

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE TA. 1757/82 of 19
18.8.140 26.21/85
 Name of the parties Bijai Singh Rana
 Applicant.

Versus.

Union of Indira Gandhi Respondents

Part A

Description of documents

| | | |
|-----------------------------|---|------------|
| 1 - General Index sheet | - | 41 to 42 |
| 2 - order sheet | - | 43 to 48 |
| 3 - Final order dt 29-01-90 | - | 49 to 118 |
| 4 - Petition with annexure | - | 119 |
| 5 - Affidavit | - | 120 |
| 6 - Power | - | 121 to 134 |
| 7 - Counter | - | |
| 8 - Registrar not in file | - | 135 to 137 |
| 9 - Court fee Copy # | - | |
| 10 - | - | |
| 11 - | - | |

CERTIFICATE

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

Date : 28-07-11

Countersigned

Section officer/Court officer.

Signature of the
Dealing Assistant.

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

FORM OF INDEX

~~C.A./T.A./R.A./C.C.P./~~ No. 1757-1987

B. S. Kama Vs. U.O.I.

W.D 26-21/85

PART - I

- | | | |
|----|------------------|------------------------|
| 1. | Index Papers | :- 1-2 1-3 |
| 2. | Order Sheet | :- 4-10 |
| 3. | Any other orders | :- Nil |
| 4. | Judgement | :- 10 D.F.D on 29-1-90 |
| 5. | S.L.P. | :- Nil |

DY. Registrar

Supervising Officer

Dealing Clerk
(A. K. Rai)

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

Nil

Dealing Clerk
(A. K. Rai)

V.K. Mishra

CIVIL

SIDE

GENERAL INDEX

CRIMINAL

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case.....

W.P. 2621-85

Name of parties.....

Byas. Smt. Rowa..... vs. Union of traders

Date of institution.....

31-5-85/3-6-85

Date of decision.....

| File no. | Serial no. of paper | Description of paper | Number of sheets | Court-fee | | Date of admission of paper to record | Condition of document | Remarks including date of destruction of paper, if any |
|----------|---------------------|--|------------------|------------------|----------|--------------------------------------|-----------------------|--|
| | | | | Number of stamps | Value | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | | | | | Rs. P. | | | |
| | 1. | W.P. with Annex and affidavit | 24. | | 102.00 | | | |
| | 2. | Rowa | 1. | | 5.00 | | | |
| | 3. | Order 6821(W) of 85 for 84 | 1. | | 5.00 | | | |
| | 4. | Order 11157(W) of 85 for Vacating shg act. | 15 | | 7.00 | | | |
| | 5. | Letter dt 30.9.85 | 1. | - | - | | | |
| | 6. | Inspection app. | 1. | - | - | | | |
| | 7. | Order sheet | 1. | - | - | | | |
| | 8. | Best Copy | 1. | - | - | | | |

I have this

day of

198 ,

examined

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

Date.....

Munsarim

Clerk

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

INDEX SHEET

CAUSE TITLE TA 1157/87 of 1987

NAME OF THE PARTIES

Sh B. S. Pana Applicant

Versus

Union of India Respondent

Part A, B & C

| Sl. No. | Description of documents | PAGE |
|---------|---------------------------------|------------|
| 1- | General Order | A1 to A2 |
| 2- | order sheet with final order | A2 to A4 |
| 3- | Petition copy | A5 to A13 |
| 4- | Annexures | A16 to A25 |
| 5- | Affidavit | A26 to A27 |
| 6- | Power | A28 |
| 7- | Petition copy (Extra) for (OP) | |
| 8- | Stay application | A29 |
| 9- | Application for vacating stay | |
| 10- | counter order | A30 |
| 11- | Extra copy of C.A | A31 to A44 |
| 12- | order sheet (H.C.) (B) | A45 |
| 13- | Petition copy C | B46 to B90 |
| | | C91 to C98 |
| | Extra Copy of Counter Affidavit | |

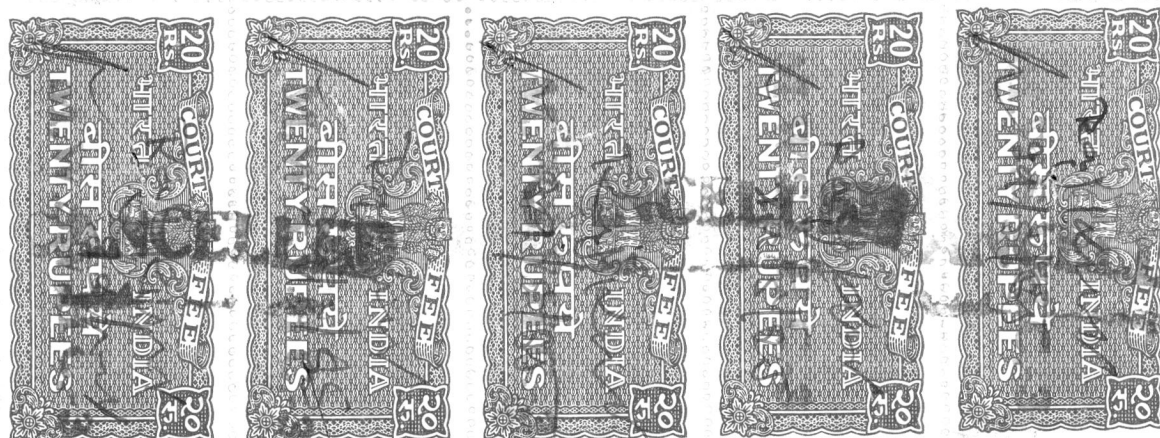
ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 2621
of 198 5

| | Date | Note of progress of proceedings and routine orders | Date of which case is adjourned |
|--|---------|--|---------------------------------|
| | 1 | 2 | 3 |
| | 31.5.85 | <p>Ha. B. Kumar J.</p> <p>Put-up on 3-6-85</p> <p>sd/ B. Kumar</p> <p>31.5.85</p> | |
| | 3-6-85 | <p>Ha. B. Kumar J.</p> <p>List this Petition for admission.</p> <p>In the week commencing on</p> <p>July 29, 1985</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>shall not be given effect to.</p> <p>sd. B. Kumar</p> <p>3-6-85</p> | |
| | 3-6-85 | <p>Emfr. 6071 (w) 85</p> <p>Ha. B. Kumar J.</p> <p>for order See my order of date passed on the memo of writ Petition.</p> <p>sd/ B. Kumar</p> <p>3-6-85</p> | |

| Date | Note of progress of proceedings and routine orders | Date of which case is adjourned | |
|---------|--|---------------------------------|--|
| 1 | 2 | 3 | |
| 29.7.85 | fixed with app. 6071 (w) for adm | to Bench By of fixed | |
| | Horse Horse | | |
| 2 885 | Hon KSV S Hon SSA S | | |
| | to Bench | | |
| 20.9.85 | CMA 11,157 (w)-85 for stay vacation. Hon Se. Malhotra J. Hon G.B. Singh J. List with previous papers as early as possible. Sl. Se. Malhotra Sl. G.B. Singh 20.9.85 | | |
| 9.10.85 | Hon SSA J Hon G.B. S S G.B. 9.10.85 | to Bench By Lt. | |
| | | | |



5 of 1000
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24 500

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

Received notices
for opposite parties
1 to 3.

Sham
Add. Standing Counsel
30.5.85

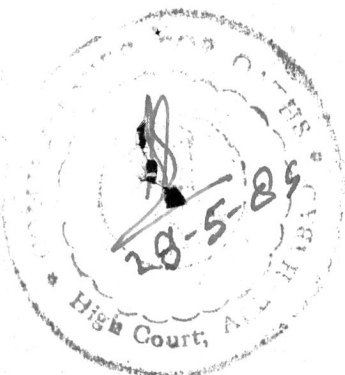
Writ Petition No. 262 of 1985.

Bijai Singh Rana aged about 38 years,
son of late Shri Pratap Singh Rana,
A.C.I.O.-II, Subsidiary Intelligence
Bureau, MHA, Government of India,
67, Mall Avenue, Avas Evam Vikas Colony,
Lucknow.

.... PETITIONER.

VERSUS

1. Union of India through The Secretary,
Home, Government of India, New Delhi.
2. The Assistant Director,
Subsidiary Intelligence Bureau,
MHA, Government of India, Uttar Pradesh,
110, MALL ROAD
~~67, Mall Avenue, Avas Evam Vikas Colony,~~
Lucknow.
3. The Deputy Central Intelligence Officer,



BSRane

6

3

MEMO

~~Expressed~~
Prescriptive Rs 100/-

~~Subject has filed Court fee report~~

~~Subject has filed receipt of lower~~

~~Subject has~~

~~Subject has~~

~~Subject has filed Copy of P.O.~~

~~Subject has also be filed.~~

~~Subject has~~

Last unpaid Annexure 4
= 23.5.85

Distmt: Lucknow.

put up by
23.5.85
5000)

Hon. Brighda Kumar, J.

Put up on 3.6.1985

Barua

31.5.85

R.
31.5.85

Hon. B. Kumar, J.

List this petition
for admission in the
week commencing
on July 29, 1985.

Counsel for the opposite

parties shall obtain
instructions and if
he so chooses, may
file a Counter Affidavit.
In the meantime, namely,
till ~~the~~ first
week of August, 1985,
the punishment order
dated 23.5.85, a copy
of which is contained
in Annexure-4 to
the petition shall
not be given effect
to.

Barua

3.6.85

7

(3)

Hon. Brigish Kumar, J.

Put up along with writ petition

Munir
31.5.85

B
31.5.85

Hon. B. Kumar, J.

for order, see
any order of date
passed on the memo
of writ petition.

Munir

rd 3.6.85



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

Sitting at Lucknow.

C.M.An.No. 6871 (W) of 1985

in re:

Writ Petition No. 2621 of 1985.

Bijai Singh Rana - - - - - Applicant-Petitioner.

Versus


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

APPLICATION FOR STAY

The applicant-petitioner most respectfully stated
as under :-

That for the facts, reasons and circumstances as
disclosed in the accompanying writ petition, the operation
of the impugned order dated 23.5.1985 (Annexure No. 4)
may kindly be stayed till the final disposal of the instant
writ petition to meet the ends of justice.

Lucknow, dated
May , 1985.


(RAJ KUMAR)
Advocate
Counsel for the Petitioner.



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

Civil Misc. An. No. 11,157 (w) of 1985.

Union of India. ... Applicant.

In re

Writ Petition No. 2621 of 1985.

Bijai Singh Rana. Petitioner.

Versus

Union of India and others. Opposite-Parties.

APPLICATION FOR VACATION OF THE EX-PARTE
STAY ORDER DATED JUNE 3, 1985.

For the facts and reasons given in the accompanying counter-affidavit it is most respectfully prayed that this Hon'ble Court may be pleased to vacate the ex-parte stay order dated June 3, 1985 or may pass any other order/orders which this Hon'ble Court may deem fit and proper in the circumstances of the case.

Lucknow dated

July 31, 1985.

19-9-85

Dharm

(U.K. DHARM)
Additional Standing Counsel
Central Government.



u9

Received copy
S.H. Spivey
Clark
Food store very numerous
Admirable

2/8/85

Mr S.C. Mathew
Mr L.B. Smith

List with previous
papers as early as
possible.

W. L.
20.9.85

1757/1975

19

9

Case has been sent for
CAT, Amd a 20.11.90.
Case is not admitted
Counter has been filed
No RA filed
Notices were issued to
CAT, Amd, etc. all actions
submitted for order

Hon' Mr. Justice Kamleshwar Nath, V.C.
Hon' Mr. K. Obayya, A.M.

18/12/9 Shri V.K. Chaudhary counsel, appears
on behalf of the respondents.
None appears for the petitioner.
Issue notice to the petitioner and his
counsel as well by name.
List this case for admission on 29.1.90.

A.M.

V.C.

(sns)

or
noted & signed

8/11/90

of
Notices were issued on
8/11/90.
Notices of application
have been taken back
with postal remarks left
submitted for admission
L
27/1/90

19

Hon. Justice K. Nalk, V.C.
 Hon. K. J. Raman, A.M.

The list has been revised. No one is present on behalf of the petitioner.

Notice was sent to the applicant by Registered post as per postal address given by him, but it has returned back with the postal reward that the addressee had left. The notice issued to the learned counsel for the petitioner, Sri Raj Kumar, is presumed served.

In the circumstances this petition is dismissed for default of the petitioner.

AM

A.M.

AM

V.C.

29.1.90
 M.

12 13

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

Writ Petition No. of 1985.

Bijai Singh Rana - - - - - Petitioner.

Versus

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

ANNEXURE No.1

Extract copy of Appointment order dated 15.10.1971

No.1/TRG-GI/71(2)
INTELLIGENCE BUREAU
(Ministry of Home Affairs)
Gov t. of India.

New Delhi-1, the

15 OCT 1971

APPOINTMENT ORDER

The undersigned has appointed the following candidates as Assistant Central Intelligence Officers Grade-II(Genl) temporarily with effect from the dates indicated against their names on the terms and conditions mentioned in the offer of appointment issued to them.

2. They should see the Assistant Director (Adm) for taking oath of allegiance, if not already taken.

| <u>S.No.</u> | <u>Name</u> | <u>Date of joining I.B.</u> |
|--------------|------------------|-----------------------------|
| 1 to 44. | x x x x x | |
| 45. | Bijay Singh Rana | 20.9.71 F.N. |
| 46 to 51 | x x x x x x x x | |

sd. Illegible
(M.I.S.IYER)
Assistant Director

To,

Shri Bijay Singh Rana
ACI Gr.II
C/O Director, N.P.A. ABU
Rawat(5.10.71).

/True extract copy /

13 A
10
14

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

Writ Petition No. of 1985.

Bijay Singh Rana - - - - - Petitioner.

Versus

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

ANNEXURE No. 2

Sir,

With reference to your Memo.NO.L-1/LS(ADM)
/84-85-18-19 dated 12.3.85 regarding explanation for absence
from 4.3.85 to 11.3.85, I am to submit as under .

1) That my presence at my village was essential at Holi
due to the first festival after death of my brother's wife.
I received a message of this effect on 2.3.85 after noon and
left for my village (not Jhansi as reported to you). In
these circumstances I could not inform your good office.

2) It is requested that I may kindly be sanctioned 3
days C.L. on 4.3.85 8.3.85 and 11.3.85. I am sorry for
the inconvenience caused to you and beg you exercise for
the said irregularity.

Yours faithfully

sd.

12/3/85.



Bijay Singh Rana

15 (A) PP
2/4
1/16
2.

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

4. Shri B.S.Rana is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the enquiring officer / authority or otherwise fails or refused to comply with the provisions of Rule 14 of the CCS (CCA) Rules, 1965 or the orders/direction issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him ex parte.

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

6. The receipt of the Memorandum may be acknowledged.

sd.
(RENUKA MUTTOO)
Assistant Director

Shri B S Rana,
ACIO-II(G) C/O DCIO(LS/CI)
Lucknow.

124
15

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

Writ Petition No. of 1985.

Bijai Singh Rana - - - - - Petitioner.

Versus

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


ANNEXURE No. 3

CONFIDENTIAL

No. 3/PFL/EST/75(43)
Subsidiary Intelligence Bureau,
MHA, Govt. of India,
Uttar Pradesh

Lucknow the 22 APR 1985.

MEMORANDUM



The undersigned proposes to hold an enquiry against Shri B.S. Rana ACIO -II(G) under rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III).

22/4/85

2. Shri B.S. Rana is directed to submit within 10 days of the receipt of this memorandum a written statement of his defence and also to state whether he desires to be heard in person.

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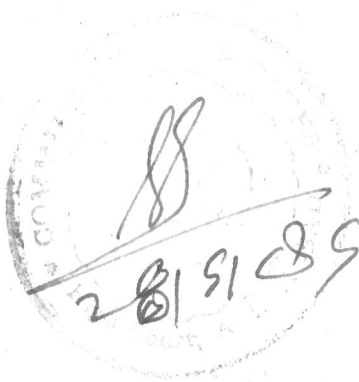
ANNEXURE -I

Statement of articles of charge framed against
Shri BB. S. Rana ,ACIO-II(G)

Article I

That the said Shri B.S. Rana left the station
on 2.3.85 without any prior information and
permission of the competent authority and remained
absent unauthorisedly from 4.3.85 to 11.3.85.

-o-



B.S. Rana

21 19 18
23 14

ANNEXURE-II

Statement of imputation of misconduct or misbehaviour in support of the article of charge framed against Shri B.S.Rana ACIO-II(G).

That he left the station on 2.3.85 without any prior information and permission of the competent authority and remained absent unauthorisedly from 4.3.85 to 11.3.85. He has violated the Govt. instructions contained in CCS (Leave) Rules, 1972. He has also violated the instruction contained in IB Hqrs. Memo.No. 4/C-IV/84(29)-467 dated 7.2.85 circulated vide SIB Hqrs. Lucknow endorsement no. L-14/Adm/81(1) dated 16.2.84.

B.S.Rana

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1/19

ANNEXURE - III

List of documents by which the articles of charge framed against Shri B.S.Rana are proposed to be sustained.

- B.S.Rana
- i) IB Hqrs. Memo. No. 4/CIV/84(29)-463 dated 7.2.85 circulated by SIB Hqrs. endorsement No.L-14/Admn/81(1) dated 16.2.84.
- ii) His explanation dated 12.3.85 addressed to DCIO CI/LS, Lucknow.



-0-

23/19
19
1/20

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

Writ Petition No. of 1985.

Bijai Singh Rana - - - - - Petitioner.

Versus

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

ANNEXURE No. 54

CONFIDENTIAL

No.3/PFL/EST/75(43)
Subsidiary Intelligence Bureau
(Ministry of Home Affairs)
Government of India
Uttar Pradesh.

Lucknow, the 23 MAY 1985.

O R D E R

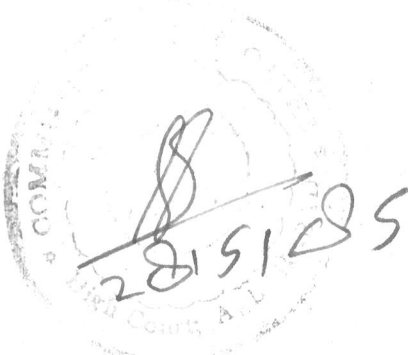
WHEREAS Shri B.S.Rana, ACIO-II(G) posted at the S.I.B.Hqrs.Lucknow was served a charge sheet contained vide our memo No.3/PFL/EST/75(43) dated 22.4.1985 under rule 14 of CCS (CCA) Rules, 1965 with the article of charge prior information and permission of the competent authority and remained absent unauthorisedly from 4.3.1985 to 11.3.1985.

WHEREAS Shri B.S.Rana in his written statement of Defence submitted on 1.5.1985 to the undersigned accepted and admitted the above mentioned article of charge.

AND WHEREAS on careful consideration of the written statement of defence submitted by Shri Rana and after taking into account the evidence available on record

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the undersigned as disciplinary authority now, THEREFORE, orders that the pay of Shri B.S.Rana is reduced by two stages from Rs.600/- to Rs.560/- in the time scale of pay of Rs. 425-15-530-EB-15-560-20-600 for a period of one year with effect from the date of issue of this order. It is further decided that Shri B.S.Rana will not earn increment of pay during the period of reduction and that on the expiry of the period of one year, the reduction will not have the affect of postponing his future increments of pay.

B.S.Rana

sd.
23/5
(RENUKA MUTTOO)
Assistant Director.

To

Shri B.S.Rana
ACIO-II(G)
C/O S.I.O.(CI/LS), Lucknow.

8/5 21 1/22

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALIAHABAD
SITTING AT LUCKNOW.

Writ petition No. of 1985.

Bijai Singh Rana - - - - - Petitioner.

Versus

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

ANNEXURE No. 35

To,

The Assistant Director (A)
S.I.B. (UP), Lucknow..

(Through proper channel)

R/Madam.

With reference to your memo no.3/PFL/EST/75(43)
dated 22.4.85 I wish to state as under :-

1. I accept and admit the charge under reference, I had already narrated the circumstances in my explanation and 12.3.85 which forced me to commit this irregularity
2. It is first time in my service tenure when this irregularity had been committed by me. I request you to consider this fact before awarding any penalty.

Thanking you in anticipation.

Yours faithfully,

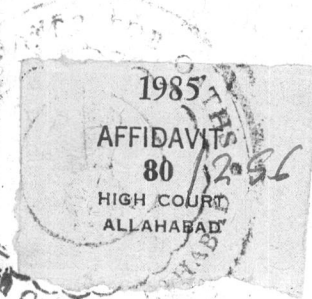
sd.

1/5/85

(B. S. RANA)
ACIO-II/CI
Lucknow.

B. S. Rana
(Suresh Saxena)
Advocate & Commissioner
High Court Allahabad
No. 35/256
Date 1/5/85

22/5/85
Court



22
A
19
8
26

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

1
23

Writ Petition No. of 1985.

Bijai Singh Rana - - - - - petitioner.

Versus

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

AFFIDAVIT

I, Bijai Singh Rana, aged about 38 years, son of late Shri Pratap singh Rana, A.C.I.O.-II, Subsidiary Intelligence Bureau, MHA, Government of India, 67, Mall Avenue, Avas Evam Vikas Colony, Lucknow, the deponent, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is petitioner himself in the above-noted case and as such he is fully conversant with the facts as stated hereinbelow.

2. That the contents of paras 1, 4 to 14, 18 and 22 of the accompanying writ petition are true to my personal knowledge, those of paras 2, 3, 15, 19, 24, 25 & 26 are ~~believed by the deponent to be true~~ ^{believed by the deponent to be true} and paragraphs 16, 17, 20, 21 are ~~based on legal advice & record~~ ^{based on legal advice & record}. No part of it is false and nothing material has been concealed, so help me God.

3. That Annexure Nos. I to V are the true copies of their respective originals.

B. Rana
Deponent

23
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2.

Verification

I the above named deponent do hereby verify that the contents of paras 1,2 and 3 of this affidavit are true to my personal knowledge. No part of it is false and nothing material has been concealed, so help me God.

Lucknow, dated
May 20, 1985.

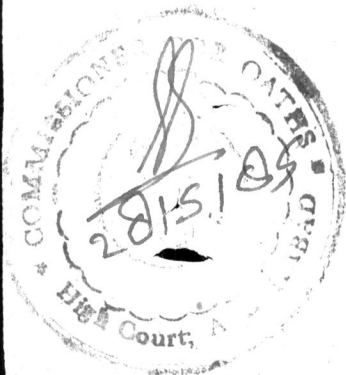
[Signature]
Deponent

I identify the deponent who has signed before me.

[Signature]
Advocate

Solemnly affirmed before me on 20/5/85 at 6.05 am/pm by the deponent who is identified by Sri Raj Kumar, Advocate, High Court, Lucknow Bench, Lucknow.

I have fully satisfied myself by examining the deponent that he has understood the contents of this affidavit which has been read over and explained to him by me.



[Signature]
OATH COMMISSIONER.
20/5/85
Advocate Oath Commissioner
High Court Allahabad
No. 20/256

ब अदालत श्रीमान्

[वादी] अपीलान्त

प्रतिवादी [रेंस्पाडेन्ट]

महोदय

वकालतनामा



W.P.No.

7/1985

वादी (अपीलान्त)

Byan Singh Rana

बनाम

Union of Indian & others

प्रतिवादी (रेंस्पाडेन्ट)

नं० मुकद्दमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

21 July 1985

117-13 अवेन्ट फोरम

वकील

महोदय

एडवोकेट

नाम अदालत
मुकद्दमा नं०
नाम फरीकन

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

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

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

Writ Petition No.2621 of 1985.



Bijai Singh Rana Petitioner.

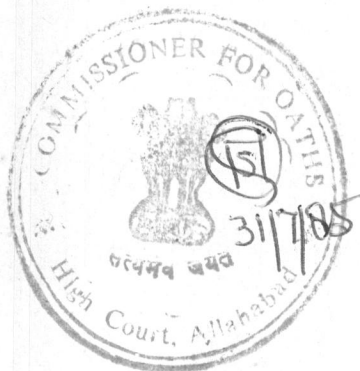
Versus

Union of India and others . . . Respondents.

Counter Affidavit on behalf of Respondents.

I, Mrs. Renuka Muttoo, aged about 35 years, w/o. Shri S.K. Muttoo, Assistant Director In-Charge of Establishment at the Hqrs of SIB, Lucknow do hereby solemnly affirm and state on oath as under:-

1. That the deponent is opposite party No.2, in the instant writ petition and is fully acquainted with the facts of the case. The contents of the Writ Petition have been read over and its para-wise reply is as follows:-
2. That the contents of para one of the writ petition are not disputed.
3. That the contents of para 2 of the writ petition as stated are denied. It is further submitted that "Appointing Authority" has been defined in rule



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2(a)(ii) of the CCS(CCA) Rules, 1965 as "The authority empowered to make appointments to the post which the Government servant for the time being holds." The petitioner is holding a Group-C (formerly called Class-III) post at the Hqrs of the Subsidiary Intelligence Bureau, Lucknow. For this post, Assistant Director/Jt. Assistant Director/Central Intelligence Officer (Establishment) at SIB Hqrs. is the appointing authority as per entry in column 2 of Part-II of the Schedule attached to the Govt. of India, MHA Notification dated 16.3.72 (S.R.O.1137) - Annexure-C-1. The deponent, being A.D. In-charge of Estt. at SIB Hqrs at Lucknow is, therefore, the competent^{w/appointing"}/authority of Assistant Central Intelligence Officer (Grade-II).

4. That the contents of para 3 of the Writ Petition as stated are denied. It is further submitted that the deponent is authorised to appoint an Assistant Central Intelligence Officer (Grade-II).

5. That the contents of para 4 of the Writ Petition need no comments.

6. That with respect to contents of para 5 of the Writ Petition, it is stated that the petitioner was called by the respondent No.3 in the Control Room on 2.3.85 for the purposes of duties in view of the general elections and he was freed in the afternoon, on the same day much before 4 P.M.

7. That the contents of para 6 of the Writ Petition as stated are denied. The contention that the petitioner tried to contact the respondent No.3 on 3.3.85 is false. The respondent No.3 was continuously available on phone on 3.3.85.



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8. That the contents of para 7 of the Writ Petition as stated are denied. It is further stated that the Govt. servants are required to take prior permission before leaving the Station and it is also obligatory that their leave must be sanctioned before they actually proceed on leave.

9. That the contents of para 8 of the Writ Petition are not disputed. The explanation regarding unauthorised absence was submitted by the Petitioner in writing on March 12, 1985 which was forwarded to the Assistant Director, Lucknow for necessary action.

10. That the contents of para 9 of the Writ Petition as stated are denied. The petitioner remained absent from March 4, 1985 to March 11, 1985 with working days on 4th, 6th, 8th and 11th of March, 1985. It is relevant to mention here that during that period all leave was banned due to General Elections and a Circular to this effect was issued by the Hqrs. Unit, Delhi. The departmental circular was received on Feb. 18, 1985 in the office of the respondent No. 3 and the same was circulated among the staff on the same day i.e. Feb. 18, 1985 and the petitioner was aware of this circular. The petitioner is a senior official with 13 years of service, and his contention that he was unaware of the circular, which was a matter of common knowledge, is not acceptable.

11. That the contents of para 10 of the Writ Petition are not disputed.

12. That with regard to para 11 of the Writ Petition it is stated that the charge-sheet under Rule 14 of Central Civil Services (Classification, Control and Appeal) Rules, 1965 was served on the

...Contd.....4.



Sharma

petitioner vide Order No.3/PFL/EST/75(43) dt. April 22, 1985 on the ground that the petitioner left the Station on March 2, 1985 without prior permission and prior information of the Competent Authority. The petitioner remained absent unauthorised from March 4, 1985 to March 11, 1985.

13. That the contents of para 12 of the Writ Petition as stated are denied. The petitioner had never met the deponent in connection with the departmental proceedings under reference. The petitioner's contentions are false and baseless.

14. That with regard to para 13 of the Writ Petition, it is stated that the petitioner accepted and admitted the charge-sheet served on him vide his written statement of defence submitted on May 1, 1985 (Annexure No.5 of the Writ Petition).

15. That the averments in para 14 of the Writ Petition as stated are not denied.

16. That the contents of para 15 of the Writ Petition need no comments.

17. That the contents of para 16 of the Writ Petition are denied. According to Central Civil Services (Classification, Control and Appeal) Rules, 1965 and Central Civil Services (Conduct) Rules, 1964, action can be taken against Govt. servants for unauthorised absence. In the present case, the Petitioner absented from duty without prior permission and without intimation, despite the fact that a departmental Circular was received on Feb. 18, 1985 and the same was circulated among the staff on the same day, banning leave of all kinds, due to General



Santho

Elections. The petitioner was fully aware that a ban was in force on leave of all kind. Despite this knowledge, the petitioner left the Station, Lucknow, without prior permission which is a serious offence meriting a major penalty.

18. That the first part of para 17 of the Writ Petition is not relevant in this case. As regards consideration of the grounds for availing leave without permission, it may be mentioned that the grounds given by the petitioner were duly considered but not found adequate to justify the unauthorised absence.

19. That the contents of para-18 of the Writ petition as stated are denied. The Departmental Circular was received on Feb. 18, 1985 in the office of the respondent No.3 which was duly circulated as per normal office procedure. The petitioner's claim that he was not aware of the circular, which was a matter of common knowledge, is unacceptable.

20. That except Annexure No.5 the averments of the petitioner in para 19 of the Writ Petition are denied. The petitioner has accepted and admitted the charges levelled against him (Annexure No.5) therefore the question of holding further proceedings did not arise. It was clearly stated in para 3 of the charge-sheet contained vide Memo No.3/PFL/EST/75(43), dated April 22, 1985 that the enquiry will be held only in respect of those articles of charge as are not admitted in a statement of defence to the disciplinary authority vide his application dt. May 1, 1985. On consideration of the written statement of defence as also the evidence adduced before it, a penalty under Central Civil



Santhos

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Services (Classification, Control and Appeal) Rules, 1965 as per procedure laid down in Rule 15, was imposed on the petitioner.

21. That the contents of para 20 of the Writ Petition are denied. The petitioner having admitted the charge, the disciplinary authority was entitled to impose any of the penalties specified in Rule 11 of Central Civil Services (Classification, Control and Appeal) Rules, 1965, without holding further enquiry as provided in Rule 14 (5)(a) and Rule 15 of Central Civil Services (Classification, Control and Appeal) Rules, 1965.

22. That the contents of para 21 of the Writ Petition are denied. As per sub-rule (4) of Rule 15 of Central Civil Services (Classification, Control and Appeal) Rules, 1965, it is not necessary to give the Govt. servant any show cause notice in respect of the penalty proposed to be imposed on him.

23. That the contents of para 22 of the Writ Petition are admitted. No show-cause notice was required to be issued by the disciplinary authority before imposing the penalty.

24. That the contents of para 23 of the Writ Petition as stated are denied. The Assistant Director In-Charge of Establishment at the Hqrs of Subsidiary Intelligence Bureau, Lucknow is appointing authority and also the disciplinary authority in respect of the Group-C (Class-II) employees under the administrative control of Subsidiary Intelligence Bureau Hqrs., Lucknow, as per entries in columns 2, 3, and 4 of the Part-II of the Schedule attached to Govt. of India (MHA) Notification dt. 16.3.72 (S.R.O.1137) (Annexure-I).



Smriti

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25. That the contents of para 24 of the Writ Petition as stated need no comments.

26. That the contents of para 25 of the Writ Petition as stated are denied. It is further submitted that the Writ Petition is not maintainable as the petitioner has exhausted the departmental remedy and therefore the interim order passed by this Hon'ble High Court deserves to be vacated. The case of the petitioner regarding promotion will be considered at the Intelligence Bureau Hqrs and will be placed before Departmental Promotion Committee for consideration as and when the Departmental Promotion Committee meets.

27. That the contents of para 26 of the Writ Petition need no comments.

28. That the grounds taken in the Writ Petition are untenable. The Writ Petition has no merits and is liable to be dismissed with costs.

Lucknow, Dated
July 31, 1985.

Shunt
Deponent.



I, the above-named deponent do hereby verify that the contents of paras 1 to 25 and 27 of this counter-affidavit are true to my own knowledge and the contents of paras 26 and 28 of this counter-affidavit are believed by me to be true on the legal advice tendered and no part of it is false and nothing material has been concealed, so help me God.

Lucknow, Dated
July 31, 1985.

Shunt
Deponent.

I identify the deponent who has signed
in my presence.

Dhaon

(U.K. DHAON)
Additional Standing Counsel,
Central Government.



Solemnly affirmed before me on 31-7-85
at 4.10 a.m./p.m. by Mrs. Renuka Muttoo,

the deponent who is identified by

Sri U.K. Dhaon, Additional Standing
Counsel, Central Government.

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

Muttoo

(S) Dhaon Adv.

OATH COMMISSIONER
Allahabad High Court
Lucknow Bench

No. 94273
Date 31-7-85

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

COUNTER-AFFIDAVIT

In re

Writ Petition No. 2621 of 1985.

Bijai Singh Rana. Petitioner.

Versus

Union of India and others. ... Opposite-Parties.

ANNEXURE No. C-I.



Annex: C-1

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
GRIH SAMITHI

New Delhi-1 the 16th March 72

NOTIFICATION

S.No. 1137 In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24 of the Central Civil Service (Classification, Control and Appeal) Rules, 1965 and in supersession of the notification of the Government of India in the Ministry of Home Affairs, No. 520.623 dated 23.2.57 in so far as it relates to the posts specified in the schedules given hereunder, the President hereby directs that -

- 1) in respect of the posts in the General Central Service, Class II, specified in column 1 of the Part I of the Schedule to this order, the authority specified in column 2 shall be the appointing authority and the authority specified in column 3 shall be the disciplinary authority in regard to the penalties specified in column 4;
- 2) In respect of the posts in the General Central Service Class III and the General Central Service Class IV, specified in column 1 of parts II & III of the said Schedule, the authority specified in column 2 shall be the appointing authority and the authority specified in columns 3 and 4 shall be disciplinary authority and appellate authority respectively in regard to penalties specified in column 4;

Shankar

31/7/05

THE SCHEDULE
PART I

GENERAL CENTRAL SERVICE, CLASS II

| Appointing authority | Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11) | Penalties |
|----------------------|---|-----------|
|----------------------|---|-----------|

2

3

4

Ministry of Home Affairs
Intelligence Bureau

Section Officers' Grade
Intelligence Bureau

President

President,
Director, Intelligence
Bureau

All
(i) to (iv)

All class II posts
other than (SO grade)

DIB

1 DIB

2 JD (East) Hqrs

3 Commandant

(CFIS)

(in respect of
staff of CFIS)

/ Section Officer's

Vide noti-
fication
No. 14/30
(6)/72
(1) - Pers
I dated
23.4.73.

Santhos



contd...2...

PART II
GENERAL CENTRAL SERVICES CL. 55 III

| Appointing authority | Authority competent to impose penalties and penalties which it may impose (with reference to item no. in rule 11) | Penalties |
|----------------------|---|-----------|
| 2 | 3 | 4 |
| 5 | | |

MINISTRY OF HOME AFFAIRS
INTELLIGENCE BUREAU

All posts at Headquarters and all offices under Intelligence Bureau, other than those specified below:

Office of Assistant Director/Jt Asstt Director, Shivpuri

All posts.

Central Intelligence Officers Organisation other than those placed under the SIB.

All posts.

| | | | |
|---|---|-----|---|
| Asstt Director Jt Assistant Director/Central Intelligence Officer (Establishment). | Assistant Director/ Central Intelligence Officer/Joint Assistant Director (Establishment) | All | Deputy Director/ Jt. Deputy Director (Establishment) |
| Assistant Director/ Joint Assistant Director, Shivpuri. | Assistant Director/ Joint Assistant Director, Shivpuri | All | Deputy Director/ Joint Deputy Director (Establishment) |
| Central Intelli gence Officer | Central Intelli gence Officer | All | Deputy Director/ Joint Deputy Director (Establishment) |

Shivpuri

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Subsidiary Intelligence
Bureau, Headquarters

Assistant Director/
Joint Assistant
Director/Central
Intelligence Officer
(Establishment)

Deputy Director/
Joint Deputy
Director, Subsidiary
Intelligence
Bureau.

All posts.

Office of Assistant
Director/Central Intelli
gence Officer/Joint
Assistant Director.

Assistant Director/
Central Intelligence
Officer/Joint
Assistant Director.

Assistant Director/
Central Intelligence
Officer/Joint Assistant
Director

All

Deputy Director/
Joint Deputy Direc-
tor, Subsidiary
Intelligence
Bureau.

All posts.

Headquarters and the
Office of the Deputy
Director/Joint
Deputy Director, Kohima
DD SIC Shillong

Assistant Director/
Joint Assistant
Director/Central
Intelligence Officer
(Establishment)

Assistant Director/
Joint Assistant
Director/Central
Intelligence Officer
(Establishment).

All

Joint Deputy
Director/Deputy
Director,
Kohima.

All posts

Office of Assistant
Director/Joint Assistant
Director/Central Intelli
gence Officer under DD/Jt.
Deputy Director, Kohima

Assistant Director/
Joint Assistant
Director/Central
Intelligence Officer

Assistant Director/
Joint Assistant
Director/Central
Intelligence Officer

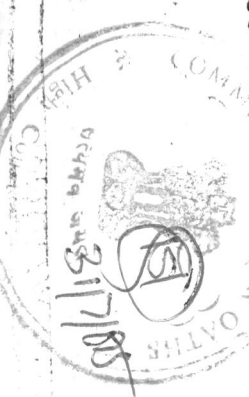
All

Deputy Director,
Joint Deputy
Director, Kohima.

All posts.

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Shuttle



Joint Deputy Director
Trivandrum, in his
absence Deputy
Director Subsidiary
Intelligence
Bureau, Madras.

Commandant
Central Forensic
Institutes.

Commandant
Central Forensic
Institutes.

Commandant,
Central Forensic
Institutes.

Deputy Director/
Jt. Deputy Direc-
tor (Establish-
ment). (1)

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Shirley

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Government Examiner of Questioned Documents, Calcutta.

Government Examiner of Questioned Documents, Calcutta.

Government Examiner of Questioned Documents, Calcutta.

Commandant, Central Forensic Institute, Calcutta.

All posts

Government Examiner of Questioned Documents, Hyderabad.

Government Examiner of Questioned Documents Hyderabad.

Government Examiner of Questioned Documents, Hyderabad.

Commandant, Central Forensic Institute, Calcutta.

All posts

THE SECRETARY
GOVERNMENT OF INDIA
MINISTRY OF DEFENCE
NEW DELHI

Description of post

appointing authority

authority competent to impose penalties and penalties which it may impose (with reference to their nos. in rule 11)

penalties

appellate authority

MINISTRY OF HOME AFFAIRS, INTELLIGENCE BUREAU:

All posts at headquarters and all offices under Intelligence Bureau other than those specified below.

Assistant Director/Jt. Assistant Director/Administrative Officer (Establishment)

Assistant Director/Jt. Asst. Director/Administrative Officer (Establishment)

All

Deputy Director/Jt. Director (Establishment)

Shukla

31/12/88

4/3/83

| | | | | |
|--|---|---|---|---|
| Office of the Asstt Director/Jt Asstt Director, Shivpuri | 2 | 3 | 4 | 5 |
| Assistant Director/Joint Assistant Director, Shivpuri | | | | |
| Assistant Director/Joint Assistant Director, Shivpuri | | | | |
| DY Director/Jt. Deputy Director (Establishment) | | | | |

All posts

SUBSIDIARY INTELLIGENCE BUREAU:

(i) Headquarters

All Posts

(ii) Central Intelligence Officer/Joint Assistant Director/Asstt Director

All posts.

Central Intelligence officers Organisation other than those placed under SIBR. All posts

Assistant Director/Joint Assistant Director/Central Intelligence Officer/ Administrative Officer (Establishment).

Assistant Director/Central Intelligence Officer/Joint Assistant Director.

Central Intelligence Officer.

Assistant Director/Jt. Asstt Director/Central Intelligence Officer. Administrative Officer (Asstt.)

Assistant Director/Central Intelligence Officer/Joint Asstt Director

Central Intelligence Officer

Deputy Director/Jt. Dy Director, Subsidia ry Intelligence Bureau.

DY Director/Jt Dy Director Subsidia ry Intelligence Bureau

DY Director/Jt Dy Director (Asstt.)

Signature

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Posts.

Office of the DD/Jt.
Deputy Director, Kohima
under Deputy Director,
Subsidiary Intelligence
Branch, Shillong.

Assistant Director/
Joint Assistant
Director/Central Ints
elligence Officer,
(Establishment)

Assistant Director/
Joint Assistant
Director/Central
Intelligence Officer
(Establishment)

All

Deputy Dire
ctor/Joint
Deputy Dire
ctor, Kohima.

11 posts.

Office of Assistant
Director/Jt. Assistant
Director/Central
Intelligence Officer
under Dy Director/Jt.
Director,
Kohima.

Assistant Director/Jt.
Assistant Director/
Central Intelligence
Officer.

Assistant Director/
Joint Assistant
Director/Central
Intelligence Officer.

All

Deputy Dire
ctor/Jt
Dy Director
Kohima.

11 posts.

CENTRAL FORENSIC SCIENCE LABORATORY

All posts.

Director, Central
Forensic Science
Laboratory.

Director, Central
Forensic Science
Laboratory.

All

Correspondent
Central
Forensic
Institutes



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CENTRAL DETECTIVE TRAINING SCHOOL

posts.

Principal, Central
Detective Training
School.

Principal, Central
Detective Training
School.

Commandant, Cen-
tral Forensic Insti-
tutes.

CENTRAL FINGER PRINT BUREAU

All posts

Director, Central
Finger Print Bureau

Director, Central
Finger Print Bureau

Commandant, Central
Forensic Institutes.

GOVERNMENT EXAMINER OF QUESTIONED DOCUMENTS

All posts

Government Examiner of
Questioned Documents,
Sirala.

Government Examiner
of Questioned Docu-
ments, Sirala.

Deputy Director/
Jt. Deputy Direc-
tor (Establish-
ment).

GOVERNMENT EXAMINER OF QUESTIONED DOCUMENTS

All posts

Government Examiner
of Questioned Docu-
ments, Calcutta.

Government Examiner
of Questioned Docu-
ments, Calcutta.

Commandant, Central
Forensic Institutes,
Calcutta.



Signature

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Government of India
Ministry of Home Affairs
Hyderabad

ALL

Government Examiner
of Questioned
Documents, Hyderabad

Government Examiner
of Questioned
Documents,
Hyderabad.

ALL

Commandant,
Central Forensic
Institute,
Calcutta.

(14/50(3)/63(1)-Pers-I)

Sd/-
(G.S. Grewal)
Deputy Secretary to the Govt of
India

Copy to:-

- 1. Director, Intelligence Bureau, New Delhi (2 copies)
- 2. Cabinet Sect., Deputy of Personnel (Estt(A))
- 3. Pers I Section, Min. of Home Affairs.

V3/17/5/33

Smiths

OFFICE COMMISSIONER

Sd/-
31/7/05



NO. 911273
Date 31-7-05

9/2/04
1/10/25

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Application for Inspection

To,
The Deputy Registrar,
High Court of Judicature at Allahabad
(Lucknow Bench) Lucknow.



Please allow inspection of the papers passed below. The application is urgent/ordinary. The applicant is not a party to the case,

| Full Description of the case | Whether case pending or decided | Full particulars papers of which Inspection is required | Name of person who will inspect record | If applicant is not a party reason for Inspection | Office report and order |
|--|---------------------------------|---|--|---|---|
| W.P. No. 2621 of 1905 Bijai Singh Rana Union of India and others | Pending | Writ Petition High Court | Sri U. K. Sharma Advocate | Through Counsel | Office Report Order for Inspection Deputy Registrar Date |

Date 1-10-25

Signature of applicant or his Advocate

Inspection commenced at

on

Inspection concluded at

Inspection fee paid by the applicant

Additional fee if any

Inspected.

Chair
Add. Ch. Counsel

9/10/05 7/11/05

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CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

T.A. NO.1757 of 1987 (T)
(W.P. NO.2621 of 1985)

Bijai Singh Rana Applicant.

Versus

Union of India & Ors Respondents.

29.1.1990

Hon'ble Justice K. Nath, V.C.

Hon'ble Mr. K.J. Raman, A.M.

The list has been revised. No one is present on behalf of the petitioner.

Notice was sent to the applicant by Registered Post as per postal address given by him, but it has returned back with the postal remark that the addressee had left. The notice issued to the learned counsel for the petitioner, Sri Raj Kumar, is presumed served.

In the circumstances this petition is dismissed for default of the petitioner.

02
पत्रिका में 22/12
मिस्टर 82/2

[Signature]
for V.K. Raman
22-2-90

Sd/-

A.M.

Sd/-

V.C.

checked
2/12

rrm/

// True Copy //

[Signature]
Deputy Registrar

Central Administrative Tribunal
Lucknow Bench,
Lucknow

URGENT.

From.

Add

The Dy. Registrar,

High Court of Judicature at Allahabad,
Lucknow Bench,
Lucknow.

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To:

The Chief Judicial Magistrate,
Bahraich.

No.

1042

Dated: 30/9/05

Sub:

Writ Petition No. 2628 of 1905;

R.E. Agarwal and another

vs.

Prescribed Authority/S.D. M. Nanpara, Bahraich and others.

Sir,

With reference to your letter No. 173/05-III-B/C.J.M.(B)
dt. 30-8-05 I am directed to send herewith a copy of court's order
dt. 25-9-05. As informed by you that you have not received the
copy of judgment dt. 2.8.05, I am to say that the same has been
sent to you vide the Court's End. No. 16/Civil dt. 31.8.05. ~~Again~~ A
copy of said judgment is also enclosed herewith for your
convenience so that you may proceed in the matter.

Kindly acknowledge the receipt.

Encl:

(1) Copy of Ct's order
dt. 25-9-05.

(2) Copy of Judgment
dt. 2.8.1905.

Yours faithfully

Mohankar

Add. Dy. Registrar.

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27/9/05

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27/9/05