denied and those of the corresponding paragraph 3 of the writ-petition are reiterated as correct. There is no statutory provision to the knowledge of the deponent which places a bar in appointment of a person who is not a matriculate in English. In any case even if this was a precondition, it was the duty of the opposite parties to have advertised the same and rejected the case of the deponent at the very outset. It is too late in the light of the day to enforce the eligibility condition with retrospective effect. As submitted in the writ petition also, the case is not that the depon-

Renu Nigam.

12. That the contents of paragraph 12 of the counter-affidavit are incorrect, hence denied and those of paragraph 11 of the writ petition are reiterated as correct. The deponent was never asked to explain or show cause on the specific issue of termination for want of matriculation examination certificate in English. In any case for the facts and the reasons stated in the foregoing paragraphs as well as in the writ petition, the termination is void ab-initio and barred by the principles of promosory estoppel. It is also bad because the deponent has already acquired the quasi-permanent status under the rules and her services cannot be terminated now without following the procedures laid down for termination of quasi-permanent employees.

13. That the contents of paragraph 13 of the counter-affidavit are denied as incorrect and those of the corresponding paragraph 12 of the writ-petition are reiterated as correct. The real facts have already been stated in the foregoing paragraphs as well as the writ-petition.

14. That the contents of para 14 and bald denials of the opposite parties are denied as incorrect and those of paragraph 13 of the writ-petition are reiterated as correct.

15. That paragraph 15 of the counter-affidavit needs no comments.

16. That the contents of paragraph 16 of the counter-affidavit are incorrect, hence denied and those

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10-9-86

Renu Nigam

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10/9/86

of paragraph 15 of the writ petition are reiterated as correct.

17. That the deponent has compared Annexure No. 5 with its original and the same is true photocopy of the original.

Lucknow:
Dated, Sept. 10th, 1986.

Renu Nigam.
D E P O N E N T

VERIFICATION

I, the deponent above named do hereby verify that the contents of paragraphs 1 to 16 of this affidavit are true to my own knowledge, those of paragraphs are believed to be true on records and those of paragraphs are believed to be true on the basis of legal advice. No part of it is false and nothing material has been concealed. So help me God. Verified on this 10th day of September, 1986, at the High Court of Judicature, Lucknow Bench, Lucknow.

Lucknow:
Dated, September 10th, 1986. D E P O N E N T

I identify and personally know the deponent who has signed before me.

Ashok Nigam
(Ashok Nigam)
Advocate
High Court, Lucknow
Bench, Lucknow.

Solemnly affirmed before me on 10th Sept., 1986, Shri. Renu Nigam, the deponent who is identified by Shri Ashok Nigam, Advocate, High Court, Lucknow Bench, Lucknow. 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.

RN

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

(H.M.)

Writ Petition No 121/85

Smt Renu Nigam - - - - Petitioner

VS

-The Union of India and others - Opposite Party

Annexure No 5

Renu Nigam

R
10.1.88