

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

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Cause Title

T A 83/92 T
of 19Name of the parties R. S. Sharma Applicants.

Versus

C. O. I.

Respondents.

Part B.C.

Sl. No.

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C.A.

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Extra copy of Petition - 3

~~Termination~~ ^A Payment of arrear of Pay/Gratuity

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 1021 of 1987

APPLICANT (s) R. S. Sharma

RESPONDENT(s) Union of India + 2 others.

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	Ys
2. (a) Is the application in the prescribed form ?	Ys
(b) Is the application in paper book form ?	Ys
(c) Have six complete sets of the application been filed ?	Ys 5 & 5 filed.
3. (a) Is the appeal in time ?	Ys
(b) If not, by how many days it is beyond time ?	-
(c) Has sufficient case for not making the application in time, been filed ?	-
4. Has the document of authorisation/Vakalat-nama been filed ?	Ys
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-	Ys
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	The application is No.
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Ys
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Ys

Particulars to be ExaminedEndorsement as to result of Examination

- (c) Are the documents referred to in (a) above neatly typed in double space ? Yes
8. Has the index of documents been filed and paging done properly ? Yes
9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ? Yes
10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ? No
11. Are the application/duplicate copy/spare copies signed ? Yes
12. Are extra copies of the application with Annexures filed ? Yes
- (a) Identical with the original ? Yes
- (b) Defective ? —
- (c) Wanting in Annexures —
- Nos...../Pages Nos.. ?
13. Have file size envelopes bearing full addresses, of the respondents been filed ? No
14. Are the given addresses, the registered addresses ? Yes
15. Do the names of the parties stated in the copies tally with those indicated in the application ? Yes
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? N.A
17. Are the facts of the case mentioned in item No. 6 of the application ? Yes
- (a) Concise ? Yes
- (b) Under distinct heads ? Yes
- (c) Numbered consecutively ? Yes
- (d) Typed in double space on one side of the paper ? Yes
18. Have the particulars for interim order prayed for indicated with reasons ? No

19. Whether all the remedies have been exhausted.

approved the case may be listed
2.12.87

[Signature]

Yes
28/10/87

Submitted pl
Vhandan
28.10.87

order-sheet

OA - 1021/82

A3

2 12/07

Hon. D.S. Mishra - Am
Hon. G.S. Sharma - Jm

on the request of
applicant's counsel, the
case is adjourned to
~~04/1/88~~ for admission.
15/1/88

Am

Jm

24

18/1/88

Hon. D.S. Mishra - Am
Hon. G.S. Sharma - Jm

on the request of
applicant's counsel the
case is adjourned to
25/2/88 for admission.

Am

Jm

24

25/2/88

Hon. S. Zahed Hasan - Ve
Hon. D.S. Mishra - Am

on the request
of learned counsel for
the petitioners the case
is adjourned to 04/4/88
for hearing on admission.

Am

Ve

ORDER SHEET
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

.....No.....1021.....of 198 87

R.S. Sharma U.O.I.
.....Ve.....

Sl.No. of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
	27.7.88	C.R. R.A not filed so far in this case. Submitted 27/7.	
	1.8.88	ok Rejoinder may be put by 13.8.88	
	7-9-88	O.R. Rejoinder not filed so far. Submitted for orders. Shankar 7-9-88	
	13.9.88	ok Rejoinder may be put by 9.11.88	
	4.11.88	O.R. Rejoinder has not been filed so far. Submitted	

4/11

Radio Show
07/02/87

A7

21.3.89 No Sitting Adj'n to 30.5.89 for
hearing.

JKSW
CO

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

Hon' Mr. K. J. Rorman, AM.

30/05/89

learned counsel are present
list this case on 29/8/89 for hearing.

AM.
A.M.

Dr
V.C.

(SHS)

29.8.89 Due to lawyer's strike
the case is adj. to 20/12/89
for hearing. B

20.12.89.

NO Sitting Adj'n to 28.2.90 before
DR(J) for fixing a date for hearing.

Dr
CO

28.2.90

The case is adj. to 19.4.90
before DR(5) fixing a date
for hearing

Dr
DR(5)

19.4.90 DR

Adjourned to 6.8.90 before DR(5) for
fixing a date for hearing.

Dr
DR(T)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

O.A./T.A.NO. 1021 ... 1987

.....Applicant(s)
Verse
.....Respondent(s)

Office Report	Date	Orders
---------------	------	--------

6-8-90 DR

OR.

No Rejoinder Affidavit has been filed in this case so far. Awk 3/9

In this case rejoinder has not been filed, it can be filed by 7-9-90, as requested by the applicant.

DR(5)

7-9-90 DR

On the request of applicant present in person, rejoinder can be filed by 7-11-90.

DR(5)

No R.A. has been filed so far. Awk 29/11

7-11-90 DR

Rejoinder not filed, it can be filed by 20-12-90, as prayed by the applicant. No further time will be allowed.

DR(5)

OR.

No Rejoinder has been filed so far. Awk 14/12

20-12-90 DR

Rejoinder has not been filed in spite of sufficient time taken and stop order passed. List the case before court for orders/direction on 18-4-91.

DR(5)

OR

No R.A. received in the section so far submitted.

SP
18-4-91

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

T.A.No.83/92 (T.D)

In

O.A.No.1021/87

R.S.SharmaApplicant
-Vs-

Union Of India & OthersRespondents.

Dated: 20.11.92

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

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

The applicants services have been terminated vide order 11.7.74 and from Counter-Affidavit which has been filed by the respondents, it appears that he filed a writ petition against the same which has been dismissed as early as on 10-9-74. It is thereafter that after coming into force the ~~Administrative~~ Administrative Tribunal Act, he has filed this application. The application is highly time barred. Even otherwise, the writ petition against the said order has already been dismissed, it is no longer open for the applicant to file this application. Accordingly, this application is dismissed.

sd/-

A.M.

sd/-

V.C.

Behandys

19/11/92

SECTION

A.T.

LUCKNOW

✓

Compared

19-11-92

23.9.52

Rec. Siding of N.M. off W
2-11-54

A

2-11-02

110 Spring of D. B. adj

to 20-11-4

4

2011-92

Hon. Mr. Justice G. C. Srinathana, V.C.
Hon. Mr. K. Obayya, A.M.

the applicant's services have been terminated vide order 11-7-74 and from counter-affidavit, which has been filed by the respondent, it appears that he filed a writ petition against the same which has been dismissed as early as on 10-9-74. It is thereafter that after coming into force the Administrative Tribunal Act, he has filed this application. The application is highly time barred. Even otherwise, the writ petition against the said order has already been dismissed, it is no longer open for the applicant to file this application. Accordingly, this application is dismissed.

197-4-93
197-4-93
197-4-93

(ug) A.M.

V-C

A / 12

Date of receipt

By Post

Registration No.....

Signature
Registrar

~~In the Central~~

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL? ALLAHABAD
BENCH, ALLAHABAD.

B e t w e e n

R.S. Sharma son of Sri Ramanand Sharma

r/o Ex Carpenter Grade one No.4 B R D Air Force

Kanpur, Pay Account no.19142, at present residing

at village Padri Ganeshpur Post Nakfulaha, district

Rai Bareilly, U.P.

.....Applicant.

AND

1. Union of India

2. Officer Commanding 29 E.D. Air Force, Kanpur

3. Officer Commanding 4, B.R.D. Air Force, Kanpur

.....Respondent.

बयार - २२५२/१०१

2

.2.

1. PARTICULARS OF THE APPLICANT.

- (a) Name of the Applicant - Sri R.S. Sharma.
- (b) Name of the Father - Sri Ramanand Sharma.
- (c) Designation and Office - Carpenter I, A, 10.8.1962.
- (d) Age of the applicant- ~~As given above~~
- (e) Office Address- As given above.
- (f) Address for the service of Notices - village Padrai
Ganeshpur, P.O. Nakfulha, distt
Raibareli, U.P.

2. Particulars of the Respondents.

1. Union of India
2. Officer Commanding 29 E.D. Air Force, Kanpur
3. Officer Commanding 4 B.R.D. Air Force Knapur.

3. Particulars of the Order dated against
Which the application is made.

Against the order dated 11.7.74 passed by
the officer commanding 29 E.D. Air Force Kanpur
common terminating the services of the applicant

A/3

.3.

legal and valid opportunity to the applicant

to defend himself from the charges level against

him for misconduct and misbehaviour as such the order
dated 11.7.74 is totally illegal and without jurisdiction.
tion.

4. Jurisdiction of the Tribunal

That applicant declares that subject matter
of the order against which the applicant want
redressal is within the jurisdiction of the central
~~Tribunal~~ Administrative Tribunal at Allahabad and the
order of termination ~~for~~ from the service of the
applicant has been passed by Officer Commanding
29 E.D. Air Force Kanpur therefore the Jurisdiction
to entertain the application under section 19 of the
Administrative Tribunal Act 1985.

5. Limitation

The applicant has received of R.4213.00
by cheque no. Sl. no. A24 839702 dated 05-10-1987
100

31.10.87

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A 1 4

.4.

towards his final settelement of G.P.F. according to the authorities which is not admitted and as such the application is with in limitation prescribed under 21 of the Administrative Tribunal Act 1985 as the applicant wants a direction to be issue to the opposite parties to finaly settle all the remonARATION allowances, G.P.F. Fund, Suspension allowances, Gretutiy and salary and incrimment according to revise pay scale time to time which he is legaly entitle, and the limitation will run from 5.101987 when he gets part payment of his GPF fund and as such the petition is within the limitation under the said section.

6. Facts of the Case

(i) That the applicant has joinēd the service as a carpanter grade III in the Unit of the opposite party no.2 on 10.8.1962 after competing the written examination conducted by the authorities concern.

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A15

.5.

(ii) That the applicants services was satisfactory to the authorities concern and as such he was granted promotions time to time during his service period.

(iii) That the applicant has been promoted from grade 3 to grade II carpenter on 15.12.1965 vide office order no. 29 B 65 and he has been transfer fr om B R D Air Force Kanpur to No.I B R D Air Force Kanpur as carpenter II (A).

(iv) That the applicant has worked from 1965 to 1968 in department/section Electrical and Instrument Repair Section No.I BRD Kanpur in grade of I carpenter and finaly he has pass the examination of grade I on ~~11~~ 1.1.1966.

(v) That the applicant was declare surplus ex ployee in the unit No.I B R D Kanpur Air Force on 16.12.68 and on this basis he has been transfer to no.4 B R D Air Force Kanpur on 17.3.1969 as the post of grade I Carpenter.

31/12/68-31/12/69

7/

A/6

.6.

IV) That in the department of establishment No.4 B R D Air Force Kanpur there was 10 vacancies for grade I carpenter and 5 vacancies for carpenter II A and no vacancies was existing for the carpenter grade III.

(vii) That the applicant was the ~~senior~~ senior most carpenter ~~from the~~ in his section and he was liable and entitle for the promotion as supervisor but the authorities has not given the opportunity of the same and they have transfer a junior most carpenter from other unit and as a supervisor just to forfeit the right and promotion of the applicant and the applicant has been transferred on 22.2.1974 from No.4 B R D Air Force Kanpur to 29 E.D.Air Force Kanpur.

(viii) That transfer order dated 18.12.72 issued by Air Head Quarter New Delhi was made ~~acted~~ but it was acted upon and came into force on 22.12.74 ~~xx~~ with the malafide and ulterior motive against the applicant so he may not get the promotion as a

अस. २५५२१०

A17

.7.

supervisor in the unit.

(ix) That on 22.2.74 the applicant has been transferred to 29 E.D. Kanpur when there was no vacancies of grade I carpenter and he has been posted there as grade III carpenter without grading him from grade I to III which is also illegal without jurisdiction of the authorities concern.

(x) That the applicant has not been allowed to work in 29 E.D. Kanpur when he has a valid transfer order dated 22.2.74 but he was kept in station Head Quarter no.402 Air Force Kanpur without any charge and he has been allowed to work from 5.3.74 without any valid and movement order from the authorities concern which is also illegal and without jurisdiction of the authorities concern.

(xi) That the applicant was not issued any Identity card no. of the unit 29 E.D. Kanpur nor provided any tools to work and as such the applicant

अथ २२.२.७४

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.8.

was totally helpless and verbally complained to the authorities concerned in this regard.

(xii) That on 11.7.74 the applicant has been terminated without any valid enquiry or trial on the ground of misconduct and misbehaviour.

(xiii) That the termination order dated 11.7.74 is ex-parte order without participating the applicant in that proceeding.

(iv) That no opportunity to defend himself been given to the applicant to explain or defend the charges imposed against him as such whole enquiry conducted by the authorities concerned is illegal and without jurisdiction.

(v) That the applicant after his termination from his services repeatedly contacted with the authorities for his arrears and funds but they have not paid any amount to the applicant. The applicant has written to the President of India on

312-2272140

h

A19

.9.

12.2.86 regarding his ~~xxx~~ salary etc. A true and correct copy of the application dated 12.2.86 sent to the Presedent of India who is the whole sole responsible for the defence services is filed as annexure-I to this application.

xvi) That the applicant has also made representation to the defence Minister regarding his payment of salaries etc. but no purpose has been solved. The application dated 30.3.87 made to the defence minister is filed here as Annexure-II to this application.

(xvii) That the applicant after making representation to the authorities concern has received a letter from Ministry of defence dated 6.10.86 and he was very much hopefull that his claim will be settled by the authorities of the ties/~~xxxxxx~~ respondent no.2 but the applicant was very much disappointed that his claim has not been settled by the authorities after a year then he was bound to give representations to the President and defence Minister for the necessary action and the

अरु रमेश शर्मा

.10.

letters have been filed as annexure-I and II to this petition. A true copy of the letter dated 6.10.86 is filed here as annexure-III to this application.

(xiii) That the Joint Director Personal (civil) Air ~~Force~~ Head Quarter Vayu Bhavan New Delhi has directed to settle the dispute of Sri R.S.Sharma and in this regard any assistance can be always available to the authorities of No.402 Air Force station Kanpur but even then the authorities are not in position to settle the matter with the applicant letter dated 15.5.87 is hereby filed herewith and is marked as annexure-IV to this petition.

(xix) That the applicant is out of service right from 11.7.74 and he is running from the Kanpur to Delhi for his settlement of the account from Raibareli where he resides as such which is very difficult for him to contest his claim.

(xx) That as stated about by various reminder

3/12/87-2/11/87

.11.

and personal visit to the opposite parties no heed has been paid inspite of the fact that the applicant has been jobless right from 11.7.74 when his services has been terminated by the authorities concern.

(x xi) That the opposite parties have been errored in law and violated the provisions of x article 311 of the constitution of India as well as they flouted the various government orders which protect the services of the Central Employees and gives statuary right of their employments.

(xxii) That the opposite partys have also over looked and violated the principle of natural justice not offording the opportunity to the applica nt to defend himself.

(xxiii) That the applicant is entitled for his service salary, allowances etc. given as follows :-

.12.

A) Pay from 26.10.1973 to 11.7.1974 of	Rs. 6800.00
B) Suspension allowances for 14 days	Rs. 400.00
C) G P F Fund	Rs. 1806.00
D) Gratuity of 13 months pay -	Rs. 10400.00
E) Increment from 1968 to 1974	Rs. 423.00
F) Total leave 1968 to 1974	Rs. 7975.00

Total

Rs. 27,804.00

7. Details of Remedies

The applicant declares that he has availed all the possible remedies available to him under the relevant service rules but authorities has not given any heed and at last he has no option but to invoke the jurisdiction of this Administrative Tribunal act 1985.

8. Matter not filed previously filed or pending
With any other courts.

A23
13

.13.

That applicant declare that he has filed writ petition before the Hon'ble High court at Allahabad against the termination order dated 11.7.74 but his writ petition was dismissed in limine on the same day and as such no application suit or proceedings pending before any court of law or any authority or any other bench of the tribunal.

9. Relief Sought

In view of the facts mentioned in para 6 above the applicant begs for following relief :

A- Pay from 26.10.73 to 11.7.74	Rs.6800.00
B- Suspension allowances for 14 days	" 400.00
D- GPF fund	" 1806.00
D-Gratuity of 13 months pay	" 10400.00
E-Increment from 1968 to 1974	" 423.00
F- Total leave 1968 to 1974	" 7975.00

Total

Rs. 27,804.00 ✓

अप्र. २७-७४-१९७५

✓

A24
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.14.

B- The opposite parties ~~be~~ may be directed to settle the claim of the applicant given in relief clause A or pass any such other and further order as this Hon'ble court may deem fit and proper to meet the ends of justice.

C- That the opposite parties be further directed to pay the 9% interest of the total claimed amount right from 1974 to till the decision of the case.

D- Any other relief may be granted to the applicant which this Hon'ble Tribunal may deem fit and proper ~~xx~~ in the circumstances of the case.

E- That the applicant be awarded cost of the application.

G R O U N D S

A- Because opposite parties no.2 to 3 has illegally without jurisdiction termination order dated 11.7.74 against the applicant .

B- Because no opportunity have been given to

3/11/74 2/10/74

A25
/5-

.15.

the applicant to defence himself against the charges level against him as such whole enquiry is without jurisdiction in the eye of law and illegal also.

C- Because the opposite parties acted in violance of the principle of natural justice and article 311 14 and 16 of the constitution of India terminating the applicant from his services without affording any opportunity to the applicant.

D- Because the applicant is entitle to recover all his arrier, salaries, GPF fund, gratuity, incrimnets and suspention allowances etc. alongwith 9% interest as bank rate from 1974 to decision of the case.

10. Interim Order, if a ny prayed for

No.

11. Particulars of Bank Drafts/Postal order is
Respect of the application fees

1. Number of Indian Postal Order. $\frac{DD}{S} 53128$

2. Name of the issuing Post Office, Allahabad
Allahabad .

High Court
Akh D.

3/12-25-11

A26

16

.16.

3. Date of the issue of 28.8.1987
Postal Order.

4. Post Office at which Payable GPO.
Allahabad.

12. List of enclosures

As mentioned in the Index enclosed to the
application.

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17 A27
17.
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VERIFICATION

I, R.S. Sharma son of Sri Ramanand Sharma aged
about years resident of Ex-Carpenter Grade I
No. 4 BRD Air Force Kanpur, pay account no. 19142, at
present residing at village Padri Ganeshpur, Post
Nakfulha district Raibareilly do hereby verify on his
behalf ~~and on behalf of~~ that the contents of paragraph

nos. 1 2 - 23

are true to my personal knowledge and record the

contents of paragraph nos. _____

are based on information and paragraph nos. _____

_____ are based on record and those
paragraph nos. _____

believed to be true on legal advise,
which all I believe to be true and that I have
not suppressed any material fact.

~~अप्र. २०१७~~
Applica nt.

Raj Chandra Lal
Counsel for the applica nt.

Place Allahabad .

Date Oct. 29 1987

18 A2S

91120 10/20/11

१५१ :

आपका प्रिय

आर. एस. बागी
रूम कारपेन्टर गेट वज
नं. ४ बी. आर. डी. सारको
कानपुर पी. ए. नं. १६१४२

92-2-26

12/2/87

बोध: वसिष्ठ

आपका पता, जिला, जे. सी. पन्ना साहन

१६-४-८६

Ans No 1A

श्री मान खयर अजीसर कामाडिंग
मं०२ खयर जोर स्टेशन मानपुर चकरी

मेरा मैं सखीनदा प्रार्थना है कि प्रार्थना आर. रजस. शमी
कारपेन्टर गेट I नं० ४ बी. आर डी. चकरी मानपुर
मीरग. नं० १६१४२ को अभी तक २६ अक्टूबर १६ ७३ से
११-६-६४ तक का काट्टी पैस नहीं पेयमेन्ट किया गया
पेय मेन्ट दिलाने को अपा करे आप को उम्मीद कृपा होगी
आपका यह उपकार जीवन प्रयाण तक नहीं भूलूंगा
पेयमेन्ट का दवावा इस प्रकार है

डिवी को पेय रजस. गलास २६ अक्टूबर से ११-६-६४
तक इक्कीज मेन्ट १६ ६८ से ११-६-६४ तक
१-१-६३ के २-केल रिवाइज रजिस्टर
आर सखीनदा गलास रजस. जी. पी. फण्ड
जीना गोजवटी अंर पेयसल

आपका प्रार्थना
आर. रजस. शमी

नाम = आर. रजस.

शाम = पउरी गोजपुर

गोरत नव फुलहा

जिला = रायबरेली

राजकीय क्षेत्र ओर

पुस आपली केबल स्टेशन रजस. उर

सखीनदा १०२ रजस. जे. सी. पन्ना

रजस. रजस. रजस.
रजस. रजस. रजस.
रजस. रजस. रजस.

रजस. रजस. रजस. रजस. रजस. रजस.
कि आपको गोजरी में दुआरा से लिया गया है
त पेय मेन्ट दी जा रही है और न वापस गोजरी
में आउर भी नहीं दिये जा रहे हैं।

Date 8-9-87

आर. रजस. शमी

Ans 2

20

130

3/10

श्री श्री राज रूपा गंगो भारत सरकार वस्व

महिषी आफ डिफेंस साउथ वलोक जई दिल्ली

सेना में भविष्य प्रसिद्धा है कि मेरा पैसा अभी तक कोई भी वास्तव में
मैनेट किया गया जब कि मुझे १९६४ में सार्वजनिक से बाहर कर दिया गया
और स्वर फोर्स काजी में पैसा मैनेट दिखा रहा है जो कि हमारे
किसी पैसा काउचर से मिलते नहीं हैं जो पैसा मैनेट हमारा दुआर
किया गया है उस पैसा मैनेट का हवाला मुझे दिया जाय वलोक का पैसा
है और वलोक वलोक सा पैसा मैनेट डूबलड अलगा अलगा सासा पैसा
की और रिक्वरी इस्टा पैसा और कब किया उसका काउचर साहित्य
मुझे देने की दृष्टि को आया जो आती नहीं होगी

आप का प्रार्थना

आर. रमेश शर्मा
पुत्री जनेश्वर पुत्र
पुत्र नव फलदा
जिला राय बरेली

आर. रमेश शर्मा
जिला मैनेटर जेट I
नं. १९१४२
RA/1802
जि. म. B. R. D. 412 F. O. R. E. L.
K. A. P. C. R. D. (N. D.)

कई आपली चरित्र १९६४ से अब तक दे चुका है जिसका कोई
हिकसला सही नहीं किया जाता अगर गवर्नमेंट को हम से पैसा लेना
होता तो वलोक १२ साल लगे सकते वलोक व्यापक जारी की जाती
हो वलोक जमा वलोक मैनेट के लिखे नहीं इसका मतलब सरकार
गवर्नरी नहीं करनी चाहिये और व्यापक सरकार का साफ देना
अनन्त है

B/
अव ३४७

महाराष्ट्र सरकार
रा. म. व. D. Lab

आर. रमेश शर्मा

AN No 3

21

A31

REGISTERED A.D.

No. F.5(3)/84/D(Air-III)/1115/86/D(Lab)
Government of India,
Ministry of Defence,

NEW DELHI, the 6th October, 1986.

To

Shri R.S. Sharma,
Ex-Carpenter,
Village Padari G neshpur,
Post Office Nak Pulha,
Distt. Rae Bareilly (U.P.)

Subject :- Payment of arrears of Pay and Allowances
to Shri R.S. Sharma, Ex-Carpenter.

* * * *

Sir,

Reference your representation dated 15-6-1986
addressed to Prime Minister and also personal discussion
with JS(E).

2. You were informed vide this Ministry's letter of even
number dated 6th March, 1986 that you were apprised of the
details of Rs 920 25/- paid to you by Air Force authorities
on 22-11-1978 by enclosing a copy of the acquittance roll.
During discussion you had raised two points :-

(1) The payments have not been made to you.

(2) There are still certain amounts which are due
to you.

3. Since there is your signature on the documents in
token of the receipt of payments, if you still feel that
the payments have not been made to you, it is suggested
that you may take up either with the police or with the
office where you were working last for further necessary
action in this regard.

4. As regards the point at (2), you should give the
details of the amounts together with the accounts on which
they are due to enable the Air Force authorities to look
into the matter.

5. You are advised to contact the office in which you
were working (No. 402, Air Force Station) for any clarifica-
tions on the issue of the payments made to you/due to you.

Yours faithfully,

(J.P. RASTOGI)

UNDER SECRETARY TO THE GOVT OF INDIA

2/10/86 25/10/86

Am No 4

22
A32

(1) (7/57)
(2)

(12) (11) 17 June
Provident Fund

By her



SK Mukhopadhyay
Joint Director Personnel (Civ)

Telephone : 3010231/667

Air Headquarters
Vayu Bhawan
New Delhi - 110011

Air HQ/23044/128/PC-4

15 May 87

Dear Sir

1. Shri RS Sharma, Ex-Carpenter, was dismissed from service with effect from 11 Jul 74. He has now vide his application dated 08 May 87 requested inter-alia for payment of his Provident Fund amount (for the first time) to this HQ.
2. The matter was urgently got investigated from the AFCAO and they have sent a signal to your Station vide FA/355 dated 11 May 87. They have also said that even after repeated reminders during the year 1976-77 Shri RS Sharma did not fill up Form 'G' or claim Provident Fund amount. Therefore, after ascertaining from your unit that the whereabouts of Shri RS Sharma were not known the money was deposited with the Government.
3. Shri Sharma again met me on 15 May 87 and I have handed over the requisite Form 'G' to him and have obtained his signatures for having received the same. He has also requested that he would like to take this form personally to Kanpur, after filling up the same, to get it signed by the Accounts authorities and bring back the same for delivering it to AFCAO.
4. We at this HQ and the Ministry of Defence are trying our best to help him and would like to ensure that his fund amount for which he has now applied be paid as quickly as possible.
5. I shall be grateful if you could look into this personally. We will also be grateful if the form after counter-signature etc by the Accounts authorities is handed over to Shri RS Sharma. If there is any problem in this regard I shall appreciate if you call me up on telephone.

With Regards to you & Mrs Kuma

Yours sincerely

By her

Gp Capt S Kumar, VM
C Ad O
No 402 Air Force Station
C/o 56 A P O

2/12 2017

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A73

BY HANDSIMPLE RECEIPT

Received Rs 4,213-00 (Rupees Four thousand two hundred thirteen only) by Cheque and Cash on account of final settlement of GPT as follows :-

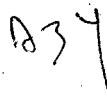
a) By Cheque Sl No. A24 839702 dt 05-10-87 : 4,100-00
b) By Cash : 113-00

Total : 4,213-00

Date : 05 Oct 87

(RS Sharma)
PA/19142
Ex-Corp

300-2-24 2014



सन् १६

अपीलान्ट

वादी प्रतिवादी

रेस्पान्डेन्ट

मैं/हम कि

श्री

R. S. A. Kent

एडवोकेट हाईकोर्ट इलाहाबाद

उक्त सभी कार्यवाही जो उक्त सज्जन करेगे प्रत्येक दशा में अपने किये की भांति हमको/सुमको स्वयं स्वीकार होगी अगर मैं/हम कानूनी/निश्चित शुल्क उक्त सज्जन को न दे दे तो उनका अधिकार होगा कि वह हमारी ओर से मुकदमा की पैरवी न करे। उपरोक्त दशा में सज्जन का कोई उत्तरदायित्व न रहेगा।

अतएव यह अभिभाषक पत्र लिख दिया कि प्रमाण रूप से समय पर काम आये।

वकांलतनामा मन्जूर है

तिथि २८

माह

सं० ३)

Accepted
R. S. Lari
No

2017-10

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH: LUCKNOW.

TA No.83/92(T)

F.F.20.11.1992.

R.S.Sharma.

....Applicant.

Vs.

Union of India and others.....Opp.parties.

....

Power of Shri R.V.Yewari, Advocate, High Court,
Lucknow Bench, Lucknow is being filed herewith on behalf
of the applicant in the case.

Lucknow dated

2.11.1992

R.S.Sharma
Applicant
(R.S. SHARMA)

R.V.Yewari

Adv.

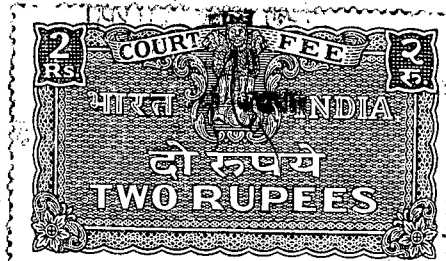
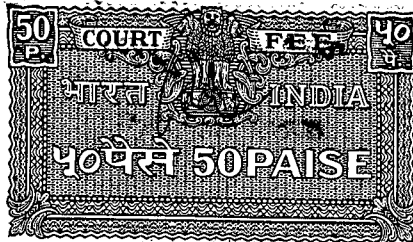
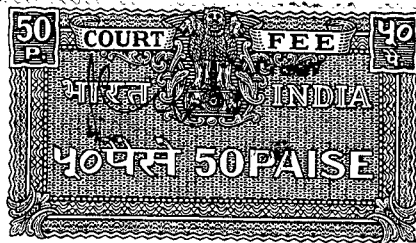
20.11.92

RECEIVED
20.11.92

VAKALATNAMA

In the High Court of Judicature at Allahabad

SITTING AT LUCKNOW



R. S. Sharma

APPLICANT

VERSUS

UNION OF INDIA AND OTHERS-- RESPONDENTS

No. TANO 83/92 (T)

of 1992

I/we the undersigned do hereby nominate and appoint Shri R. V. TIWARI
and Shri Advocate, 95. Pawanpuri, Alambogh, Lucknow.

Advocate. to

be counsel in the above matter and for me/us and on my/our behalf to appear, plead, act and answer in the above Court or any appellate Court or any Court to which the business is transfer in the above matter, and to sign and file petitions, statements accounts, exhibits, compromises or other documents whatsoever, in connection with the said matter arising there from, and also to apply for and receive all documents or copies of documents, depositions, etc. etc, and to apply for issue of summons and other writs or subpoena and to apply for and get issued any arrest, attachment or other execution warrant or order and to conduct any proceeding that may arise thereout and to apply for and receive payment of any or all sums or submit the above matter to arbitration.

Provided, however, that, if any part of the Advocate's fee remains unpaid before the first hearing of the case or if any hearing of the case be fixed beyond the limits of the town; then, and in such an event my/our said advocate shall not be bound to appear before the court and if may/our said advocate deth appear in the said case he shall be entitled to an outstation fee and other expenses of travelling, lodging, etc Provided ALSO that if the case be dismissed by default, or if it be proceeded ex parte, the said advocate(s) shall not be held responsible for the same. And all whatever my/our said advocate(s) shall lawfully do, I do here by agree to and shall in future ratify and confirm.

Accepted

R. V. Tiwari
Adv.

ACCEPTED:—

R. S. Sharma
Advocate

High Court
Lucknow Bench

(Rec. No. 2791/89)

1. R. V. Tiwari Advocate
Adv.

2. Advocate

Signature of Client.....
RAM SWAROOP SHARMA S/O
Lale Ramchand Sharma.
R/o V- Padari Ganeshpur,
P.O. NAK PHUTHA,
DISTT. Rae Bareilly.

A38 5RS



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AT ALLAHABAD

COUNTER AFFIDAVIT

IN

REGN. NO. 1021 OF 1987

RS SHARMA

VS

UNION OF INDIA AND OTHERS

RESPONDENTS

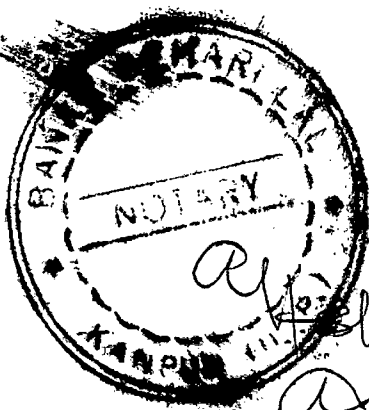
1675

BANKE BEHARI LAL
ADVOCATE NOTARY KANPUR (U.P.)

20/4/87

Amended

20/4/87



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Conti mai sheet
General stamp
Anno

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BANKE BEHARI LAL
ADVOCATE NOTARY KANPUR (U.P.)

W. H. L. M.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

COUNTER AFFIDAVIT

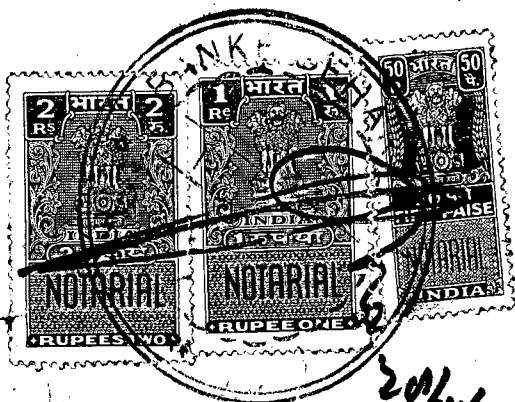
IN

REGISTRATION NO. /021 OF 1987

R.S. Sharma ... APPLICANT

V E R S U S

Union of India.& OTHERS... RESPONDENTS.



Received with
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13/6/87

20/1/03

AFFIDAVIT OF GROUP CAPTAIN P. PRAKASH RAO,
Aged about 48 years, son of late Shri J.V.
Jagannath Rao, Commanding Officer, NO.4 BRD,
Air Force, Chakeri, Kanpur.

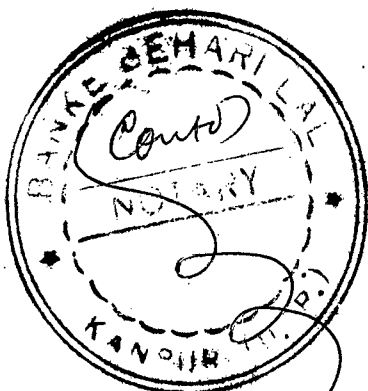
W. H. L. M.

... (DEPONENT).

P. Prakash Rao
Group Captain
Commanding Officer
4 BRD Air Force

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

1. That the deponent is Commanding Officer and
is authorised to file the counter affidavit on
behalf of respondents and as such he is well
acquainted with the facts of the case deposed to
below.



28/1/03

A37

-: 2 :-

2. That the deponent has read the application of Sri R.S. Sharma filed in the Hon'ble Tribunal and has understood its contents.
3. That before giving parawise reply it is necessary to submit certain facts before this Hon'ble Tribunal for the just disposal of the aforesaid case.
4. That the petitioner was initially employed at R & MD (Now.4 BRD) as Civ Carp w.e.f. 10.8.62. On reduction in establishment of Civ Carp he was rendered surplus and was transferred to No.1 BRD AF w.e.f. 1.12.1965. The applicant was again posted to No.4 BRD AF as Civ Carp wef 20.2.1969.
5. That in order to form an ad-hoc establishment of No.29 ED AF certain number of sanctioned establishment of No.1 BRD AF and 4 BRD AF in Lascar Tindal, Lascar, Carpenters and painters were curtailed and individuals being surplus including Mr. R.S. Sharma were posted to No.29 ED AF w.e.f. 9.7.1969, but he did not report for duty and was physically working in No.4 BRD AF vide Air HQrs letter No.Air HQ/23064/44/ GEN/PC-4 dated 18 Dec. 72 wef 9.7.69 ~~copy attached~~.



28/11/03

28/11/03

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-: 3 :-

As individual could be relieved and routed to No.29ED AF wef 26.10,1973 vide movement order No.4 BRD/52/15/PC dated 26.10.1973, the period from 9.7.1969 to 25.10.1973 was treated as detachment to No.4 BRD AF from 29 ED, AF.

6. That since the individual was held on attachment to No.4 BRD AF he was granted Annual increment for the years 1969, 70, 71 and 72 vide O.O. Pt IIB S1. No.25B/76. His pay has also been fixed under CDS (RP) Rules 1973 in the revised scale wef 1.1.73 and annual increment granted for the year 1973 vide O.O. Pt.IIB S1.No.30B/76.

7. That the applicant Civilian Carpenter Grade VIII was posted to 29 ED wef 26 Oct 73 but physically reported on 5 Mar 74. The individual remained absent without leave for in-between-period of transfer orders and physical reporting.

That the applicant was suspended from service wef 28 May 74. The Charge Sheet was served on him on 29 May 74. The charges are stated below:-

- (a) Reluctant to carry out the duties from the date of his posting to Central Packing Bay.



-: 4 :-

(b) Refused to carry out the job allotted by his immediate superior and Section Commander on 22 and 23 May, 1974.

(c) While working in the Central Packing Bay, he used insolent language on 23 May 74 when he was asked to carry out the specific job.

9. That the communication regarding charge sheet or otherwise was sent to his house but everytime the letters were returned by the postal authorities as undelivered. Even when he met the individuals of the Unit, he refused to sign for any of the charge sheet/papers or any letters which were meant for him. The enquiry was ordered on 13 Jun 74. The inquiring Officer tried to hand over the written notice for his appearance before him on due date but Shri Sharma after hearing the contents of the notice refused to accept it. Consequently, the enquiry was conducted ex-parte. The enquiry confirmed that the charges against individual were correct and the enquiry was concurred by the Commanding Officer.



10. That on 11 July, 1974, the Commanding Officer in exercise of the powers conferred by rules 14 (4) of the CCS (CCA) Rules, 1965 imposed penalty for removal

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of the individual from service with immediate effect.

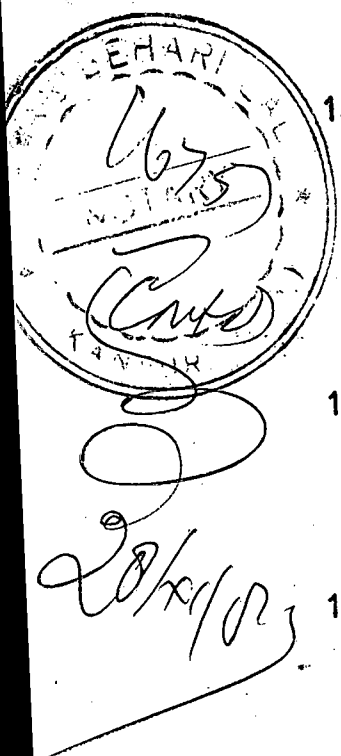
11. That the applicant contacted Joint Director Personnel (Civilians) only on 15 May 1987 who directed him to contact Air Force authorities. The applicant contacted Air Force authorities at Kanpur but declined to sign the claim of GP Fund. Since all the dues including G.P. Fund payable to the applicant had already been paid, there is no reason for the applicant to pursue his case.

12. That the contents of paragraphs 1 & 2 of the application need no comments.

13. That the contents of paragraph 3 of the petition are not admitted as stated. The order dated 11.7.1974 is legal, just and within jurisdiction.

14. That the contents of paragraph 4 of the petition need no comments.

15. That the contents of paragraph 5 of the petition are not admitted. The petition deserves to be dismissed as belated. The cause of action was



16/7/87

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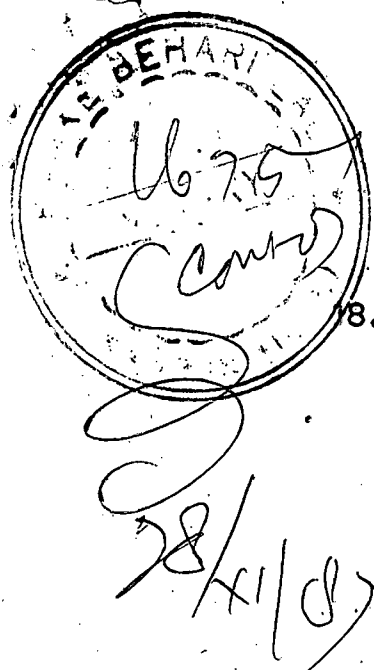
-: 6 :-

in 1974 but the petitioner did not take any step and only in 1987 he filed the representation after expiry of 13 years. Hence the petition deserves to be dismissed on this ground alone.

16. That there is no cause of action for filing the petition as the petitioner had refused to sign the necessary documents and without the signature of the petitioner on the relevant documents, the payment cannot be made.

17. That the contents of paragraph 6 (i) of the petition are not admitted as stated. The applicant was appointed as Civilian Carpenter on 10 Aug 62 at R & M D, Air Force (Now known as No.4 BRD, Air Force) and not at No.29 ED, Air Force.

18. That the contents of paragraph 6 (ii) of the petition are denied. The applicant reported at No.29 ED, Air Force on 05 Mar 74 and removed from service on 11 July, 1974. During his short stay as per records held at this Depot he gained utmost dissatisfaction of the authorities due to his indifferent attitude towards his allotted duties



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-: 7 :-

and misbehaviours with fellow workers and authorities. His Service Books also prove his irregularities during his stay in the previous units. Regarding promotion the applicant has willfully made a wrong statement that he was granted promotions from time to time during his service period. Virtually he was never given any promotion. He was appointed and removed from service as Civilian Carpenter only.

19. That the contents of paragraph 6 (iii) of the petition are denied. The applicant was never promoted from Carpenter ~~Grade I~~ to Carpenter Grade II throughout his service career. He was, however, posted from No.4 BRD, Air Force to No.1 BRD, Air Force on 01 Dec. 65 as Civilian Carpenter.
20. That the contents of paragraph 6 (iv) of the petition are denied. The applicant remained in the post of Civilian Carpenter since his appointment. He was even not promoted from Civilian Carpenter to the post of Carpenter Grade II. As such his promotion to the post of Carpenter Grade I does not arise at all. However, the statement of the applicant given in this paragraph is contradictory



-: 8 :-

because as per existing regulations promotions are not given to the Industrial Employees unless and until they qualify the Trade Tests for the higher Grade whereas the applicant stated that he worked from 1965 to 1968 in different sections of No.1 BRD, Air Force in the post of Carpenter Grade I and finally he passed the examination of Grade I on 1 Jan 1966. As such his contention is not accepted.

21. That the contents of paragraph 6 (v) of the petition are not admitted. The individual was posted to No.4 BRD, AF wef 20.2.1969 as Civilian Carpenter and not as Carpenter Grade I.
22. That the contents of paragraph 6 (vi) of the petition are denied. The individual was holding the post of Civilian Carpenter as per sanctioned establishment only. The contention of the individual is wrong and misleading.
23. That the contents of paragraph 6 (vii) of the petition are denied. The statement is ambiguous and wrong. The individual was held against the



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-: 9 :-

establishment of Civilian Carpenter and was accordingly transferred to No.29 ED AF wef 9.7.1969 in the same capacity. The applicant was not even promoted to Carpenter II (A) and as such there is no question for his promotion to supervisory post. The statement of individual is wrong, mischievous and misleading.

24. That the contents of paragraph 6 (viii) of the petition are denied. The individual was posted to No.29 ED, AF w.e.f. 9.7.1969 but covering authority was issued by Air Headquarters on 18.12.1972. The individual was detached from 29 ED, AF and attached to No.4 BRD, AF wef 9.7.1969 to 25.10.1973. As the individual was attached to 4 BRD, AF, he was relieved and routed to No.29 ED, AF wef 26.10.1973 vide letter No.4BRD/52/15/PC dated 26.10.1973. To become supervisor a civilian carpenter is to undergo the following process:-

From.

To.

Conditions as per recruitment rules.

Civ. Carp. Carp II (A) Must have rendered 5 years service in the grade and have qualified trade test.



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-: 10 :-

From. To. Conditions as per recruitment rules.
Carp.II(A) Carp I (A). Must have rendered 5 years service
in the grade and have qualified
trade test.

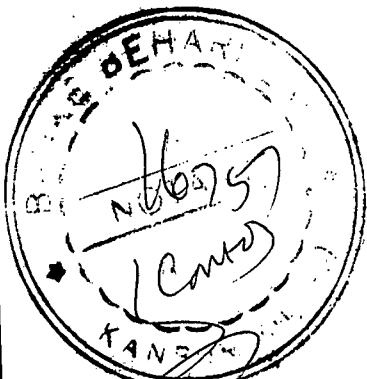
Carp.I (A) Supervisor Must have rendered 3 years service
in the grade and have qualified
trade test.

As the individual was holding Civilian Carpenter Post,
the question of promoting him to supervisor does not
arise. It is thus clear that there was no malafide
and ulterior motive against the applicant and allegations
are wrong, baseless and mischievous.

25. That the contents of paragraph 6 (1.x) of the petition
are denied. The contention of the applicant is wrong,
since he was holding Civilian Carpenter post. He
was posted to No.29 ED, AF wef 9.7.1969 as Civilian
Carpenter. The applicant was never promoted Carpenter
Grade I, the question of his posting as Carpenter I or
reverting him from Carpenter I to Carpenter Grade II
in case no vacancy exists in Carpenter I does not arise.

26. That the contents of paragraph 6 (x) of the petition
are denied. Applicant alongwith other four carpenters

contd....



28/1/07

was relieved and routed to No.29 ED, Air Force with effect from 26 Oct 73 as Civilian Carpenter issuing a combined movement orders vide 4BRD/52/15/PC dated 26 Oct. 73. He did not report for duty as directed, but he reported for duty to No.29 ED, Air Force on 05 Mar 74. During the period from 26 Oct. 73 to 04 Mar 74 where the individual was working is not known.

27. That the contents of paragraph 6 (xi) of the petition are not admitted as stated. The applicant was allotted with Identity Card No.29ED/T/17. He was regularly entering the Technical area of the Depot to attend his duties which could not have been possible for him in the absence of an Identity Card. Whether the tool box was issued to him or not cannot be ascertained at this belated stage but no work of a Carpenter is practically possible without tools. As such the contention of the applicant is wrong and mischievous.

28. That the contents of paragraph 6 (xii) of the petition are denied. *the services of applicant were terminated under* Rule 14 (4) of CCS (CC&A) Rules, 1965 on 11 Jul 74 after holding and finalisation of a valid Departmental Inquiry.



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A copy of the Removal Order is placed as Annexure 'A'. It was, no doubt, a case of misconduct and misbehaviour.

29. That the contents of paragraph 6 (xiii) of the petition are denied. A Chargesheet giving articles of charges framed against the applicant under Rule 14 of CCS (CC&A) Rules, 1965 was served on him affording him an opportunity for submission of his Defence Statement/to be heard in person within 10 days time on its receipt. Since the applicant failed to do so, the time limit was extended time and again to produce his defence statement/to be heard in person but with no result. Finally the case was decided exparte as per the rules in existence/stipulated in the abovesaid chargesheet.

30. That the contents of para 6 (xiv) of the petition are denied. As stated in paras (xii) and (xiii) above. In addition a writ petition against his removal from service filed by the applicant was heard on 10 Sep 74 and dismissed the case by the Hon'ble High Court of Judicature at Allahabad.

A letter to this effect received from Standing Counsel Central Govt. dated 19/26 Sep 74 is enclosed as Annexure 'B'.



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31. That the contents of paragraph 6 (xv) of the petition are admitted. The account of the applicant has already been finalised. An amount of Rs.700/- was paid to him as his pay for the period from 5 March 74 to 28 May, 1974 (since the applicant physically reported and taken on the strength on 5 Mar 74) on 5 Jun 74. He was suspended on 28 May 74. A sum of Rs.929.25 on account of settlement of applicant's running ledger account (IRLA) was paid to him on 22 Nov 78. The GP Fund balance i.e. an amount of Rs.4,213/- was also paid to him on 5 Oct. 87. The GP Fund account was finalised soon after his removal from service. The amount was transferred to unclaimed deposit since the same was not claimed by the applicant earlier. It is fault of the petitioner in ^{Not} taking the amount. n 31

32. That the contents of para 6 (xvi) of the petition are not admitted as stated. Since all payments were finalised, no comments offered.

33. That the contents of paragraph 6 (xvii) of the petition are denied. As per Govt. of India letter



28/4/77

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-: 14 :-

No.F.5 (3)/84/D(Air-III)/1115/86/D (Lab) dated 6 Oct. 86 (Annexure III of the application) the applicant did not persue his case.

34. That the contents of paragraph 6 (xviii) of the petition are denied. In addition to Air Headquarters letter No.Air HQ/23044/128/PC4 dated 15 May 87 (Annexure IV of the application), Joint Director Personnel Civilians, Air Headquarters, New Delhi wrote a letter No.Air HQ/23044/128/PC4 dated 19 May 87 (Placed at Annexure 'C') for early finalisation of all outstanding claims of the applicant. In response, the applicant was given four sets of completed Form 'G' of Air Force Order No.66/76 for final payment of his GP Fund on 24 Jun 87 for his signature but the applicant refused to sign the filled Form and returned it to the concerned officer for processing. Since the applicant refused to sign his claim which is a mandatory requirement, no action could be taken for settlement of his payment of GP Fund. Subsequently he has been paid Rs.4,213/- as GP Fund on 5 Oct 87.

35. That the contents of paragraph 6 (xix), (xx) and (xxi) of the petition are not admitted

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28/11/87

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--: 15 :-

for want of knowledge except that the petitioner is not in employment since 1974. It is fault of the petitioner in not settling his matter.

36. That the contents of paragraph 6 (xii) of the petition are denied. The applicant was rightly removed from service under Rule 14 of CCS (CC&A) Rules 1965 after holding a lawful court of Inquiry against him. His removal from service had also been authenticated by the Hon'ble High Court, Allahabad by dismissing his writ petition against removal from service.

37. That the contents of paragraph 6 (xiii) are denied. The payment of pay and allowances, GP Fund etc. have already been made to him as per the details given below:-



A. Pay from 26.10.73
to 11.7.74

The applicant physically reported to No.29 ED, Air Force on 5 Mar 74 and suspended on 28 May 74. As such an amount of Rs.700/- was paid to him on account of his pay for the period from 5 Mar 74 to 28 May 1974.

B. Suspension allowances
for 14 days.

&

E. Increment from 1968 to
1974.

An amount of Rs.929.25p. had
been paid to the applicant
towards final settlement of
his account on 22 Nov 78.

C. GP Fund.

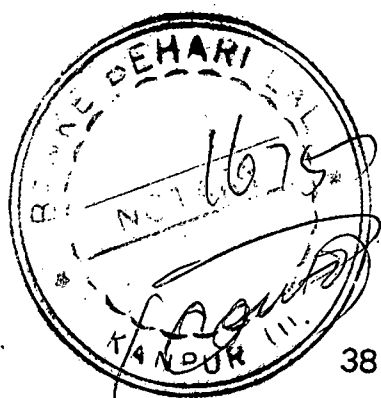
A sum of Rs.4,213/- paid to
the applicant towards settlement
of his GP Fund account on
5 Oct. 87.

D. Gratuity of 13 months
pay

Not admissible under Rule 24
of CCS (Pension) Rules 1972,
since the applicant was removed
from service on Disciplinary
grounds.

F. Total leave 1968 to 1974) Not admissible. Payment of leave
encashment is admissible to those
Govt. servants who retire from
service on superannuation on or
after 30 Sep 77.

38. That the contents of paragraphs 7, 8 and 9 of the
petition are denied. There is no ground to interfere
by the Hon'ble Tribunal.



39: That in view of the fact that all the dues payable to the applicant on his removal from services have already been paid to him, the case may, therefore, be dismissed with costs.

um
DEPONENT
P. Prakash Rao
Group Captain
Commanding Officer
4 BRD Air Force

VERIFICATION:-

I Group Captain P. Prakash Rao,

do hereby verify that the contents of

1 paragraphs

of this Affidavit

are true to my personal knowledge and

the contents of paragraphs 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 are true to my knowledge on the basis of information

derived from records and the contents of

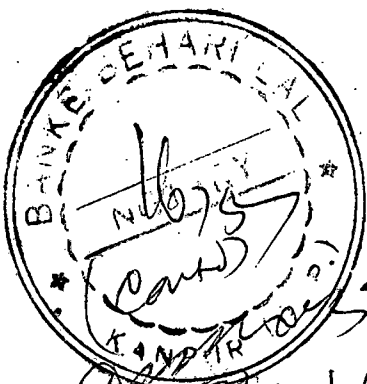
2 paragraphs 38, 39

are true to my belief on legal advice received, which

I believe to be true. Nothing contained herein is false nor anything material has been concealed. So help me God.

Verified this 28th day of Nov.

1987 at Kanpur.



Attested
BANKE BEHARI LAL
ADVOCATE NOTARY, KANPUR

DEPONENT
P. Prakash Rao
Group Captain
Commanding Officer
4 BRD Air Force

Sworn to this 28th day of Nov. 1987 at Kanpur before me by the deponent who is duly identified by me.
NOTARY.

AS7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

COUNTER AFFIDAVIT

IN

REGISTRATION NO. OF 1987

R.S. Sharma ... APPLICANT

V E R S U S

UNION OF INDIA & OTHERS ... RESPONDENTS.

ANNEXURE 'A'

NO.29ED/9726/1/PC

No.29 Equipment Depot,
Air Force C/o 56 APO

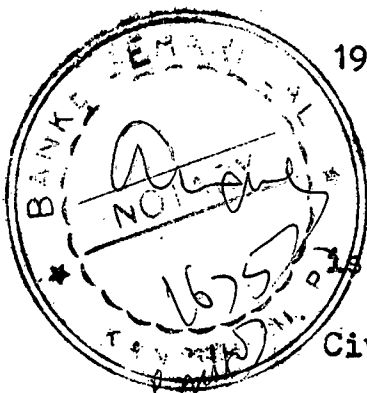
11 July 1974

ORDER

Whereas Shri R.S. Sharma, Civilian Carpenter P/A No. 19142 of No.29 E.D. AF has been charge sheeted by the undersigned vide memorandum No.29 ED/9726/1/PC dated 29 May 1974.

And, whereas the articles of charge Nos.I, II and III have been proved against the said Shri R.S. Sharma as a result of Inquiry held into the charges and Shri R.S. Sharma has not made any representation to the Show Cause Notice issued to him vide memorandum No.29 ED/9726/1/PC dated 19 June 1974 (received by him on 25 June 1974).

And, whereas, on the face of the inquiry report it is considered that the conduct of the said Shri R.S. Sharma, Civilian Carpenter is such as to render his further retention in public service undesirable.



ASM

Now, therefore, in exercise of the powers conferred by rule 14 (4) of the Central Civil Services (Classification, Control & Appeal) Rules, 1965 the undersigned hereby imposes the following penalty on the said Shri R.S. Sharma, Civilian Carpenter P/A No.19142.

"Removal from service with immediate effect"

Sd/- x x x x

(S.N. PATEL)

Group Captain

Officer Commanding.

Shri R.S. Sharma, Civilian Carpenter,
P/A No.19142, House No.376,
Faithfulganj,
KANPUR CANTT.



ASS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

COUNTER AFFIDAVIT

IN

REGISTRATION NO. OF 1987

R.S. Sharma

...

... APPLICANT

V E R S U S

UNION OF INDIA & OTHERS

...

.. RESPONDENTS.

ANNEXURE 'B'

V.K. Barman,
Advocate.

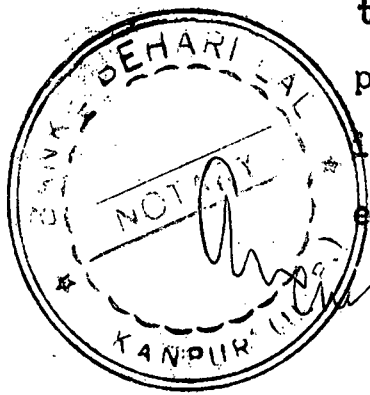
9-B, Sapru Road,
Allahabad, Dt. 19.9.74.

The Officer Commanding,
No.29 Equipment Depo., Air Force,
C/o 56, Army P.O. Kanpur.

Dear Sir,

Re:- Writ petition No. of 1974
R.S. Sharma Vs. Group Capt. Officer
Commanding & others.

The above petition was heard on 10.9.1974 and the Bench of this Hon'ble Court was pleased to dismiss the same. I am enclosing herewith a copy of the writ petition for ready reference. I am sending my bill in duplicate, the payment of which may be made at an early date.



Encl: Bills.

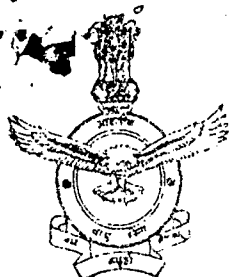
Yours faithfully,

Sd/- x x x x

(V.K. Barman)
Junior Standing Counsel
Central Government.

26/9/74

ANNEXURE



S K Mukhopadhyay
Joint Director Personnel (Civ)

Tele : 3010231/657

Air HQ/23044/128/TC-4

Air Headquarters
Vayu Bhawan
New Delhi - 110011

19 May 87

Dear Cap Cam

*Dismissed
by VC 29/5/87*



*Forwarded to AFO G.
Given to Mr. RS Sharma
on 24/6/87 by
AFO G. Sharma
in my presence. Mr. Sharma
has refused to sign the
filled form and give it to
me. NFA*

*Mr. RC Sharma
referred to me
for the first time
at 100 Hq on
24 June 87.
3337/1*

1. Shri RS Sharma, Ex-Carpenter, was dismissed from service with effect from 11 Jul 74. He has now vide his applications dated 09 Apr 87 and 08 May 87 requested inter-alia for payment of his provident fund amount (for the first time) to this HQ.

2. The matter was urgently got investigated from the AFCAO and they have sent a Signal to your Station vide FA/355 dated 11 May 87, requesting you to forward Appendix 'G' to AFO 66/76 in respect of Shri RS Sharma. They have also said that even after repeated reminders during 1976-77, Shri Sharma did not fill up Form 'G' or claim Provident Fund amount. Therefore, after ascertaining from your unit that the whereabouts of Shri Sharma were not known, the money was deposited with the Government.

3. When Shri Sharma met me in my office on 15 May 87 I had handed over the requisite Form 'G' to AFO 66/76 to him, which he initially agreed to carry personally to Kanpur and get endorsed by the Accounts authorities of No 402 Air Force Station after filling up the same. I had handed over a DO letter for you also to him requesting your personal intervention in this case. Shri Sharma however, has returned both the Form 'G' and the DO letter on 18 May 87 to this office and stated that the case be processed through mail as usual as he was not interested in getting the work done personally.

4. This individual has been requesting to various higher authorities in Air HQ and Ministry of Defence time and again. We at this HQ and the Ministry of Defence are trying our best to ensure that Shri Sharma's fund amount for which he has now applied for the first time is paid as quickly as possible. I shall be grateful, if you could look into this case personally and help the individual if he reports to your station for this purpose. In the meantime, you may kindly send the requisite papers to the individual at his residential address in order to get the forms etc

INDEX

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Reg. No. 1021 of 1987
Central Administrative Tribunal

Additional Bench

ALLAHABAD/PATNA/JABALPUR

Date of Filing 28.10.87 CR

Date of Receipt by Post

By *Chandoo*
Deputy Registrar.

श्री २-४-२०११

1
157
Date of receipt

By Post

Registration No.....

Signature
Registrar

~~In the Central~~

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL? ALLAHABAD
BENCH, ALLAHABAD.

B e t w e e n

R.S. Sharma son of Sri Ramanand Sharma

r/o Ex Carpenter Grade one No.4 B R D Air Force

Ka npur, Pa y Account no.19142, at present residing
at village Padri Ganeshpur Post Nakfulaha, district

Rai Bareilly, W.P.

.....Applicant.

AND

1. Union of India

2. Officer Commanding 29 E.D. Air Force, Kanpur

3. Officer Commanding 4, B.R.D.Air Force, Kanpur

.....Respondent.

3/12-22/1/21/11

.2.

1. PARTICULARS OF THE APPLICANT.

- (a) Name of the Applicant - Sri R.S. Sharma.
- (b) Name of the Father - Sri Ramanand Sharma.
- (c) Designation and Office - Carpenter I, A, 10.8.1962.
- (d) Age of the applicant- ~~As given above~~
- (e) Office Address- As given above.
- (f) Address for the service of Notices - village Padrai
Ganeshpur, P.O. Nakfulha, distt
Raibareilly U.P.

2. Particulars of the Respondents.

1. Union of India
2. Officer Commanding 29 E.D. Air Force, Kanpur
3. Officer Commanding 4 B.R.D. Air Force Knapur.

3. Particulars of the Order dated against which the application is made.

Against the order dated 11.7.74 passed by the officer commanding 29 E.D. Air Force Kanpur common terminating the services of the applicant

302-54-2070

3 AS9

.3.

legal and valid opportunity to the applicant to defend himself from the charges level against him for misconduct and misbehaviour as such the order dated 11.7.74 is totally illegal and without jurisdiction.

4. Jurisdiction of the Tribunal

That applicant declares that subject matter of the order against which the applicant want redressal is within the jurisdiction of the central ~~tribunal~~ Administrative Tribunal at Allahabad and the order of termination ~~for~~ from the service of the applicant has been passed by Officer Commanding 29 E.D. Air Force Kanpur therefore the Jurisdiction to entertain the application under section 19 of the Administrative Tribunal Act 1985.

5. Limitation

The applicant has received ~~an~~ R.4213.00 by cheque no. Sl. no. A24 839702 dated 05-10-1987

2/12/87-25/1/88

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towards his final settelement of G.P.F. according to the authorities which is not admitted and as such the application is with in limitation prescribed under 21 of the Administrative Tribunal Act 1985 as the applicant wants a direction to be issue to the opposite parties to finally settle all the remoneration allowances, G.P.F. Fund, Suspension allowances, Gretutiy and salary and incriment according to revise pay scale time to time which he is legally entitle, and the limitation will run from 5.101987 when he gets part payment of his GPF fund and as such the petition is within the limitation under the said section.

6. Facts of the Case

(1) That the applicant has joined the service as a carpanter grade III in the Unit of the opposite party no.2 on 10.8.1962 after competing the written examination conducted by the authorities concern.

3/17-25-20-21-11

.5.

(ii) That the applicants services was satisfactory to the authorities concern and as such he was granted promotions time to time during his service period.

(iii) That the applicant has been promoted from grade 3 to grade II carpenter on 15.12.1965 vide office order no. 29 B 65 and he has been transfer from B R D Air Force Kanpur to No.I B R D Air Force Kanpur as carpenter II (A).

(iv) That the applicant has worked from 1965 to 1968 in department/section Electrical and Instrument Repair Section No.I BRD Kanpur in grade of I carpenter and finally he has pass the examination of grade I on 1.1.1966.

(v) That the applicant was declare surplus ex ployee in the unit No.I B R D Kanpur Air Force on 16.12.68 and on this basis he has been transfer to no.4 B R D Air Force Kanpur on 17.3.1969 as the post of grade I Carpenter.

21/12/68

A62

.6.

iv) That in the department of establishment

No. 4 B R D Air Force Kanpur there was 10 vacancies

2 for grade I carpenter and 5 vacancies for carpenter

II A and no vacancies was existing for the carpenter

grade III.

(vii) That the applicant was the ~~same~~ senior most

carpenter ~~frankly~~ in his section and he was liable

and entitle for the promotion as supervisor but the

authorities has not given the opportunity of the same

and they have transfer a junior most carpenter from

other unit and as a supervisor just to forfeit the

right and promotion of the applicant and the applicant

has been transferred on 22.2.1974 from No. 4 B R D Air

Force Kanpur to 29 E.D. Air Force Kanpur.

(viii) That transfer order dated 18.12.72 issued

by Air Head Quarter New Delhi was made ~~acted~~ but it

was acted upon and came into force on 22.12.74 ~~am~~

with the malafide and ulterior motive against the

applicant so he may not get the promotion as a

3/12-2014

.7.

supervisor in the unit.

(ix) That on 22.2.74 the applicant has been transferred to 29 E.D. Kanpur when there was no vacancies of grade I carpenter and he has been posted there as grade III carpenter without grading him from grade I to III which is also illegal without jurisdiction of the authorities concern.

(x) That the applicant has not been allowed to work in 29 E.D. Kanpur when he has a valid transfer order dated 22.2.74 but he was kept in station Head Quarter no. 402 Air Force Kanpur without any charge and he has been allowed to work from 5.3.74 without any valid and movement order from the authorities concern which is also illegal and without jurisdiction of the authorities concern.

(xi) That the applicant was not issued any Identity card no. of the unit 29 E.D. Kanpur nor provided any tools to work and as such the applicant

3/12/74 21/2/74

8 AGY
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was totally helpless and verbally complained to the authorities concerned in this regard.

(xii) That on 11.7.74 the applicant has been terminated without any valid enquiry or trial on the ground of misconduct and misbehaviour.

(xiii) That the termination order dated 11.7.74 is ex-parte order without participating the applicant in that proceeding.

(iv) That no opportunity to defend himself been given to the applicant to explain or defence the charges imposed against him as such whole enquiry conducted by the authorities concerned is illegal and without jurisdiction.

(v) That the applicant after his termination from his services repeatedly contacted with the authorities for his monuments and funds but they have not paid any amount to the applicant. The applicant has written to the President of India on

3/12/2017 10:15

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.9.

12.2.86 regarding his ~~zax~~ salary etc. A true and correct copy of the application dated 12.2.86 sent to the President of India who is the whole sole responsible for the defence services is filed as annexure-I to this application.

xvi) That the applicant has also made representation to the defence Minister regarding his payment of salaries etc. but no purpose has been solved. The application dated 30.3.87 made to the defence minister is filed here as Annexure-II to this application.

(xvii) That the applicant after making representation to the authorities concerned has received a letter from Ministry of defence dated 6.10.86 and he was very much hopeful that his claim will be settled by the authorities of the ~~respondent~~ respondent no.2 but the applicant was very much disappointed that his claim has not been settled by the authorities after a year then he was bound to give representations to the President and defence Minister for the necessary action and the

2/12/87

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. 10.

letters have been filed as annexure-I and II to this petition. A true copy of the letter dated 6.10.86 is filed here as annexure-III to this application.

(xiii) That the Joint Director Personal (civil)

Air ~~Ranar~~ Head Quarter Vayu Bhavan New Delhi has

directed to settle the dispute of Sri R. S. Sharma and in this regard any assistance can be always available

to the authorities of No. 402 Air Force station Kanpur

but even then the authorities are not in position to

settle the matter with the applicant letter dated

15.5.87 is hereby filed herewith and is marked as

annexure-IV to this petition.

(xix) That the applicant is out of service right

from 11.7.74 and he is running from the Kanpur to Delhi

for his settlement of the account from Raibareli where

he resides as such which is very difficult for him

to contest his claim.

(xx) That as stated about by various reminder

.11.

and personal visit to the opposite parties no heed has been paid inspite of the fact that the applicant has been jobless right from 11.7.74 when his services has been terminated by the authorities concern.

(x xi) That the opposite parties have been errored in law and violated the provisions of a article 311 of the constitution of India as well as they flouted the various government orders which protect the services of the Central Employees and gives statutory right of their employments.

(xxii) That the opposite partys have also over looked and violated the principle of natural justice not affording the opportunity to the applica nt to defend himself.

(xxiii) That the applicant is entitled for his service salary, allowances etc. given as follows :-

11-21-81

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ACB

.12.

A) Pay from 26.10.1973 to

11.7.1974 of

Rs. 6800.00

B) Suspension allowances
for 14 days

Rs. 400.00

C) G P F Fund

Rs. 1806.00

D) Gratuity of 13 months
pay

Rs. 10400.00

E) Increment from 1968 to
1974

Rs. 423.00

F) Total leave 1968 to
1974

Rs. 7975.00

Total

27804.00

7. Details of Remedies

The applicant declares that he has availed all the possible remedies available to him under the relevant service rules but authorities have not given any relief and at last he has no option but to invoke the jurisdiction of this Administrative Tribunal Act 1985.

8. Matter not filed previously filed or pending
With any other courts.

27804.00

13
A69

.13.

That applicant declare that he has filed writ
petition before the Hon'ble High court at Allahabad
against the termination order dated 11.7.74 but his
writ petition was dismissed in limine on the same
day and as such no application suit or proceedings
pending before any court of law or any authority
or any other bench of the tribunal.

9. Relief Sought

In view of the facts mentioned in para 6 above
the applicant begs for following relief :-

A- Pay from 26.10.73 to 11.7.74	Rs. 6800.00
B- Suspension allowances for 14 days	" 400.00
C- GPF fund	" 1806.00
D- Gratuity of 13 months pay	" 10400.00
E- Increment from 1968 to 1974	" 423.00
F- Total leave 1968 to 1974	" 7975.00

अतिरिक्त 27,804/-

Total 27,804.00

14 A76

.14.

B- The opposite parties ~~has~~ may be directed to settle the claim of the applicant given in relief clause A or pass any such other and further order as this Hon'ble court may deem fit and proper to meet the ends of justice.

C- That the opposite parties be further directed to pay the 9% interest of the total claimed amount right from 1974 to till the decision of the case.

D- Any other relief may be granted to the applicant which this Hon'ble Tribunal may deem fit and proper ~~in~~ in the circumstances of the case.

E- That the applicant be awarded cost of the application.

G R O U N D S

A- Because opposite parties no.2 to 3 has illegally without jurisdiction termination order dated 11.7.74 against the applicant .

B- Because no opportunity have been given to

3/12/2017

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A71

.15.

the applicant to defence himself against the charges level against him as such whole enquiry is without jurisdiction in the eye of law and illegal also.

C- Because the opposite parties acted in violance of the principle of natural justice and article 311 14 and 16 of the constitution of India terminating the applicant from his services without affording any opportunity to the applicant.

D- Because the applicant is entitle to recover all his arrier, salaries, GPF fund, gratuity, incimnets and suspension allowances etc. alongwith 9% interest as bank rate from 1974 to decision of the case.

10. Interim Order, if a ny prayed for

No.

11. Particulars of Bank Drafts/Postal order is
Respect of the application fees

1. Number of Indian Postal Order. $\frac{DD}{5}$ 533128

2. Name of the issuing Post Office. *Alahabad*
Alahabad .

Prdgt. Court - No. 1

3/12/2008

16

A72

.16.

3. Date of the issue of 28. 7. 1987
Postal Order.

4. Post Office at which Payable G. D. V.
Allahabad.

12. List of enclosures

As mentioned in the Index enclosed to the
application.

21. 2. 1987

THE UNIVERSITY OF CHICAGO

91122 - 12/21/11

[illegible]

五

प्राप्तः :
आर. एम. शर्मा
ग्राम - पडरी गनिशपुर
पैर - नकफुलाहा
जिला - रायचूरकी
संराक्षित दि. १३/३/५० (३०५०)

आपका प्रती

आर. एस. बागी
रूम कारपेन्टर गेट वज
नं. ४ बी. आर. डी. रायरकोरी
कानपुर पी. ए. नं. १६१४२

92-2-26

12/2/87

30/12/2019

आपका पते मिला है. जे. सी. पन्त साहब.

१६-४-८६

आपका पते मिला है. जे. सी. पन्त साहब.
म. २ स्थान फोर स्टेशन आनपुर चकरी

मेवा में सविनय प्रार्थना है। कि प्रार्थना आर. रमेश. शर्मा
कारपेन्टर गेट ८ नं. ४ वी. आर. डी. चकरी आनपुर
नं. १६१४२ को अभी तक २६ अक्टूबर १६६३ से
११-६-६४ तक का कोई पैस नहीं पेयमेंट दिया गया
पेय मेंट दिलाने को आप को उम्मीद होगी
आपका यह उपकार जीवन प्रयत्न तक नहीं मरनेगा
पेयमेंट का दवाब इस प्रकार है

डिली को पेयमेंट गलाब २६ अक्टूबर से ११-६-६४
तक इक्कीज मेंट १६६४ से ११-६-६४ तक
१-१-६३ तक रमेश रिवाइज रगियर
और ससधीनशान गलाउन्स रगंड जी. पी. फण्ड
जो गला गोजवटी और फण्ड

आपका प्रार्थना
आर. रमेश. शर्मा

नाम = आर. रमेश.

पते = पुरी गोवापुर

पेश नव फुलहा

जिला = रायबरेली

राजकीय क्षेत्र अंतर्गत

पुस अपली केवान स्टेशन रजकाउर

सेकशन १०२ स्थान जे. सी. पन्त

राजकीय क्षेत्र अंतर्गत

पेश नव फुलहा

जिला = रायबरेली

राजकीय क्षेत्र अंतर्गत

पुस अपली केवान स्टेशन रजकाउर

सेकशन १०२ स्थान जे. सी. पन्त

पेय मेंट दी जा रही है और नव फुलहा नौकरों

के आउर भी नहीं दिये जा रहे हैं।

आर. रमेश. शर्मा

10/10

श्री श्री राजा रक्षा मन्त्री भारत सरकार 14 स्व गण

मन्त्री आफ् डिफेंस सचिव वलोक रई दिल्ली

सेना में सविनय प्रार्थना है कि मेरा पैसा अभी तक कोई भी वापस नहीं
 भेजा गया जब कि मुझे 1968 में सर्विस से बाहर कर दिया गया
 और स्वर फार्म काजी में लेन भेज दिया रहा है जो कि हमारे
 दस्तावेज वाउचर से मिलते नहीं हैं जो लेन भेज हमारा तुलना
 किया गया है उस पेय भेज का हवाला मुझे दिया जाय वजन का पेय
 है और लोन कोत का लेन भेज हुआ है अलगा अलगा सारा पेय
 की और रिक्वरी द्वारा पेय और कब दिया उसका वाउचर चाहिए
 मुझे देने की दृष्टा नरे आय की आते चप्पा होनी

आप का प्रार्थी

आर. राम-शर्मा
 गडरी नानेशा पुत्र
 फ़ैसल नव फलहा
 जिला राय बरेली

आर. रक्षा, शर्मा
 नेशनल गेट I
 नं. 98982

RA/1802
 जी. म. B. R. D. 412 F. O. R. E. C.
 (Kampur 400)

कई आपली चरख 1968 से अब तक दे चुके हैं जिसका कोई
 रिफ़र्सवा सही नहीं किया जाता अगर गोवर्नमेंट को हम से पैसा लेना
 होता तो लक्षा 92 लाख लेना सकते क्योंकि व्यापक जारी की गेलिया
 होवनाया जना गोवर्नमेंट के लिखे नहीं इसका मतलब सरकार
 गोवरी नहीं करनी चाहिये और व्यापक सरकार का साफ़ देने
 अन्याय है

15/10/87

Ministry of Defence
 New Delhi

आर. रक्षा

AN No 2

21

A 17

REGISTERED A.D.

No. F.5(3)/84/D(Air-III)/1115/86/D(L-3)
Government of India,
Ministry of Defence,

NEW DELHI, the 6th October, 1986.

To

Shri R.S. Sharma,
Ex-Carpenter,
Village Padari G neshpur,
Post Office Nak Pulha,
Distt. Rae Bareilly (U.P.)

Subject :- Payment of arrears of Pay and Allowances
to Shri R.S. Sharma, Ex-Carpenter.

* * * *

Sir,

Reference your representation dated 15-6-1986
addressed to Prime Minister and also personal discussion
with JS(E).

2. You were informed vide this Ministry's letter of even
number dated 6th March, 1986 that you were apprised of the
details of Rs 929 25/- paid to you by Air Force authorities
on 22-11-1978 by enclosing a copy of the acquittance roll.
During discussion you had raised two points :-

(1) The payments have not been made to you.

(2) There are still certain amounts which are due
to you.

3. Since there is your signature on the documents in
token of the receipt of payments, if you still feel that
the payments have not been made to you, it is suggested
that you may take up either with the police or with the
office where you were working last for further necessary
action in this regard.

4. As regards the point at (2), you should give the
details of the amounts together with the accounts on which
they are due to enable the Air Force authorities to look
into the matter.

5. You are advised to contact the office in which you
were working (No. 402, Air Force Station) for any clarifica-
tions on the issue of the payments made to you/due to you.

Yours faithfully,

(J.P. RASTOGI)

UNDER SECRETARY TO THE GOVT OF INDIA

Answer to

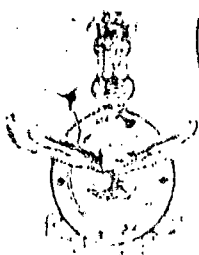
22

A78

(1) (7/5/87)
(2)

(1) (7/5/87)
President's Secy

By hand



SK Mukhopadhyay
Joint Director Personnel (Civ)

Telephone : 3010231/667

Air Headquarters
Vayu Bhawan
New Delhi - 110011

Air HQ/23044/128/PC-4

15 May 87

Dear Sir

1. Shri RS Sharma, Ex-Carpenter, was dismissed from service with effect from 11 Jul 74. He has now vide his application dated 08 May 87 requested inter-alia for payment of his Provident Fund amount (for the first time) to this HQ.
2. The matter was urgently got investigated from the AFCAO and they have sent a signal to your Station vide FA/355 dated 11 May 87. They have also said that even after repeated reminders during the year 1976-77 Shri RS Sharma did not fill up Form 'G' or claim Provident Fund amount. Therefore, after ascertaining from your unit that the whereabouts of Shri RS Sharma were not known the money was deposited with the Government.
3. Shri Sharma again met me on 15 May 87 and I have handed over the requisite Form 'G' to him and have obtained his signatures for having received the same. He has also requested that he would like to take this form personally to Kanpur, after filling up the same, to get it signed by the Accounts authorities and bring back the same for delivering it to AFCAO.
4. We at this HQ and the Ministry of Defence are trying our best to help him and would like to ensure that his fund amount for which he has now applied be paid as quickly as possible.
5. I shall be grateful if you could look into this personally. We will also be grateful if the form after counter-signature etc by the Accounts authorities is handed over to Shri RS Sharma. If there is any problem in this regard I shall appreciate if you call me up on telephone.

With Regards to you & Mrs Kumar

Yours sincerely

By hand

Op Capt S Kumar, VM
C Ad O
No 402 Air Force Station
C/o 56 A P O

31/5/87

Annex 4 A.

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BY HAND

SIMPLE RECEIPT

Received Rs 4,213-00 (Rupees Four thousand two hundred thirteen only) by Cheque and Cash on account of final settlement of GPF as follows :-

a) By Cheque Sl No. A24 839702 dt 05-10-87	: 4,100-00
b) By Cash	: 113-00
<u>Total</u>	<u>: 4,213-00</u>

Date : 05 Oct 87

(RS Sharma)
PA/19142
Ex-Corp

श्री. रमेश शर्मा

A80

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

COUNTER AFFIDAVIT

IN

REGISTRATION NO. OF 1987


R.S. Sharma ... APPLICANT

V E R S U S


Union of India.& OTHERS.. ... RESPONDENTS.

AFFIDAVIT OF GROUP CAPTAIN P. PRAKASH RAO,
Aged about 48 years, son of late Shri J.V.
Jagannath Rao, Commanding Officer, NO.4 BRD,
Air Force, Chakeri, Kanpur.

... (DEPONENT).


P. Prakash Rao
Group Captain
Commanding Officer
4 BRD Air Force

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

1. That the deponent is Commanding Officer and
is authorised to file the counter affidavit on
behalf of respondents and as such he is well
acquainted with the facts of the case deposed to
below.
- 

- 2 -

2. That the deponent has read the application of Sri R.S. Sharma filed in the Hon'ble Tribunal and has understood its contents.
3. That before giving para-wise reply it is necessary to submit certain facts before this Hon'ble Tribunal for the just disposal of the aforesaid case.
4. That the petitioner was initially employed at R & MD (Now, 4 BRD) as Civ Carp w.e.f. 10.8.62. On reduction in establishment of Civ Carp he was rendered surplus and was transferred to No. 1 BRD AF w.e.f. 1.12.1965. The applicant was again posted to No. 4 BRD AF as Civ Carp w.e.f. 20.2.1969.
5. That in order to form an ad-hoc establishment of No. 29 ED AF certain number of sanctioned establishment of No. 1 BRD AF and 4 BRD AF in Lascar Tindal, Lascar, Carpenters and painters were curtailed and individuals being surplus including Mr. R.S. Sharma were posted to No. 29 ED AF w.e.f. 9.7.1969, but he did not report for duty and was physically working in No. 4 BRD AF vide Air HQrs letter No. Air HQ/23064/44/ GEN/PC-4 dated 18 Dec. 72 w.e.f. 9.7.69 (Copy attached).



-: 3 :-

As individual could be relieved and routed to No.29ED AF wef 26.10.1973 vide movement order No.4 BRD/52/15/PC dated 26.10.1973, the period from 9.7.1969 to 25.10.1973 was treated as detachment to No.4 BRD AF from 29 ED, AF.

6. That since the individual was held on attachment to No.4 BRD AF he was granted Annual increment for the years 1969, 70, 71 and 72 vide O.O. Pt IIB Sl. No.25B/76. His pay has also been fixed under CDS (RP) Rules 1973 in the revised scale wef 1.1.73 and annual increment granted for the year 1973 vide O.O. Pt.IIB Sl.No.30B/76.
7. That the applicant Civilian Carpenter ~~Carpenter~~ was posted to 29 ED wef 26 Oct 73 but physically reported on 5 Mar 74. The individual remained absent without leave for in-between-period of transfer orders and physical reporting.
8. That the applicant was suspended from service wef 28 May 74. The Charge Sheet was served on him on 29 May 74. The charges are stated below:-
 - (a) Reluctant to carry out the duties from the date of his posting to Central Packing Bay.

(b) Refused to carry out the job allotted by his immediate superior and Section Commander on 22 and 23 May, 1974.

(c) While working in the Central Packing Bay, he used insolent language on 23 May 74 when he was asked to carry out the specific job.

9. That the communication regarding charge sheet or otherwise was sent to his house but everytime the letters were returned by the postal authorities as undelivered. Even when he met the individuals of the Unit, he refused to sign for any of the charge sheet/papers or any letters which were meant for him. The enquiry was ordered on 13 Jun 74. The inquiring Officer tried to hand over the written notice for his appearance before him on due date but Shri Sharma after hearing the contents of the notice refused to accept it. Consequently, the enquiry was conducted ex-parte. The enquiry confirmed that the charges against individual were correct and the enquiry was concurred by the Commanding Officer.

10. That on 11 July, 1974, the Commanding Officer in exercise of the powers conferred by rules 14 (4) of the CCS (CCA) Rules, 1965 imposed penalty for removal

A 84

of the individual from service with immediate effect.

11. That the applicant contacted Joint Director Personnel (Civilians) only on 15 May 1987 who directed him to contact Air Force authorities. The applicant contacted Air Force authorities at Kanpur but declined to sign the claim of GP Fund. Since all the dues including G.P. Fund payable to the applicant had already been paid, there is no reason for the applicant to pursue his case.
12. That the contents of paragraphs 1 to 2 of the application need no comments.
13. That the contents of paragraph 3 of the petition are not admitted as stated. The order dated 11.7.1974 is legal, just and within jurisdiction.
14. That the contents of paragraph 4 of the petition need no comments.
15. That the contents of paragraph 5 of the petition are not admitted. The petition deserves to be dismissed as belated. The cause of action was

2

-: 6 :-

in 1974 but the petitioner did not take any step and only in 1987 he filed the representation after expiry of 13 years. Hence the petition deserves to be dismissed on this ground alone.

16. That there is no cause of action for filing the petition as the petitioner had refused to sign the necessary documents and without the signature of the petitioner on the relevant documents, the payment cannot be made.
17. That the contents of paragraph 6 (i) of the petition are not admitted as stated. The applicant was appointed as Civilian Carpenter on 10 Aug 62 at R & M D, Air Force (Now known as No.4 BRD, Air Force) and not at No.29 ED, Air Force.
18. That the contents of paragraph 6 (ii) of the petition are denied. The applicant reported at No.29 ED, Air Force on 05 Mar 74 and removed from service on 11 July, 1974. During his short stay as per records held at this Depot he gained utmost dissatisfaction of the authorities due to his indifferent attitude towards his allotted duties



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and misbehaviours with fellow workers and authorities. His Service Books also prove his irregularities during his stay in the previous units. Regarding promotion the applicant has willfully made a wrong statement that he was granted promotions from time to time during his service period. Virtually he was never given any promotion. He was appointed and removed from service as Civilian Carpenter only.

19. That the contents of paragraph 6 (iii) of the petition are denied. The applicant was never promoted from Carpenter ~~Grade I~~ to Carpenter Grade II throughout his service career. He was, however, posted from No. 4 BHD, Air Force to No. 1 BHD, Air Force on 01 Dec. 65 as Civilian Carpenter.
20. That the contents of paragraph 6 (iv) of the petition are denied. The applicant remained in the post of Civilian Carpenter since his appointment. He was even not promoted from Civilian Carpenter to the post of Carpenter Grade II. As such his promotion to the post of Carpenter Grade I does not arise at all. However, the statement of the applicant given in this paragraph is contradictory

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-: 8 :-

because as per existing regulations promotions are not given to the Industrial Employees unless and until they qualify the Trade Tests for the higher Grade whereas the applicant stated that he worked from 1965 to 1968 in different sections of No.1 BRD, Air Force in the post of Carpenter Grade I and finally he passed the examination of Grade I. on 1 Jan 1966. As such his contention is not accepted.

21. That the contents of paragraph 6 (v) of the petition are not admitted. The individual was posted to No.4 BRD, AF wef 20.2.1969 as Civilian Carpenter and not as Carpenter Grade I.
22. That the contents of paragraph 6 (vi) of the petition are denied. The individual was holding the post of Civilian Carpenter as per sanctioned establishment only. The contention of the individual is wrong and misleading.
23. That the contents of paragraph 6 (vii) of the petition are denied. The statement is ambiguous and wrong. The individual was held against the



-: 9 :-

establishment of Civilian Carpenter and was accordingly transferred to No.29 ED AF wef 9.7.1969 in the same capacity. The applicant was not even promoted to Carpenter II (A) and as such there is no question for his promotion to supervisory post. The statement of individual is wrong, mischievous and misleading.

o

24. That the contents of paragraph 6 (viii) of the petition are denied. The individual was posted to No.29 ED, AF w.e.f. 9.7.1969 but covering authority was issued by Air Headquarters on 18.12.1972. The individual was detached from 29 ED, AF and attached to No.4 BRD, AF wef 9.7.1969 to 25.10.1973. As the individual was attached to 4 BRD, AF, he was relieved and routed to No.29 ED, AF wef 26.10.1973 vide letter No.4BRD/52/15/PC dated 26.10.1973. To become supervisor a civilian carpenter is to undergo the following process:-

<u>From.</u>	<u>To.</u>	<u>Conditions as per recruitment rules.</u>
Civ. Carp.	Carp II (A)	Must have rendered 5 years service in the grade and have qualified trade test.

2

<u>From.</u>	<u>To.</u>	<u>Conditioned as per recruitment rules.</u>
Carp. II (A)	Carp I (A)	Must have rendered 5 years service in the grade and have qualified trade test.
Carp. I (A)	Supervisor	Must have rendered 3 years service in the grade and have qualified trade test.

As the individual was holding Civilian Carpenter Post, the question of promoting him to supervisor does not arise. It is thus clear that there was no malafide and ulterior motive against the applicant and allegations are wrong, baseless and mischievous.

25. That the contents of paragraph 6 (ix) of the petition are denied. The contention of the applicant is wrong, since he was holding Civilian Carpenter post. He was posted to No. 29 ED, AF wef 9.7.1969 as Civilian Carpenter. The applicant was never promoted Carpenter Grade I, the question of his posting as Carpenter I or reverting him from Carpenter I to Carpenter Grade II in case no vacancy exists in Carpenter I does not arise.
26. That the contents of paragraph 6 (x) of the petition are denied. Applicant alongwith other four carpenters

contd....




-: 11 :-

was relieved and routed to No.29 ED, Air Force with effect from 26 Oct 73 as Civilian Carpenter issuing a combined movement orders vide 4BRD/52/15/PC dated 26 Oct. 73. He did not report for duty as directed, but he reported for duty to No.29 ED, Air Force on 05 Mar 74. During the period from 26 Oct. 73 to 04 Mar 74 where the individual was working is not known.

27. That the contents of paragraph 6 (xi) of the petition are not admitted as stated. The applicant was allotted with Identity Card No.29ED/T/17. He was regularly entering the Technical area of the Depot to attend his duties which could not have been possible for him in the absence of an Identity Card. Whether the tool box was issued to him or not cannot be ascertained at this belated stage but no work of a Carpenter is practically possible without tools. As such the contention of the applicant is wrong and mischievous.
28. That the contents of paragraph 6 (xii) of the *The Services of applicant were terminated under* petition are denied. *(Rule 14 (4) of CCS (CCA) Rules, 1965 on 11 Jul 74 after holding and finalisation of a valid Departmental Inquiry.*
- 2

-: 12 :-

A copy of the Removal Order is placed as Annexure 'A'. It was, no doubt, a case of misconduct and misbehaviour.

29. That the contents of paragraph 6 (xiii) of the petition are denied. A Chargesheet giving articles of charges framed against the applicant under Rule 14 of CCS (CCA) Rules, 1965 was served on him affording him an opportunity for submission of his Defence Statement/to be heard in person within 10 days time on its receipt. Since the applicant failed to do so, the time limit was extended time and again to produce his defence statement/to be heard in person but with no result. Finally the case was decided ex parte as per the rules in existence/stipulated in the abovesaid chargesheet.
30. That the contents of para 6 (xiv) of the petition are denied. As stated in paras (xii) and (xiii) above. In addition a writ petition against his removal from service filed by the applicant was heard on 10 Sep 74 and dismissed the case by the Hon'ble High Court of Judicature at Allahabad. A letter to this effect received from Standing Counsel Central Govt. dated 19/26 Sep 74 is enclosed as Annexure 'B'.
- 

-: 13 :-

31. That the contents of paragraph 6 (xv) of the petition are admitted. The account of the applicant has already been finalised. An amount of Rs.700/- was paid to him as his pay for the period from 5 March 74 to 28 May, 1974 (since the applicant physically reported and taken on the strength on 5 Mar 74) on 5 Jun 74. He was suspended on 28 May 74. A sum of Rs.929.25 on account of settlement of applicant's running ledger account (IRLA) was paid to him on 22 Nov 78. The GP Fund balance i.e. an amount of Rs.4,213/- was also paid to him on 5 Oct. 87. The GP Fund account was finalised soon after his removal from service. The amount was transferred to unclaimed deposit since the same was not claimed by the applicant earlier. It is fault of the petitioner in ^{not} taking the amount.
32. That the contents of para 6 (xvi) of the petition are not admitted as stated. Since all payments were finalised, no comments offered.
33. That the contents of paragraph 6 (xvii) of the petition are denied. As per Govt. of India letter

No.F.5 (3)/84/D(Air-III)/1115/86/D (Lab) dated 6 Oct. 86 (Annexure III of the application) the applicant did not pursue his case.

34. That the contents of paragraph 6 (xviii) of the petition are denied. In addition to Air Headquarters letter No. Air HQ/23044/128/PC4 dated 15 May 87 (Annexure IV of the application), Joint Director Personnel Civilians, Air Headquarters, New Delhi wrote a letter No. Air HQ/23044/128/PC4 dated 19 May 87 (Placed at Annexure 'C') for early finalisation of all outstanding claims of the applicant. In response, the applicant was given four sets of completed Form 'g' of Air Force Order No. 66/76 for final payment of his GP Fund on 24 Jun 87 for his signature but the applicant refused to sign the filled Form and returned it to the concerned officer for processing. Since the applicant refused to sign his claim which is a mandatory requirement, no action could be taken for settlement of his payment of GP Fund. Subsequently he has been paid Rs. 4,213/- as GP Fund on 5 Oct 87.

35. That the contents of paragraph 6 (xix), ~~of the~~ (xx) and (xxi) of the petition are not admitted

for want of knowledge except that the petitioner is not in employment since 1974. It is fault of the petitioner in not settling his matter.

36. That the contents of paragraph 6 (xiii) of the petition are denied. The applicant was rightly removed from service under Rule 14 of CCS (CCA) Rules 1965 after holding a lawful court of Inquiry against him. His removal from service had also been authenticated by the Hon'ble High Court, Allahabad by dismissing his writ petition against removal from service.

37. That the contents of paragraph 6 (xiii) are denied. The payment of pay and allowances, GP Fund etc. have already been made to him as per the details given below:-

A. Pay from 26.10.73 to 11.7.74	} The applicant physically reported to No.29 ED, Air Force on 5 Mar 74 and suspended on 28 May 74. As such an amount of Rs.700/- was paid to him on account of his pay for the period from 5 Mar 74 to 28 May 1974.
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A95

B. Suspension allowances
for 14 days.

&

E. Increment from 1968 to
1974.

An amount of Rs. 929.25p. had
been paid to the applicant
towards final settlement of
his account on 22 Nov 78.

C. GP Fund.

A sum of Rs. 4,213/- paid to
the applicant towards settlement
of his GP Fund account on
5 Oct. 87.

D. Gratuity of 13 months
pay

Not admissible under Rule 24
of CCS (Pension) Rules 1972,
since the applicant was removed
from service on Disciplinary
grounds.

F. Total leave 1968 to 1974)

Not admissible. Payment of leave
encashment is admissible to those
Govt. servants who retire from
service on superannuation on or
after 30 Sep 77.

38. That the contents of paragraphs 7, 8 and 9 of the
petition are denied. There is no ground to interfere
by the Hon'ble Tribunal.

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A 96

39. That in view of the fact that all the dues payable to the applicant on his removal from services have already been paid to him, the case may, therefore, be dismissed with costs.

WM
~~DEPONENT~~
P. Prakash Rao
Group Captain
Commanding Officer
4 BRD Air Force
CA

VERIFICATION:-

I Group Captain P. Prakash Rao,
do hereby verify that the contents of
paragraphs 1, 2 of this Affidavit
are true to my personal knowledge and
the contents of paragraphs 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18,
19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37
are true to my knowledge on the basis of information
derived from records and the contents of
paragraphs 38, 39
are true to my belief on legal advice received, which
I believe to be true. Nothing contained herein is
false nor anything material has been concealed. So
help me God.

Verified this day of
1987 at Kanpur.

WM
~~DEPONENT~~
P. Prakash Rao
Group Captain
Commanding Officer
4 BRD Air Force
12

A 97

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

COUNTER AFFIDAVIT

IN

REGISTRATION NO. OF 1987

R.S. Sharma ... APPLICANT

V E R S U S

UNION OF INDIA & OTHERS ... RESPONDENTS.

ANNEXURE 'A'

No.29ED/9726/1/PC

No.29 Equipment Depot,
Air Force C/o 56 APO

11 July 1974

ORDER.

Whereas Shri R.S. Sharma, Civilian Carpenter P/A No. 19142 of No.29 E.D. AF has been charge sheeted by the undersigned vide memorandum No.29 ED/9726/1/PC dated 29 May 1974.

And, whereas the articles of charge Nos.I, II and III have been proved against the said Shri R.S. Sharma as a result of Inquiry held into the charges and Shri R.S. Sharma has not made any representation to the Show Cause Notice issued to him vide memorandum No.29 ED/9726/1/PC dated 19 June 1974 (received by him on 25 June 1974).

And, whereas, on the face of the inquiry report it is considered that the conduct of the said Shri R.S. Sharma, Civilian Carpenter is such as to render his further retention in public service undesirable.

contd. on 2

Now, therefore, in exercise of the powers conferred by rule 14 (4) of the Central Civil Services (Classification, Control & Appeal) Rules, 1965 the undersigned hereby imposes the following penalty on the said Shri R.S. Sharma, Civilian Carpenter P/A No.19142.

"Removal from service with immediate effect"

Sd/- x x x x

(S.N. PATEL)

Group Captain

Officer Commanding.

Shri R.S. Sharma, Civilian Carpenter,
P/A No.19142, House No.376,
Faithfulganj,
KANPUR CANTT.

A 99

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

COUNTER AFFIDAVIT

IN

REGISTRATION NO. OF 1987

R.S. Sharma ... APPLICANT

V E R S U S

UNION OF INDIA & OTHERS ... RESPONDENTS.

ANNEXURE 'B'

V.K. Barman,
Advocate.

9-B, Sapru Road,
Allahabad, Dt. 19.9.74.

The Officer Commanding,
No. 29 Equipment Depo., Air Force,
C/o 56, Army P.O. Kanpur.

Dear Sir,

Re:- Writ petition No. of 1974
R.S. Sharma Vs. Group Capt. Officer
Commanding & others.

The above petition was heard on 10.9.1974 and the Bench of this Hon'ble Court was pleased to dismiss the same. I am enclosing herewith a copy of the writ petition for ready reference. I am sending my bill in duplicate, the payment of which may be made at an early date.

Yours faithfully,

Sd/- x x x x

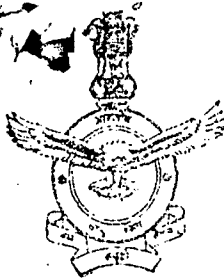
(V.K. Barman)
Junior Standing Counsel
Central Government.

Encl: Bills.

26/9/74

ANNEXURE - C

14 P
A100



S K Mukhopadhyay
Joint Director Personnel (Civ)

Tele : 3010231/657

Air HQ/23044/128/PC-4

Air Headquarters
Vayu Bhawan
New Delhi - 110011

19 May 87

Dear Cap Cam

Dismissed
by VC 29/50
LW
→

1. Shri RS Sharma, Ex-Carpenter, was dismissed from service with effect from 11 Jul 74. He has now vide his applications dated 09 Apr 87 and 08 May 87 requested inter-alia for payment of his provident fund amount (for the first time) to this HQ.

2. The matter was urgently got investigated from the AFCAO and they have sent a Signal to your Station vide FA/355 dated 11 May 87, requesting you to forward Appendix 'G' to AFO 66/76 in respect of Shri RS Sharma. They have also said that even after repeated reminders during 1976-77, Shri Sharma did not fill up Form 'G' or claim Provident Fund amount. Therefore, after ascertaining from your unit that the whereabouts of Shri Sharma were not known, the money was deposited with the Government.

3. When Shri Sharma met me in my office on 15 May 87 I had handed over the requisite Form 'G' to AFO 66/76 to him, which he initially agreed to carry personally to Kanpur and get endorsed by the Accounts authorities of No 402 Air Force Station after filling up the same. I had handed over a DO letter for you also to him requesting your personal intervention in this case. Shri Sharma however, has returned both the Form 'G' and the DO letter on 18 May 87 to this office and stated that the case be processed through mail as usual as he was not interested in getting the work done personally.

4. This individual has been requesting to various higher authorities in Air HQ and Ministry of Defence time and again. We at this HQ and the Ministry of Defence are trying our best to ensure that Shri Sharma's fund amount for which he has now applied for the first time is paid as quickly as possible. I shall be grateful, if you could look into this case personally and help the individual if he reports to your station for this purpose. In the meantime, you may kindly send the requisite papers to the individual at his residential address in order to get the forms etc

Four sets of App G
given to Shri RS Sharma
on 24/6/87 by
HL Raj Singh AG 23/50
in my presence. Shri Sharma
has refused to sign the
filled form and give it to
me by 24/6/87
NAA
Shri RC Sharma
referred to me
for the first time
at 1000 Hrs on
24 June 87.
3337/1 LW

I N D E X

Sl No.	particulars	Page
1.	Application.	17
2.	Annexure-I true copy of letter dt. 12.2.87.	18
3	AN. No 1A. Kw copy letter dt. 18.8.87	19
4.	Annexure-II, copy of application dt. 30.3.87	20
5.	Annexure-III, copy of letter dt. 6.10.86	21
6.	Annexure-IV letter dt. 15.5.87.	22
7.	AN. No 1A Receipt dt 5/10/87	23
8.	Vakalatnama.	24

Date of receipt

By Post

Registration No.....

Signature
Registrar

~~In the presence of~~

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
BENCH, ALLAHABAD.

B e t w e e n

R.S. Sharma son of Sri Ramanand Sharma

r/o Ex Carpenter Grade one No.4 B R D Air Force

Kanpur, Pay Account no.19142, at present residing
at village Padri Ganeshpur Post Nakfulaha, District

Rei Bareilly, U.P.

.....Applicant.

AND

1. Union of India

2. Officer Commanding 29 B.D. Air Force, Kanpur

3. Officer Commanding 4, B.R.D. Air Force, Kanpur

.....Respondent.

RAI - 30-8

2.

1. PARTICULARS OF THE APPLICANT.

(a) Name of the Applicant - Sri R.S. Sharma.

(b) Name of the Father - Sri Ramanand Sharma.

(c) Designation and Office - Carpenter I.A. 10.8.1962.

(d) Age of the applicant- ~~As given above~~

(e) Office Address- As given above.

(f) Address for the service of

Notices - village Padrai

Ganeshpur, P.O. Nakfulba, distt

Raibareilly U.P.

2. Particulars of the Respondents.

1. Union of India

2. Officer Commanding 29 E.D. Air Force, Kanpur

3. Officer Commanding 4 B.R.D. Air Force Kanpur.

3. Particulars of the Order dated against which the application is made.

Against the order dated 11.7.74 passed by

the officer commanding 29 E.D. Air Force Kanpur

common terminating the services of the applicant

3/11/74 21/11/74

.3.

legal and valid opportunity to the applicant to defend himself from the charges level against him for misconduct and misbehaviour as such the order dated 11.7.74 is totally illegal and without jurisdiction.

4. Jurisdiction of the Tribunal

That applicant declares that subject matter of the order against which the applicant want redressal is within the jurisdiction of the central ~~Trials~~ Administrative Tribunal at Allahabad and the order of termination is from the service of the applicant has been passed by Officer Commanding 29 B.D. Air Force Kanpur therefore the Jurisdiction to entertain the application under section 19 of the Administrative Tribunal Act 1935.

5. Limitation

The applicant has received of R. 4213.00 by cheque no. Sl. no. A24 839702 dated 05-10-1987
100

3/12/2011 2/11/11

.4.

towards his final settlement of G.P.F. according to the authorities which is not admitted and as such the application is within limitation prescribed under 21 of the Administrative Tribunal Act 1985 as the applicant wants a direction to be issued to the opposite parties to finally settle all the remuneration allowances, G.P.F. Fund, Suspension allowances, Gratuity and salary and increment according to revised pay scale time to time which he is legally entitled, and the limitation will run from 5.10.1987 when he gets part payment of his GPF fund and as such the petition is within the limitation under the said section.

6. Facts of the Case

(1) That the applicant has joined the service as a carpenter grade III in the Unit of the opposite party no.2 on 10.8.1962 after competing the written examination conducted by the authorities concerned.

3/12-2018/1/1

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.5.

(ii) That the applicants services was satisfactory to the authorities concern and as such he was granted promotions time to time during his service period.

(iii) That the applicant has been promoted from grade 3 to grade II carpenter on 15.12.1965 vide office order no. 29 B 65 and he has been transfer fr om B R D Air Force Kanpur to No.1 B R D Air Force Kanpur as carpenter II (A).

(iv) That the applicant has worked from 1965 to 1968 in department/section Electrical and Instrument Repair Section No.1 BRD Kanpur in grade of I carpenter and finally he has pass the examination of grade I on 1.1.1966.

(v) That the applicant was declare surplus ex ployee in the unit No.1 B R D Kanpur Air Force on 16.12.68 and on this basis he has been transfer to no.4 B R D Air Force Kanpur on 17.3.1969 as the post of grade I Carpenter.

3/12/2024

.6.

iv) That in the department of establishment

No. 4 B R D Air Force Kanpur there was 10 vacancies
 4 for grade I carpenter and 5 vacancies for carpenter
 II A and no vacancies was existing for the carpenter
 grade III.

(vii) That the applicant was the ~~same~~ senior most
 carpenter ~~frankly~~ in his section and he was liable
 and entitled for the promotion as supervisor but the
 authorities has not given the opportunity of the same
 and they have transfer a junior most carpenter from
 other unit and as a supervisor just to forfeit the
 right and promotion of the applicant and the applicant
 has been transferred on 22.2.1974 from No. 4 B R D Air
 Force Kanpur to 29 E.D. Air Force Kanpur.

(viii) That transfer order dated 18.12.72 issued
 by Air Head Quarter New Delhi was made ~~acted~~ but it
 was acted upon and came into force on 22.12.74 ~~as~~
 with the malafide and ulterior motive against the
 applicant so he may not get the promotion as a

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.7.

supervisor in the unit.

(ix) That on 22.2.74 the applicant has been transferred to 29 E.D. Kanpur when there was no vacancies of grade I carpenter and he has been posted there as grade III carpenter without grading him from grade I to III which is also illegal without jurisdiction of the authorities concern.

(x) That the applicant has not been allowed to work in 29 E.D. Kanpur when he has a valid transfer order dated 22.2.74 but he was kept in station Head Quarter no. 402 Air Force Kanpur without any charge and he has been allowed to work from 5.3.74 without any valid and movement order from the authorities concern which is also illegal and without jurisdiction of the authorities concern.

(xi) That the applicant was not issued any Identity card no. of the unit 29 E.D. Kanpur nor provided any tools to work and as such the applicant

8/12. 1974 - 21/11/74

.8.

was totally helpless and verbally complained to the authorities concerned in this regard.

(xii) That on 11.7.74 the applicant has been terminated without any valid enquiry or trial on the ground of misconduct and misbehaviour.

(xiii) That the termination order dated 11.7.74 is ex-parte order without participating the applicant in that proceeding.

(iv) That no opportunity to defend himself has been given to the applicant to explain or defend the charges imposed against him as a whole enquiry conducted by the authorities concerned is illegal and without jurisdiction.

(v) That the applicant after his termination from his services repeatedly contacted with the authorities for his emoluments and funds but they have not paid any amount to the applicant. The applicant has written to the President of India on

14/10/74

12.2.86 regarding his ~~sax~~ salary etc. A true and correct copy of the application dated 12.2.86 sent to the President of India who is the whole sole responsible for the defence services is filed as annexure-I to this application.

xvi) That the applicant has also made representation to the defence Minister regarding his payment of salaries etc. but no purpose has been solved. The application dated 30.3.87 made to the defence minister is filed here as Annexure-II to this application.

(xvii) That the applicant after making representation to the authorities concern has received a letter from Ministry of defence dated 6.10.86 and he was very much hopeful that his claim will be settled by the authorities of the ~~concern~~ respondent no.2 but the applicant was very much disappointed that his claim has not been settled by the authorities after a year then he was bound to give representations to the President and defence Minister for the necessary action and the

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letters have been filed as annexure-I and II to this petition. A true copy of the letter dated 6.10.86 is filed here as annexure-III to this application.

(xiii) That the Joint Director Personal (civil) Air Force Head Quarter Vayu Bhavan New Delhi has directed to settle the dispute of Sri R.S.Sharma and in this regard any assistance can be always available to the authorities of No.402 Air Force station Kanpur but even then the authorities are not in position to settle the matter with the applicant letter dated 15.5.87 is hereby filed herewith and is marked as annexure-IV to this petition.

(xix) That the applicant is out of service right from 11.7.74 and he is running from the Kanpur to Delhi for his settlement of the account from Raibareli where he resides as such which is very difficult for him to contest his claim.

(xx) That as stated about by various reminder

उपरोक्त बातें

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and personal visit to the opposite parties no heed has been paid inspite of the fact that the applicant has been jobless right from 11.7.74 when his services has been terminated by the authorities concern.

(x xi) That the opposite parties have been errored in law and violated the provisions of a article 311 of the constitution of India as well as they flouted the various government orders which protect the services of the Central Employees and gives statutory right of their employments.

(xxii) That the opposite partys have also over looked and violated the principle of natural justice not offording the opportunity to the applica nt to defend himself.

(xxiii) That the applicant is entitled for his service salary, allowances etc. given as follows :-

अपेक्षा करी

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.12.

A) Pay from 26.10.1973 to 11.7.1974 of	Rs. 6300.00
B) Suspension allowances for 14 days	Rs. 400.00
C) G P F Fund	Rs. 1806.00
D) Gratuity of 13 months pay	Rs. 10400.00
E) Increment from 1968 to 1974	Rs. 423.00
F) Total leave 1968 to 1974	Rs. 7975.00

Total

27,804 = w

7. Details of Remedies

The applicant declares that he has avail all the possible remedies available to him under the relevant service rules but acutuotitdes has not given any heel and at last he has no option but to invoke the jurisdiction of this Administrative Tribunal act 1985.

8. Matter not filed previously filed or pending With any other courts.

अति-रत अति

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.13.

That applicant declare that he has filed writ petition before the Hon'ble High court at Allahabad against the termination order dated 11.7.74 but his writ petition was dismissed in limine on the same day and as such no application suit or proceedings pending before any court of law or any authority or any other bench of the tribunal.

9. Relief Sought

In view of the facts mentioned in para 6 above the applicant begs for following relief :

A- Pay from 26.10.73 to 11.7.74	Rs. 6500.00
B- Suspension allowances for 14 days	" 400.00
C- GPF fund	" 1806.00
D-Gratuity of 13 months pay	" 10400.00
E-Increment from 1968 to 1974	" 423.00
F- Total leave 1968 to 1974	" 7975.00

212 443756

Total

27,804 = 00

14

.14.

B- The opposite parties be may be directed to settle the claim of the applicant given in relief clause A or pass any such other and further order as this Hon'ble court may deem fit and proper to meet the ends of justice.

C- That the opposite parties be further directed to pay the 9% interest of the total claimed amount right from 1974 to till the decision of the case.

D- Any other relief may be granted to the applicant which this Hon'ble Tribunal may deem fit and proper as in the circumstances of the case.

E- That the applicant be awarded cost of the application.

G R O U N D S

A- Because opposite parties no. 2 to 3 has illegally without jurisdiction termination order dated 11.7.74 against the applicant .

B- Because no opportunity have been given to

अवि २०११/२०११

.15.

the applicant to defend himself against the charges level against him as such whole enquiry is without jurisdiction in the eye of law and illegal also.

C- Because the opposite parties acted in violance of the principle of natural justice and article 311 14 and 16 of the constitution of India terminating the applicant from his services without affording any opportunity to the applicant.

D- Because the applicant is entitle to recover all his arrier, salaries, GPF fund, gratuity, incinnets and suspenstion allowances etc. alongwith 9% interest as bank rate from 1974 to decision of the case.

10. Interim Order, if any prayed for

No.

11. Particulars of Bank Drafts/Postal order in respect of the application fees

1. Number of Indian Postal Order.

2. Name of the issuing Post Office,
Allahabad .

3/12-25-2/10/11

.16.

3. Date of the issue of
Postal Order.

4. Post Office at which Payable
Allahabad.

12. List of enclosures

As mentioned in the Index enclosed to the
application.

17
17.

VERIFICATION

I.R.S. Sharma son of Sri Ramanand Sharma aged
about years resident of Ex-Carpenter Grade I
No. 4 BRD Air Force Kanpur, pay account no. 19142, at
present residing at village Padri Geneshpur, Post
Nakfulha District Raibareilly do hereby verify on his
behalf ~~and on behalf of~~ that the contents of paragraph
nos.

are true to my personal knowledge and record the
contents of paragraph nos.

are based on information and paragraph nos.

are based on record and those
paragraph nos.

believed to be true on legal advise,
which all I believe to be true and that I have
not suppressed any material fact.

Applicant.

Counsel for the applicant.

Place Allahabad.

Date Oct. 1987

To

वै. प्र. शर्मा

प्राप्त : १०/१०/१९८८

911262 1000000

विषय :- हमारे सौजन्य प्रभाव है कि मैं सच कहूँ।
मुझे चक्री नं. १ मिल चुका है। मैं सच कहूँ। कारकटर बाँट कर
मैंने कहा था कि मैंने इसे दे दिया था।
और सोचा था कि मैंने इसे दे दिया था।
यदि मैंने इसे दे दिया था तो मैंने इसे दे दिया था।
आप डिप्टी को कहें कि मैंने इसे दे दिया था।
नहीं दिया गया। इस लिए इस विषय में आप से माफ़ी
है कि मुझे आप (राष्ट्रपति जी) के निकट का सारा दिना
लेख दिया है कि मैंने इसे दे दिया था।
मैंने इसे दे दिया है। मैंने इसे दे दिया है।
आप धन्य वर प्रेषित कर आशावादी हैं कि मैंने इसे दे दिया था।
आपका अक्षर है कि मैंने इसे दे दिया था।

प्रातः

उमाश. राम. शर्मा

ग्राम - पटरी गजेशपुर

जो २ - नमस्ते महोदय

जिला - रायचूर

संसाधन विभाग (उ.प्र.)

आपका साथी

उपार्थ. एतत् वाग

संख्या कार्ड-2 र 315 का

नं. ४ बी. आर. डी. रायचौरी
कानपुर पी. ए. नं. १६१४२

92-2-26

12/2/87

372-25-257

आपका नाम ज्ञात है। जे. सी. पन्हा साहब

१६-४-२६

आपका नाम ज्ञात है। जे. सी. पन्हा साहब
मं. २ स्थान और स्टेशन ज्ञानपुर चलेगी

मेवा में सविनय प्रार्थना है। कि प्रार्थना और स्थान, शमी
कारपेन्टर गेट नं. ४ की ओर जे. चलेगी ज्ञानपुर
गिर. नं. १६१४२ को अभी तक २६ अक्टूबर १६७३ से
११-६-६४ तक का कोई पैस नहीं पेयमेंट किया गया
पेय मेंट दिलाने को क्या करें आप को उम्मीद क्या होगी
आपका यह उपकार जीवन प्रयत्न तक नहीं भूलेंगा
पेयमेंट का दवाब इस प्रकार है

डिली को पेय स्टैंड स्लाब २६ अक्टूबर से ११-६-६५
तक इक्कीज मेंट १६६८ से ११-६-६४ तक
१-१-६३ के २-केल रिवाइज स्टोरियर
और सस्ते मेंशन स्लाब २६ अक्टूबर जे. पी. फण्ड
जोना जोजनटी और पेयमेंट

आपका प्रार्थना
आर. स्थान, शमी

नाम - आर. स्थान

शमी - पुरी ज्ञानपुर

गिर. नं. १६१४२

जोना - राधावती

राजादीयेश्वर असे

पुरु अपली केबल स्टेशन स्थापित

स्वस्थता के २ स्थान जे. सी. पन्हा

मेवा में सविनय प्रार्थना है। कि प्रार्थना और स्थान, शमी
कारपेन्टर गेट नं. ४ की ओर जे. चलेगी ज्ञानपुर
गिर. नं. १६१४२ को अभी तक २६ अक्टूबर १६७३ से
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आपका यह उपकार जीवन प्रयत्न तक नहीं भूलेंगा
पेयमेंट का दवाब इस प्रकार है

डिली को पेय स्टैंड स्लाब २६ अक्टूबर से ११-६-६५

तक इक्कीज मेंट १६६८ से ११-६-६४ तक

१-१-६३ के २-केल रिवाइज स्टोरियर

और सस्ते मेंशन स्लाब २६ अक्टूबर जे. पी. फण्ड

जोना जोजनटी और पेयमेंट

Date 8-9-17

आर. स्थान, शमी

1/10

श्री श्री राजा सेवा मण्डल भारत सरकार विभाग

महोदय आर्य डिपेंस साउथ वलोक जॉई दिल्ली

सेवा में आविष्य प्रयोजन है कि मेरा पैस अभी तक कोई भी नहीं पैस
मेन्ट किया गया जब कि मुझे १९६४ में सर्विस से बाहर कर दिया गया
और स्वर फोर्स फाजी में पैस मेन्ट दिव्य रहा है जो कि हमारे
दरगत पैस वाउचर से मिलते नहीं है जो पैस मेन्ट हमारा दुसरे
किया गया है उस पैस मेन्ट का हवाला मुझे दिया जाय जब जा पैस
है और जेन जेन सा पैस मेन्ट डुबलडु अलका अलका सारा पैस
नी और रिक्वरी इस्टा पैस और जब किया उसका वाउचर माहिर
मुझे देने की हुवा करे आप की आती कृपा होगी

आप का प्रार्थी

आर. रमेशचामी
पुडरी जेनरल डुर
पुडरी जेनरल फलहा
जिला रायनरली

आर. रमेश. रमो
जिलेनर जेट I
नं. १९१४२
RT/1802
जि. म. B. R. ११२ F. ०४५६८
कलकत्ता (W.P.)

कई आपली मेन्ट १९६४ से अब तक दे चुका है जिसका कोई
रिफरुवा सही नहीं किया जाता अगर गोवर्मेन्ट को हम से पैस लेना
हुता तो लच्छा १२ साल लगे सकते केल्थ्य वाउचर जारीना गोवर्मेन्ट
से बनवाया जाता केल्थ्य मेन्ट लिखे नहीं इसका सतागत सरकार
गोवर्मेन्ट नहीं करनी चाहिये और वाजरेस सरकार का साह देने
अन्तय है

B/387
Ministry of Defence
जी. डी. D. Lab

अर. रमेश

Ann No 3

21

REGISTERED A.D.

No. F.5(3)/84/D(Air-III)/1115/86/D(Lab)
Government of India,
Ministry of Defence,

NEW DELHI, the 6th October, 1986.

To

Shri R.S. Sharma,
Ex-Carpenter,
Village Padari G neshpur,
Post Office Nak Pulha,
Distt. Rae Bareilly (U.P.)

Subject :- Payment of arrears of Pay and Allowances
to Shri R.S. Sharma, Ex-Carpenter.

* * * *

Sir,

Reference your representation dated 15-6-1986
addressed to Prime Minister and also personal discussion
with JS(E).

2. You were informed vide this Ministry's letter of even
number dated 6th March, 1986 that you were apprised of the
details of Rs. 920/- paid to you by Air Force authorities
on 22-11-1978 by enclosing a copy of the acquittance roll.
During discussion you had raised two points :-

- (1) The payments have not been made to you.
- (2) There are still certain amounts which are due
to you.

3. Since there is your signature on the documents in
token of the receipt of payments, if you still feel that
the payments have not been made to you, it is suggested
that you may take up either with the police or with the
office where you were working last for further necessary
action in this regard.

4. As regards the point at (2), you should give the
details of the amounts together with the accounts on which
they are due to enable the Air Force authorities to look
into the matter.

5. You are advised to contact the office in which you
were working (No. 402, Air Force Station) for any clarifica-
tions on the issue of the payments made to you/due to you.

Yours faithfully,

(J.P. RASTOGI)

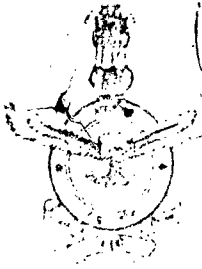
UNDER SECRETARY TO THE GOVT OF INDIA

Am. No 4

22

(1) (7/11/74)
(2)

President
B. K. S.



SK Mukhopadhyay
Joint Director Personnel (Civ)

Telephone : 3010231/667

Air Headquarters
Vayu Bhawan
New Delhi - 110011

Air HQ/23044/128/PC-4

15 May 87

Dear Capt Kumar

1. Shri RS Sharma, Ex-Carpenter, was dismissed from service with effect from 11 Jul 74. He has now vide his application dated 08 May 87 requested inter-alia for payment of his Provident Fund amount (for the first time) to this HQ.
2. The matter was urgently got investigated from the AFCAO and they have sent a signal to your Station vide FA/355 dated 11 May 87. They have also said that even after repeated reminders during the year 1976-77 Shri RS Sharma did not fill up Form 'G' or claim Provident Fund amount. Therefore, after ascertaining from your unit that the whereabouts of Shri RS Sharma were not known the money was deposited with the Government.
3. Shri Sharma again met me on 15 May 87 and I have handed over the requisite Form 'G' to him and have obtained his signatures for having received the same. He has also requested that he would like to take this form personally to Kanpur, after filling up the same, to get it signed by the Accounts authorities and bring back the same for delivering it to AFCAO.
4. We at this HQ and the Ministry of Defence are trying our best to help him and would like to ensure that his fund amount for which he has now applied be paid as quickly as possible.
5. I shall be grateful if you could look into this personally. We will also be grateful if the form after counter-signature etc by the Accounts authorities is handed over to Shri RS Sharma. If there is any problem in this regard I shall appreciate if you call me up on telephone.

With Regards to you & Mrs Kumar

Yours sincerely

B. K. S.

Gp Capt S Kumar, VM
C Ad O
No 402 Air Force Station
C/o 56 A P O

31/5/87

For No 6A

23

6

BY HAND

SIMPLE RECEIPT

Received Rs 4,213-00 (Rupees Four thousand two hundred thirteen only) by Cheque and Cash on account of final settlement of GPF as follows :-

- a) By Cheque Sl No. ^{A24} 100 839702 dt 05-10-87 : 4,100-00
b) By Cash : 113-00

Total : 4,213-00

*Date : 05 Oct 87

(RS Sharma)
PA/19142
Ex-Corp

3/12 2557 2000

Oli

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अति. 2-11-2017

1
Date of receipt

By Post

Registration No.

Signature
Registrar

Private Communication

RE: THE CRIMINAL MATTER OF THE STATE OF MICHIGAN
IN RE, ALLEGED.

D.D. Address of the Registrar

c/o The Registrar General and S.D. & D. Office

at New, P.O. Box No. 10142, at present residing

at Village of the Capital of the United States, District

and County, D.C.

..... Applicant.

AND

1. Union of India

2. Officers Commanding 23 D.D. Air Force, Kanpur

3. Officer Commanding 4, C. D. Air Force, Kanpur

..... For present.

3/12/57

2.

1. PARTICULARS OF THE APPLICANT.

- (a) Name of the Applicant - Sri R.S. Sharma.
- (b) Name of the Father - Sri Ramchand Sharma.
- (c) Designation and Office - Carpenter I.A. 10.0.1962.
- (d) Age of the Applicant - 45 years.
- (e) Office Address - As given above.
- (f) Address for the service of Notices - village Farai
Canechaur, P.O. Mahabha, Dist.
Raipur U.P.

2. Particulars of the Respondents.

1. Union of India
2. Officer Commanding 20 B.D. Air Force, Raipur
3. Officer Commanding 4 B.D. Air Force, Raipur.

3. Particulars of the Order dated against which the application is made.

Against the order dated 11.7.76 passed by
the officer commanding 20 B.D. Air Force, Raipur
terminating the services of the applicant

From the post of Clerk I. Commission without pay

3/11/76

3
3.
.

legal and valid opportunity to the applicant to defend himself from the charges level against him for misconduct and misbehaviour as such the order dated 11.7.74 is totally illegal and without jurisdiction.

4. Jurisdiction of the Tribunal

That applicant declares that subject matter of the order against which the applicant want redressal is within the jurisdiction of the central ~~Tribunal~~ Administrative Tribunal at Allahabad and the order of termination is from the service of the applicant has been passed by Officer Commanding 29 S.D. Air Force Kanpur therefore the Jurisdiction to entertain the application under section 19 of the Administrative Tribunal Act 1985.

5. Limitation

The applicant has received Rs. 4213.00 by cheque no. 81, No. A24 839702 dated 05-10-1987
100

रि. २२४ १०११

4.

towards his final settlement of G.P.F. according to the authorities which is not admitted and as such the application is with in limitation prescribed under 21 of the Administrative Tribunal Act 1935 as the applicant wants a direction to be issue to the opposite parties to finally settle all the remuneration allowances, G.P.F. Fund, Suspension allowances, Gratuity and salary and increment according to revise pay scale time to time which he is legally entitle, and the limitation will run from 5.10.1987 when he gets part payment of his GPF fund and as such the petition is within the limitation under the said section.

6. Facts of the Case

(1) That the applicant has joined the service as a carpenter grade III in the Unit of the opposite party no.2 on 10.8.1962 after competing the written examination conducted by the authorities concern.

25/2/88

.5.

(iii) That the applicants services are satisfactory to the authorities concerned and as such he was granted promotions time to time during his service period.

(iii) That the applicant has been promoted from grade 3 to grade 18 carpenter on 18.12.1965 vide office order no. 23 D 68 and he has been transfered on D R D Air Force Kanpur to No.2 D R D Air Force Kanpur as carpenter 18 (A).

(iv) That the applicant has worked from 1965 to 1968 in Department/section Electrical and Instrument Repair Section No.1 D R D Kanpur in grade of 3 carpenter and finally he has pass the examination of grade 2 on 22.1.1966.

(v) That the applicant was declared surplus on 16.12.63 in the unit No.3 D R D Kanpur Air Force on 16.12.63 and on this basis he has been transfered to No.4 D R D Air Force Kanpur on 17.3.1969 as the post of grade 2 Carpenter.

210 25/11/70

16
6.

iv) That in the department of establishment No. 4 B R D Air Force Kanpur there was 10 vacancies for grade I carpenter and 5 vacancies for carpenter II A and no vacancies was existing for the carpenter grade III.

(vii) That the applicant was the senior most carpenter in his section and he was liable and entitled for the promotion as supervisor but the authorities has not given the opportunity of the same and they have transfer a junior most carpenter from other unit and as a supervisor just to forfeit the right and promotion of the applicant and the applicant has been transferred on 22.2.1974 from No. 4 B R D Air Force Kanpur to 29 A.D. Air Force Kanpur.

(viii) That transfer order dated 18.12.72 issued by Air Head Quarter New Delhi was made null and void but it was acted upon and came into force on 22.12.74 as with the mala fide and ulterior motive against the applicant so he may not get the promotion as a

3012-257-577

2

.7.

supervisor in the unit.

(ix) That on 22.2.74 the applicant has been transferred to 29 E.D. Kanpur when there was no vacancies of grade I carpenter and he has been posted there as grade III carpenter without grading him from grade I to III which is also illegal without jurisdiction of the authorities concerned.

(x) That the applicant has not been allowed to work in 29 E.D. Kanpur when he has a valid transfer order dated 22.2.74 but he was kept in station Head Quarter no. 402 Air Force Kanpur without any charge and he has been allowed to work from 5.3.74 without any valid and movement order from the authorities concerned which is also illegal and without jurisdiction of the authorities concerned.

(xi) That the applicant was not issued any Identity card no. of the unit 29 E.D. Kanpur nor provided any tools to work and as such the applicant

7/4 22/2/74

8

.3.

was totally helpless and verily complained to the authorities concerned in this regard.

(iii) That on 11.7.76 the applicant has been terminated without any valid enquiry or trial on the ground of misconduct and mis behaviour.

(iii). That the termination order dated 11.7.76 is ex-parte order without participating the applicant in that proceeding.

(iv) That no opportunity to defend himself been given to the applicant to explain or defence the charges imposed against him as a whole enquiry conducted by the authorities concerned is illegal and without jurisdiction.

(v) That the applicant after his termination from his services reportedly contacted with the authorities for his monuments and funds but they have not paid any amount to the applicant. The

applicant has written to the President of India on

हरिद्वार

12.2.86 regarding his main salary etc. A true and correct copy of the application dated 12.2.86 sent to the President of India who is the whole sole responsible for the defence services is filed as annexure-I to this application.

xvi) That the applicant has also made representation to the defence Minister regarding his payment of salaries etc. but no purpose has been solved. The application dated 30.3.87 made to the defence minister is filed here as Annexure-II to this application.

(xvii) That the applicant after making representation to the authorities concerned has received a letter from Ministry of defence dated 6.10.86 and he was very much hopeful that his claim will be settled by the authorities of the ~~Ministry~~ respondent no.2 but the applicant was very much disappointed that his claim has not been settled by the authorities after a year then he was bound to give representations to the President and defence Minister for the necessary action and the

2/12-22/8/87

b

.10.

letters have been filed as annexure-I and II to this petition. A true copy of the letter dated 6.10.86 is filed here as annexure-III to this application.

(xiii) That the Joint Director Personal (civil) Air Force Head Quarter Vayu Bhawan New Delhi has directed to settle the dispute of Sri B.S. Sharma and in this regard any assistance can be always available to the authorities of No. 402 Air Force station Kanpur but even then the authorities are not in position to settle the matter with the applicant letter dated 15.5.87 is here by filed herewith and is marked as annexure-IV to this petition.

(xiv) That the applicant is out of service right from 11.7.74 and he is running from the Kanpur to Delhi for his settlement of the account from Raibareli where he resides as such which is very difficult for him to contest his claim.

(xx) That as stated about by various reminder

307 237 246

11

.11.

and personal visit to the opposite parties no heed has been paid inspite of the fact that the applicant has been jobless right from 11.7.74 when his services has been terminated by the authorities concern.

(x xi) That the opposite parties have been errored in law and violated the provisions of a article 311 of the constitution of India as well as they flouted the various government orders which protect the services of the Central Employees and gives statutory right of their employments.

(xvii) That the opposite parties have also overlooked and violated the principle of natural justice not affording the opportunity to the applicant to defend himself.

(xviii) That the applicant is entitled for his service salary, allowances etc. given as follows :-

अतिरिक्त वेतन

12

.12.

A) Pay from 26.10.1973 to

11.7.1974 of

Rs. 6800.00

B) Suspension allowances
for 14 days

Rs. 400.00

C) G P F Fund

Rs. 1306.00

D) Gratuity of 13 months
pay

Rs. 10400.00

E) Increment from 1968 to
1974

Rs. 423.00

F) Total leave 1968 to
1974

Rs. 7975.00

Total

27,804.00

7.

Details of Remedies

The applicant declares that he has avail
all the possible remedies available to him under the
relevant service rules but authorities has not given
any relief and at last he has no option but to invoke
the jurisdiction of this Administrative Tribunal act
1985.

8.

Matter not filed previously filed or pending

With any other courts.

27/8/85

13

.18.

That applicant declare that he has filed writ petition before the Hon'ble High court at Allahabad against the termination order dated 11.7.74 but his writ petition was dismissed in limine on the same day and as such no application suit or proceedings pending before any court of law or any authority or any other bench of the tribunal.

9. Relief Sought

In view of the facts mentioned in para 6 above the applicant begs for following relief :-

A- Pay from 28.1.73 to 11.7.74	Rs. 6900.00
B- Suspension allowances for 14 days	" 400.00
C- CPE fund	" 1806.00
D- Gratuity of 13 months pay	" 10400.00
E- Increment from 1968 to 1974	" 423.00
F- Total leave 1968 to 1974	" 7975.00

Total

27,804.00

312-581-3110

14.

- B- The opposite parties may be directed to settle the claim of the applicant given in relief clause A or pass any such other and further order as this Hon'ble court may deem fit and proper to meet the ends of justice.
- C- That the opposite parties be further directed to pay the 9% interest of the total claimed amount right from 1974 to till the decision of the case.
- D- Any other relief may be granted to the applicant which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.
- E- That the applicant be awarded cost of the application.

GROUND 3

- A- Because opposite parties no. 2 to 3 has illegally without jurisdiction terminated order dated 11.7.74 against the applicant.
- B- Because no opportunity have been given to
- 20/2/2017

.15.

the applice at to defance himself against the charges level against him as such whole enquiry is without jurisdiction in the eye of law and illegal also.

C- Because the opposite parties acted in violance of the principle of natural justice and article 311 14 and 16 of the constitution of India terminating the applicant from his services without affording any opportunity to the applicant.

D- Because the applicant is entitle to recover all his arrier, salaries, GPF fund, gratuity, inciaments and suspension allowances etc. alongwith 9% interest as bank rate from 1974 to decision of the case.

10. Interim Order. if a rv prayed for

No.

11. Particulars of Bank Drafts/Postal order in respect of the application fees

1. Number of Indian Postal Order.

2. Name of the issuing Post office,
Allahabad .

2012 2772 104

16

10.

3. Date of the issue of
postal order.

4. Post office at which Psycho
Allahabad.

12.

List of enclosures

As mentioned in the order enclosed to the
application.

ॐ नमो भगवते वासुदेवाय

17
17.
17

VERIFICATION

I, A. S. Sharma son of Sri Ramenand Sharma aged
about 12 years resident of Ex-Carpenter Grade I
No. 4 B.D. Air Force Nagar, pay account no. 19142, at
present residing at village Padri Ganeshpur, Post
Nakfulha District Raibareilly do hereby verify on his
behalf and certify that the contents of paragraph
nos.

are true to my personal knowledge and record the
contents of paragraph nos.

are based on information and paragraph nos.

are based on record and those
paragraph nos.

believed to be true on legal advice,
which all I believe to be true and that I have
not suppressed any material fact.

Applicant,

Counsel for the applicant,

Allahabad.

Date Oct. 1957

गान्धीय साहचर्य महीना

वारन - १९४२

विषय :- हमारे मित्रों को यह है कि मैं सार्वजनिक
पुर चलेगी न. १ बिल्डिंग डी में सार्वजनिक कारफेयर गेट का
संकेत करवाया और १९४२ में सार्वजनिक कर दिया गया
और सेवा का कोई भी पैसा आज तक नहीं मिल पाया है
यूनिट गी-टी-टी-टी का नाम वातावरण में दिखाने में
आफ डिफेंस को कई पत्र भेजे, ताकि मैं सेवा को रद्द कर
नहीं दिया गया। इस लिए इस विषय में आप से प्रार्थना की
है कि मुझे आप (साहचर्य जी) से मिलने का समय दिया
जैसे दुख को बात है कि गान्धीजी आपके डिफेंस में सेवा
गान्धीजी से रहा है मैं दूसरे विषयों का हाथ दोगा।
आप प्रार्थना कर प्रेषित कर आशावादी हैं कि मिलने का
अवसर अवश्य देगे।

पता :-

आर. एन. शर्मा

गाँव - पटरी गन्धीपुर

पोस्ट - नककुलहा

जिला - रायबरेली

संसादीय दि. १९४२ (३०५०)

आपका प्रार्थी

आर. एन. शर्मा

एन. कारपेंटर गेट का

नं. ४ बी. आर. डी सार्वजनिक

कानपुर पी. एन. १९४२

दिनांक
१२-२-४६

१२/२/४६

आर. एन. शर्मा

Ann. 14

69

आपका पता: जे. सी. पन्ना साहब

१६-४-८६

श्री मात स्वर अजीसर जमाना
मं. २ स्वर और स्टेशन जमानपुर चकरी

मेवा में सावित्र्य प्राप्ति है। कि प्राप्ति आर. स्वर. शमी
आर. पन्ना १६ ८ वी. आर. डी. चकरी जमानपुर
मी. २० नं. १६१४२ को अभी तक २६ अक्टूबर १६६३ से
११-६-६४ तक का कोई पैस नहीं पेयमेंट किया गया
पेयमेंट दिलाने को आप को अभी क्या होगा
आप का यह उपकार जीवन प्रयत्न तक नहीं मिला

पेयमेंट का हवाला इस प्रकार है

डिवी को पेयमेंट स्लाब २६ अक्टूबर से ११-६-६४

तक इक्कीज में १६६८ से ११-६-६४ तक

१-१-६३ के स्केल रिवाइज स्वरियर

और स्वरियर स्लाब २६ अक्टूबर से ११-६-६४

जो नौजवादी और पेयमेंट

आप का प्राप्ति

आर. स्वर. शमी

जो नौजवादी और पेयमेंट

श्री मात स्वर अजीसर जमाना

मं. २ स्वर और स्टेशन जमानपुर चकरी

मेवा में सावित्र्य प्राप्ति है। कि प्राप्ति आर. स्वर. शमी

आर. पन्ना १६ ८ वी. आर. डी. चकरी जमानपुर

मी. २० नं. १६१४२ को अभी तक २६ अक्टूबर १६६३ से

११-६-६४ तक का कोई पैस नहीं पेयमेंट किया गया

पेयमेंट दिलाने को आप को अभी क्या होगा

आप का यह उपकार जीवन प्रयत्न तक नहीं मिला

पेयमेंट का हवाला इस प्रकार है

डिवी को पेयमेंट स्लाब २६ अक्टूबर से ११-६-६४

तक इक्कीज में १६६८ से ११-६-६४ तक

१-१-६३ के स्केल रिवाइज स्वरियर

और स्वरियर स्लाब २६ अक्टूबर से ११-६-६४

जो नौजवादी और पेयमेंट

जो नौजवादी और पेयमेंट

१॥ श्री गणेशाय नमः ॥ श्री गणेशाय नमः ॥ श्री गणेशाय नमः ॥

गान्धी आत्म डिफेंस सत्र ७ लोक राई दिल्ली

सेवा में अविनाश प्रसिद्ध है कि मेरा पैसा अभी तक कोई भी वास्तविक
मैनेजर किया गया जब कि मुझे १९६४ में सर्विस से बाहर कर दिया गया
और स्क्वैर फार्मिंग फाजी में पैसा मैनेज दिखा रहा है जो कि हमारे
दस्तावेज पैसा बाउचर से मिलते नहीं हैं जो पैसा मैनेज हमारा मुसॉर
किया गया है उस पैसा मैनेज का हवाला मुझे दिया जाय जब कि पैसा
है और जोन जोन सा पैसा मैनेज डूबू लूड अलका अलका सोरा पैसा
की और रिक्करी इस दारा पैसा और कब किया उसका बाउचर सहित
मुझे देने की दृष्टि कोरे आय की आती दृष्टि होगी.

आपका प्रार्थी

आर. एस. शास्त्री
गडरी गानेशा पुत्र
पोस्ट नव्य फलहा
जिला रायचूर जिल्हा

आर.एस. शर्मा
लाशेनर गेट I
नं. १६१५२

RTV 1802
JF + B.R.D. + 12 FodRE: C
Kandor (U.P.)

कई आगली फरवरी १९६८ से अब तक के युवा हैं जिसका कोई
हिंदू मूल नहीं है। जहां अगर गोविंद ने जो हम से नाम लेना
होता तो क्या १२ साल लगे सकते थे? क्या व्यापक तरीका भी लिया
थे वनाया गया गोविंद ने लिखे नहीं इसका मतलब सरकार
गोविंद नहीं करनी चाहते और व्यापक सरकार का साथ देना
अन्याय है

3/25/87

259
Minister of Defense
The Hon. D. Loh

28/12/2022

Amoyo 3

21

REGISTERED A.D.

No. F.5(3)/84/D(Air-III)/1115/86/D(Lab)
Government of India,
Ministry of Defence,

NEW DELHI, the 6th October, 1986.

To

Shri R.S. Sharma,
Ex-Carpenter,
Village Padari G nashpur,
Post Office Nak Fulha,
Distt. Rae Bareilly (U.P.)

Subject :- Payment of arrears of Pay and Allowances
to Shri R.S. Sharma, Ex-Carpenter.

* * * *

Sir,

Reference your representation dated 15-6-1986
addressed to Prime Minister and also personal discussion
with JS(E).

2. You were informed vide this Ministry's letter of even
number dated 6th March, 1986 that you were apprised of the
details of Rs 929.27 paid to you by Air Force authorities
on 22-11-1978 by enclosing a copy of the acquittance roll.
During discussion you had raised two points :-

(1) The payments have not been made to you.

(2) There are still certain amounts which are due
to you.

3. Since there is your signature on the documents in
token of the receipt of payments, if you still feel that
the payments have not been made to you, it is suggested
that you may take up either with the police or with the
office where you were working last for further necessary
action in this regard.

4. As regards the point at (2), you should give the
details of the amounts together with the accounts on which
they are due to enable the Air Force authorities to look
into the matter.

5. You are advised to contact the office in which you
were working (No. 402, Air Force Station) for any clarifica-
tions on the issue of the payments made to you/due to you.

Yours faithfully,

(J.P. RASTOGI)

UNDER SECRETARY TO THE GOVT OF INDIA

AIR FORCE

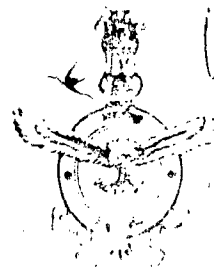
AN No 4

22

(1) (7/3/77)
(2)

(14) 11 June
President's Sec

Don't know



SK Mukhopadhyay
Joint Director Personnel (Civ)

Telephone : 3010231/667

Air Headquarters
Vayu Bhawan
New Delhi - 110011

Air HQ/23044/128/PC-4

15 May 87

Dev. by leg

1. Shri RS Sharma, Ex-Carpenter, was dismissed from service with effect from 11 Jul 74. He has now vide his application dated 08 May 87 requested inter-alia for payment of his Provident Fund amount (for the first time) to this HQ.
2. The matter was urgently got investigated from the AFCAO and they have sent a signal to your Station vide FA/355 dated 11 May 87. They have also said that even after repeated reminders during the year 1976-77 Shri RS Sharma did not fill up Form 'G' or claim Provident Fund amount. Therefore, after ascertaining from your unit that the whereabouts of Shri RS Sharma were not known the money was deposited with the Government.
3. Shri Sharma again met me on 15 May 87 and I have handed over the requisite Form 'G' to him and have obtained his signatures for having received the same. He has also requested that he would like to take this form personally to Kanpur, after filling up the same, to get it signed by the Accounts authorities and bring back the same for delivering it to AFCAO.
4. We at this HQ and the Ministry of Defence are trying our best to help him and would like to ensure that his fund amount for which he has now applied be paid as quickly as possible.
5. I shall be grateful if you could look into this personally. We will also be grateful if the form after counter-signature etc by the Accounts authorities is handed over to Shri RS Sharma. If there is any problem in this regard I shall appreciate if you call me up on telephone.

With Regards to you & Mrs Kuma

Yours sincerely

CC leg

Op Capt S Kumar, VM
C Ad O
No 402 Air Force Station
C/o 56 A P O

3/12/2017

AN. No 4A

23

BY HAND

SIMPLE RECEIPT

Received Rs 4,213-00 (Rupees Four thousand two hundred thirteen only) by Cheque and Cash on account of final settlement of GPT as follows :-

- a) By Cheque SI No. ^{A24} 100 839702 dt 05-10-87 : 4,100-00
- b) By Cash : 113-00

Total : 4,213-00

Date : 05 Oct 87

(RS Sharma)
PA/19142
Ex-Corp

31/10/87

10000

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312-281-3171

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1. PARTICULARS OF THE APPLICANT.

- (a) Name of the Applicant - Sri K.S. Sharma.
- (b) Name of the Father - Sri Ramdas Sharma.
- (c) Designation and Office - Carpenter I.A, 1.8.1962.
- (d) Age of the Applicant - 35 years.
- (e) Office Address - as given above.
- (f) Address for the service of Notices - Village Patali, District, M.C. No. 12, District, Patali, U.P.

2. Particulars of the respondents.

- 1. Union of India
- 2. Officer Commanding, 29 A.I. Air Force, Kanpur
- 3. Officer Commanding, 4 A.I. Air Force, Kanpur.

3. Particulars of the order dated against which the application is made.

Against the order dated 11.7.74 passed by the officer commanding 29 A.I. Air Force Kanpur concerning terminating the services of the applicant from the post of grade 1 Carpenter without pay

निरस्त

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(iii) That the applicant's services are satisfactory to the authorities concerned and as such he was granted extensions time to time during his service period.

(iii) That the applicant has been promoted from grade 3 to grade 1, dated on 15.12.1965 vide order no. 29 A 15 and he has been transferred from 11 to 12, dated on 15.12.1965 vide order no. 29 A 15 and he has been transferred from 11 to 12, dated on 15.12.1965.

(iv) That the applicant has worked from 1945 to 1953 in the section Electrical and Instrument in the section 12.1 and he was in grade 3 at that time and finally he was promoted to grade 1 on 12.1.1967.

(v) That the applicant was working in the section 12.1 and he was in grade 3 at that time and finally he was promoted to grade 1 on 12.1.1967.

2/1/2011

(iv) That in the Department of establishment No. 4 B & D Air Force Station there are 10 vacancies for grade I carpenter and 5 vacancies for carpenter II A and no vacancy was existing for the carpenter grade III.

(vii) That the applicant was the senior most carpenter standing in his section and he was liable and entitled for the promotion as supervisor but the authorities has not given the opportunity of the same and they have transfer a junior most carpenter from other unit and as a supervisor just to forfeit the right and promotion of the applicant and the applicant has been transferred on 22.2.1976 from No. 4 B & D Air Force Station to 20 A.C. Air Force Station.

(viii) That transfer order dated 23.12.72 issued by Air Head Quarter New Delhi was made void but it was acted upon and came into force on 22.12.74 as with the malafide and ulterior motive against the applicant so he may not get the promotion as a

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supervisor in the unit.

(1a) That on 22.2.74 the applicant has been transferred to 29 A.I. Nagar when there was no vacancies of grade I carpenter and he has been posted there as grade I carpenter without grading him from grade I to III which is also illegal without jurisdiction of the authorities concerned.

(x) That the applicant has not been allowed to work in 29 A.I. Nagar when he has a valid transfer order dated 22.2.74 but he was kept in station Road Quarter No. 482 Air Force Nagar without any charge and he has been allowed to work from 2.2.74 without any valid and movement order from the authorities concerned which is also illegal and without jurisdiction of the authorities concerned.

(xi) That the applicant has not issued any identity card no. of the unit 29 A.I. Nagar nor provided any tools to work and as such the applicant

अतिरिक्त

was totally compliant and readily complied with the
instructions of the authorities in this regard.

(iii) That on 1.7.71 the applicant has been
terminated from his employment on the ground of
misconduct and his behaviour.

(iv) That the order dated 1.7.71 is
ex-ante order without giving the applicant
any opportunity.

(v) That no opportunity is given to the applicant to explain or defend the
charges brought against him as a whole and the
conduct of the case files against him is illegal and
without jurisdiction.

(vi) That the applicant after his termination
from his services is only entitled to the
authorities for his documents and funds but they
have not paid any amount to the applicant. The
applicant has written to the President of India on

28/2/80

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12. 10. 1937. His salary etc. 100000
a sum of 100000 at the time of 11.10.1937
the 100000 is the whole sum
available for the service of all the
12. 10. 1937 to this date.

(xvi) But the service of this sum is not in the
claim to the service Minister regarding his payment
of salaries etc. but no purpose has been served. The
application dated 12.10.37 was to the service Minister
in this case as unsuccessful to this collection.

(xvii) But the applicant after making representation
to the authorities concerned has received a reply from
the Ministry of Revenue dated 12.10.37 that his claim is
settled by the authorities and he is satisfied by the settlement
of the
claim/amount received no.2 but the applicant was
very much dissatisfied that his claim has not been
settled by the authorities after a year and he was
bound to give a representation to the Minister and
the service Minister for the necessary action and the

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.10.

Letters have been filed in connection with this
petition. A true copy of the letter dated 1.1.48 is
all set here as Exhibit-III to this application.

(xiii) That the Joint Director of Social (Civil)

in 1948 was further advised that the
claimant is not a member of the Indian National Congress
in this regard the Government can be asked to refer the
to the authorities of the Government of India for their
view even though the authorities are not in position to
settle the matter with the claimant later dated
15.1.47 is being filed herewith and is marked as
Exhibit-IV to this petition.

(xiv) That the applicant is out of service right
from 1.7.43 and he is running away from the Government to avoid
his settlement of the land and that the Government
is running away from him and it is difficult for him
to contest his claim.

(xv) That as stated above by various members
धर श्रीराम

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and personal visit to the opposite parties no heed has been paid inspite of the fact that the applicant has been jobless right from 11.7.79 when his services has been terminated by the authorities concerned.

(xii) That the opposite parties have been engaged in law and violated the provisions of a article 312 of the constitution of India as well as they flouted the various government orders which protect the services of the Central Employees and gives statutory right of their employees.

(xiii) That the opposite parties have also over looked and violated the principle of natural justice not affording the opportunity to the applicant to defend himself.

(xiv) That the applicant is entitled for his service salary, allowances etc. given as follows :-

3/10/2007

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.13.

That applicant declare that he has filed writ petition before the Hon'ble High court at Allahabad against the termination order dated 11.7.74 but his writ petition was dismissed in limine on the same day and as such no application suit or proceedings pending before any court of law or any authority or any other bench of the tribunal.

9. Relief Sought

In view of the facts mentioned in para 6 above the applicant begs for following relief :-

A- Pay from 28.12.73 to 11.7.74	Rs. 6800.00
B- Absentia allowances for 14 days	" 400.00
C- CPF fund	" 1806.00
D- Grat. lty of 13 months pay	" 10400.00
E- Increment from 1968 to 1974	" 423.00
F- Total leave 1968 to 1974	" 7975.00

Total

27,004

बिना अतिरिक्त

.14.

the opposite parties are directed to settle the amount of the claim given in sub. clause of para 14 of the order as this is the only claim which is due to meet the ends of justice.

That the opposite parties be further directed to pay the interest on the total claimed amount right from 1.7.72 to till the realization of the same.

Any other relief may be granted to the applicant which this Hon'ble court may deem fit and proper in the circumstances of the case.

That the applicant be awarded cost of the application.

ORDER

1- The order of the court dated 10.2.72 is hereby set aside without justification and without order dated 11.7.72 against the applicant.

2- Because no opportunity have been given to the applicant to be heard.

.15.

the plaintiff to sue himself against the illegal legal system his as such whole enquiry is without consideration for the type of law and illegal also.

C- Because the plaintiff's rights acted in violation of the principle of natural justice and article 311 14 and 16 of the constitution of India terminating the plaintiff from his services without affording any opportunity to the plaintiff.

D- Because the plaintiff is entitled to receive all his arrear, salaries, em. fund, gratuity, increments and dearness allowances etc. alongwith 7% interest as bank rate from 1974 to decision of the case.

10. Interim order, if any, passed for

11. Particulars of Bank Drafts/Postal order is
and also the amount of interest fees

1. Number of postal order.
2. Name of the issuing Post Office, etc.

2012.28.1 2011

.16.

1. Date of the issue of
Postal Order.

2. Post Office at which Payable
Allahabad.

12.

List of enclosures

As mentioned in the Index enclosed to the
application.

100-443887-100

[illegible]

are free to try and will undoubtedly not record the contents of a registration.

are covered as information and reference to 300.

THE BLOOD ON THEIR SHOES

DECEMBER 1963

believe to be true on legal advice,
and that I believe to be true and that I have
not misrepresented any material fact.

11-10-68

1. The first group of people who are interested in the results of the study are the researchers themselves. They want to know if the study was successful in achieving its objectives and if the results are consistent with their expectations. They also want to know if the study was conducted in a rigorous and unbiased manner.

10-10-1964

100 101 102

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मानव संसाधन विभाग

पारा 1

विषय :- हमारे विभाग द्वारा है कि मैं सपरकारि
 कुल नं. 1 की ओर डी में सपरकारि नं. 5 का
 रोक करवा आ और और से रोक कर दिया गया
 और रोक का कोई भी रोक आज तक नहीं मिल पाया है
 सीनर जीनीनर का नं. 3 नारायण बाबु गंजन नं. 3 दिनांक 11
 आन डिपेंस को कई पत्र गेजे, उनके के रिवा को डी सी
 नहीं दिया गया। इस लिए इस विषय में आप से माफ़ा कर
 है कि गुडी आप (सपरकारि जी) के रिवा को रोक दिया
 है दुहा को बात है कि रिवा को आप डिपेंस में रोक
 करवा कर रहा है तो दूसरे रिवा को रोक करवा।
 आप धर्मात पत्र प्रेषित कर आशावाज है कि रिवा को
 अवसर अवसर है। रिवा को रोक दिया।

पता :

आर. एस. शर्मा
 गांव - पटरी गजिपुर
 पोस्ट - नरकुलहा
 जिला - रायबरेली
 संसाधन विभाग (उ.प्र.)

आपका प्रार्थी

आर. एस. शर्मा
 सपरकारि नं. 5 का
 नं. 8 बी. आर. डी सपरकारि
 कानपुर पी. नं. 98982

दिनांक
 92-2-26

22/2/87

आर. एस. शर्मा

आपका पते मिलाई जे. सी. पन्ना साहब

१६-४-६६

श्री मात खयर अफसर जमाना
मं२ खयर जोर स्टेशन जालपुर चकरी

मेवा में सखीनथ प्रार्थना है कि प्राणी आर. खयर. शमी
आपके पते नोट नं० ४ बी. आर. डी. चकरी जालपुर
मिरा नं० १६१४२ को अभी तक २६ अक्टूबर १६६३ से
११-६-६४ तक का कोई पैस नहीं पेयमेंट किया गया
पेय मेंट दिखाने को कहा करे आप को अभी कहा करेगी
आपका यह उपकार जीवन प्रयत्न तक नहीं भूलूंगा
पेयमेंट का दवाब इस प्रकार है

डिवी को पेय खंड सलाख २६ अक्टूबर से ११-६-६४
तक इक्कीज मेंट १६६४ से ११-६-६४ तक
१-१-६३ के २-केल रिवाइज खरीदर
और सखीनथ सलाख खंड जी. पी. फण्ड
जीना गोजवटी और पेयसत

आपका प्राणी
आर. खयर. शमी

नाम = आर. खयर.

पति = पुरी गोरापुर

पोस्ट नव पुलहा

जिला = रायबरेली

राजकीय क्षेत्र असे

पुस अपली खान स्टेशन खकाउर

सखीनथ मं२ खयर जे. सी. पन्ना

मेवा में सखीनथ प्रार्थना है कि प्राणी आर. खयर. शमी
आपके पते नोट नं० ४ बी. आर. डी. चकरी जालपुर
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पेयमेंट का दवाब इस प्रकार है

डिवी को पेय खंड सलाख २६ अक्टूबर से ११-६-६४
तक इक्कीज मेंट १६६४ से ११-६-६४ तक
१-१-६३ के २-केल रिवाइज खरीदर
और सखीनथ सलाख खंड जी. पी. फण्ड
जीना गोजवटी और पेयसत

आपका प्राणी
आर. खयर. शमी

L.M.Mo 2/

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31/10

श्री श्री जगत् रक्षा मन्त्री भारत सरकार
महोदय आचार्य डिपेंद्र साहू वल्लभ राई दिल्ली

सेना में भविष्य प्रशिक्षण है कि मेरा पैसा अभी तक कोई भी नहीं ले
मेंट किया गया जब कि मुझे १९६४ में सर्विस से बाहर कर दिया गया
और स्टाफ पोस्टों का जो मैं ले रहा हूँ वो दिवा रहा है जो कि हमारे
करनात के बाउचर से मिलते नहीं हैं जो पेयमेंट हमारा तुलना
किया गया है उस पेयमेंट का देना मुझे दिया जाय जब मैं ले रहा
हूँ और जोन जोन का पेयमेंट डूल्ड अलगा अलगा सारा पैसा
जो और रिक्वेरी इस्टिमेट पेय और कब किया उसका बाउचर सहित
मुझे देने की दृष्टि को आगे की आगे चला दीजिए

आप का प्रार्थी

आर. रमेश शर्मा
पडरी गवर्नर उर
पोस्ट नव फलदा
जिला राय बरेली

आर. रमेश शर्मा
जयपुर गेट I
नं. १९१४२
RA/1802
जि. म. र. ड. 412 FODREC
कानपुर (UP)

कई सालों के बाद १९६४ से अब तक दे चुका है जिसका कोई
रिकॉर्ड नहीं किया जाता अगर गवर्नमेंट को हम से पैसा लेना
होता तो वह १२ साल ले सकता क्योंकि वास्तव में मैंने जो
देवनाया जमा गवर्नमेंट के लिए नहीं इसका मतलब सरकार
को नहीं लेनी चाहिये और वास्तव में सरकार का साम देना
अन्याय है

31/10/87

10/10/87
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REGISTERED A.D.

No. F.5(3)/84/D(Air-III)/1115/86/D(LB)
Government of India,
Ministry of Defence,

NEW DELHI, the 6th October, 1986.

To

Shri R.S. Sharma,
Ex-Carpenter,
Village Padari G neshpur,
Post Office Nak Fulha,
Distt. Rae Bareilly (U.P.)

Subject :- Payment of arrears of Pay and Allowances
to Shri R.S. Sharma, Ex-Carpenter.

* * * *

Sir,

Reference your representation dated 15-6-1986
addressed to Prime Minister and also per discussion
with JS(E).

2. You were informed vide this Ministry's letter of even
number dated 6th March, 1986 that you were apprised of the
details of Rs 920 25/- paid to you by Air Force authorities
on 22-11-1978 by enclosing a copy of the acquittance roll.
During discussion you had raised two points :-

- (1) The payments have not been made to you.
- (2) There are still certain amounts which are due
to you.

3. Since there is your signature on the documents in
token of the receipt of payments, if you still feel that
the payments have not been made to you, it is suggested
that you may take up either with the police or with the
office where you were working last for further necessary
action in this regard.

4. As regards the point at (2), you should give the
details of the amounts together with the accounts on which
they are due to enable the Air Force authorities to look
into the matter.

5. You are advised to contact the office in which you
were working (No. 402, Air Force Station) for any clarifica-
tions on the issue of the payments made to you/due to you.

Yours faithfully,


(J.P. RASTOGI)

UNDER SECRETARY TO THE GOVT OF INDIA

21/10/86 21/10/86

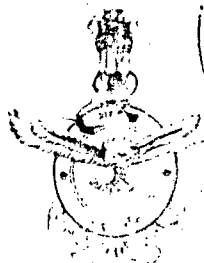
Ann. No 4

22

(1) (7/5/77)
(2)

(12) 1.1.1. O. G. S.
Provident Fund

B. S. S.



SK Mukhopadhyay
Joint Director Personnel (Civ)

Telephone : 3010231/667

Air Headquarters
Vayu Bhawan
New Delhi - 110011

Air HQ/23044/128/PC-4

15 May 87

See by letter

1. Shri RS Sharma, Ex-Carpenter, was dismissed from service with effect from 11 Jul 74. He has now vide his application dated 08 May 87 requested inter-alia for payment of his Provident Fund amount (for the first time) to this HQ.

2. The matter was urgently got investigated from the AFCAO and they have sent a signal to your Station vide FA/355 dated 11 May 87. They have also said that even after repeated reminders during the year 1976-77 Shri RS Sharma did not fill up Form 'G' or claim Provident Fund amount. Therefore, after ascertaining from your unit that the whereabouts of Shri RS Sharma were not known the money was deposited with the Government.

3. Shri Sharma again met me on 15 May 87 and I have handed over the requisite Form 'G' to him and have obtained his signatures for having received the same. He has also requested that he would like to take this form personally to Kanpur, after filling up the same, to get it signed by the Accounts authorities and bring back the same for delivering it to AFCAO.

4. We at this HQ and the Ministry of Defence are trying our best to help him and would like to ensure that his fund amount for which he has now applied be paid as quickly as possible.

5. I shall be grateful if you could look into this personally. We will also be grateful if the form after counter-signature etc by the Accounts authorities is handed over to Shri RS Sharma. If there is any problem in this regard I shall appreciate if you call me up on telephone.

With regards to you & Mrs. Kuma

Yours sincerely

B. S. S.

Op Capt S Kumar, VM
C Ad O
No 402 Air Force Station
C/o 56 A P O

AN No. 4A

23

BY HAND

SIMPLE RECEIPT

Received Rs 4,213-00 (Rupees Four thousand two hundred thirteen only) by Cheque and Cash on account of final settlement of GPF as follows :-

a) By Cheque SL No. A24 839702 dt 05-10-87 : 4,100-00
100
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Total : 4,213-00

Date : 05 Oct 87

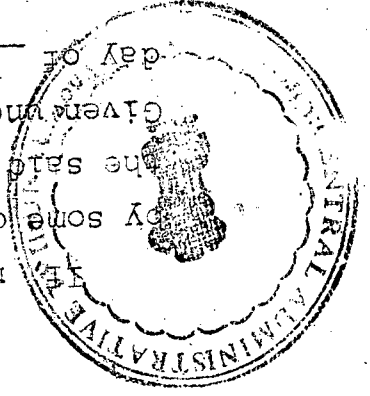
(RS Sharma)
PA/19142
Ex-Corp

श्री. रमेश शर्मा

277
7/5

M. Panda.

For Deputy Registrar.



no appearance is made on your behalf, your pleader of
by some one duly authorised to act and plead on your behalf in
the said application, it will be heard and decided in your absence.
Given under my hand and the seal of the Tribunal this 4 day of
1992

Please take notice that the applicant above named has
presented an application a copy thereof is enclosed
herewith which has been registered in this Tribunal and the
Tribunal has fixed 26 day of Jun, 92 for hearing.

② N. B. Singh, Adv., 4 Liddle Road,
George Town Allahabad.

① R. S. Sharma, Village Radri Ganeshpur, Post-Nakulata,
Raibansally,
Respondents.
Union of India, Officers
VERSUS

R. S. Sharma
Applicant.

REGISTRATION NO 1021/87 OF 1551/92 (B)

No. CAT/CE/1KO/JUL/ 7-A-83/92 T.L.
Date :

9/05
6/4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH : LUCKNOW
Opp. Residency Gandhi Bhavan, Lucknow.

1/01

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH : LUCKNOW
Opp. Residency Ganchi Bhawan, Lucknow.

No. CAT/CE/LKO/JUL/

7-A 83/92 T.L.

Date :

REGISTRATION NO 1021/87 OF 1591/92 (B)

Applicant.

R. S. Sharma

VERSUS

Union of India, & others

Respondents.

① R. S. Sharma, Village Radri Ganeshpur, Post-Nakulata,
Raibansally.

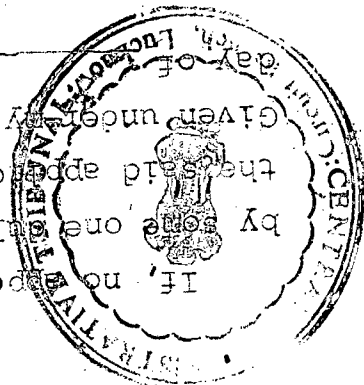
② vs N. B. Singh, Adv., 4 Liddle Road,
George Town Allahabad.

Please take notice that the applicant above named has

presented an application a copy thereof is enclosed

herewith which has been registered in this Tribunal and the

Tribunal has fixed 26 day of Jun, 92 for hearing.



If, no appearance is made on your behalf, your pleader of
by some one duly authorised to act and plead on your behalf in
the said application, it will be heard and decided in your absence.
Given under my hand and the seal of the Tribunal this 4

1992

For Deputy Registrar.

M. Panda.

905 to 906

A162