

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

CAUSE TITLE *T.A. No-1911/87* OF *W.D. No-3545/85*

NAME OF THE PARTIES *Ramu*

Applicant

Versus

UOI Bar

Respondent

Part A, B & C

| Sl. No. | Description of documents | Page |
|---------|--|-------------------|
| 1 | <i>order sheets</i> | <i>A1 to A6</i> |
| 2 | <i>Memo of judgment dt. 06.5.99</i> | <i>A7 to A10</i> |
| 3 | <i>index sheets</i> | <i>A11</i> |
| 4 | <i>Copy of Petition, dated 22.8.99</i> | <i>A12 to A37</i> |
| 5 | <i>M.A. No 3545/85, order sheet (H.C.)</i> | <i>A38 to A39</i> |
| 6 | <i>Counter, M.A. No 629/92 dt. 17.3.93</i> | <i>A40 to A53</i> |
| 7 | <i>notices, Power</i> | <i>A54 to A59</i> |
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| 13 | | |

CERTIFICATE

Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided) *File B/C was sent out* *Destroyed*

Dated *26-2-13*

Counter Signed

Section Officer / In charge

Signature of the
Dealing Assistant

2

8.3.90

Hon Mr. J.P. Sharma Jm

Dist up before the Division bench on 20.4.90 for orders

4

20.4.90

Applicant is present and also Learned counsel for the Respondent is present, No sitting case is adjourned to 3-4-90.

5

राम

The applicant appears personally. His poor condition noted.

4.10.90

No sitting till to 4.12.90

पता:- राम
C/o 2 नं० 24 गीतान
गौतम गिरि
चौक नं० 10
मिर्जापुर

for J.Panda
20/4/90

4.12.90

No sitting till to 6.2.91

W

CA not filed

L
4/1

6.2.91
D.R.

Mr. R.B. Pandey dd. counsel for the applicant makes appearance today. O.P. is absent. Respondent to file counter by 3.4.91.

1911/0007

:: 2 ::

Brief Order, Mentioning Reference
if necessary

1

How complied
with and
date of
compliance

date

12/09

Hon. Justice K. Nath, V.C.
Hon. K. Obayya, A.M.

The applicant's learned counsel
Shri R. B. Pandey is present.
List for admission on 29/1/90.

A.M.

V.C.

Case has been kept
on transfer from
CMT, A.M.

Case is not admitted
CA/AD has not
filed.

Notices were issued
from CMT, A.M. O.C.
is attached.

Submitted for order.

1911

OR
Notices were issued
1912

29.1.1990

Hon. Justice K. Nath, V.C.
Hon. K. J. Ramani, A.M.

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

This petition is accordingly dismissed for
default. Before, we sign the above order Shri
R.B. Pandey appears and makes an application for
opportunity to argue the case. However, he
says that he has not received instruction from
the applicant despite repeated efforts and that
notice may be sent directly to the applicant,
without exempting the learned counsel from his
responsibility, we direct that a notice may be
sent by registered post to the applicant by name
and list the case for final hearing on 8.3.1990.

A.M.

V.C.

OR

Notices were
issued by name
to the applicant.

Notice of applicant
has been return
back with postal
remark. "अनुपस्थिति
में न्यायालय में
पहुँचा"

SFO

See
Original
order on
the main
petition

Dinesh

74

(7)

18.9.91
D.R.

Both the parties are
present. Respondent
to file counter by
4/11/91.

21/11

(8)

4.11.91
D.R.

Applicant's side is
present. O.P. is absent
O.P. to file counter
by 16/1/92.

21/11

(9)

16.1.92
D.R.

Shri R.B. Pandey Ad.
counsel for the applic-
cant is present. No
appears for the O.P.
sofar. O.P. to file
counter by 30/3/92.

(10)

30.3.92
D.R.

None is present for
the applicant. Counter
to be filed by O.P. on
or before 4/5/92.

21/11 31.3.92

T.A. 1911/87

(10)

3.4.91
D.R.

Applicant's side is present. No appearance has been made on behalf of the respondent. Respondent is ordered to file counter by 6/5/91. ✓

(12)

6.5.91
D.R.

Applicant is present in person. D.P.'s side is absent today. No C.A. filed. Respondent to file counter by 11/7/91. ✓

11.7.91
D.R.

(13)

Both the parties are absent today. Respondent is directed to file counter Affidavit by 1/8/91. ✓

1.8.91
D.R.

(14)

Both the parties are absent today. Respondent to file counter by 18/9/91. ✓

(B)

4.5.92

2/3

None is present for
the applicant. Counter
to be filed by .O.P
on or before 30.7.92

Dy. Registrar

(56)

This file has been
undated during physical verification

Issue notice again for 15.4.93

OR
Notice issued
on 18/3/93

for F.A. by U.P.C. ✓

7

15.4.93

No sitting of D.B.
adjourned to 12.5.93.

12.5.93

No sitting of D.B.
adjourned to 6.7.93. 8

OR
Notice received
back
FFH

(17)

13/4/93

OR
Notice received
back
FFH

(18)

6.7.93

Hon'ble Mr. B.K. Singh, A.M.

Learned counsel for the applicant is not present. Learned counsel for the respondents Dr- Chandra is present and filed power on behalf of respondents. Learned counsel for the respondents prays for the copy of the application which may be furnished to him. C.A. may be filed within 4 weeks and R.A., if any, may be filed within 2 weeks thereafter. List this case on 9.9.93 for hearing on admission/disposal.


A.M.

OR
Notice received
back
FFH

Dr. Chandra

16/4/93

(g.s.)

9.9.93

No sitting of D.B. adj
to 20.10.93

note

20.10.93

No sitting of D.B. adj
to 6.12.93

note

6.12.93

No sitting of D.B. adj
to 20.1.94

note

OR
Notice received
back
FFH

(19)

OR
Notice received
back
FFH

(20)

OR
Notice received
back
FFH

(21)

S. P. H.
3/12

OR
Submitted for
hearing
1/9/11

20/1/14

Hon. Mr. S.M. Prasad, J.M.
Hon. Mr. V.K. Seth, A.M.

None for the Pastin.
List this case on 8/3/14
for hearing & disposal.

h v
A.M.

J.M.

OR
D. & G.

Submitted for
hearing
7/7

Debnl. Mr. Sashier P. K. Verma vs
Debnl. Mr. V.K. Seth - Dn

on the request of Council
for appl. Cent. column to
21.4.94

h v
Am

Rd
ve

OR
Submitted for

hearing 21.4.94
1-
19/9 (2)

NO
to 13.7.94
admission of D.M. only
d
more

(25) 13.7.94

NO
admission of D.M.
admission 3.8.94
d
more

OR

Submitted for
hearing
3/5

OR

S. P. H. 3.8.94
Lawyers also in the Court
col to 2.9.94
3/18
11/4/98

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD/C.B. LUCKNOW

T.A 1911 No. _____ OF 1987
Ramoo Vs. B.O.I

| Sl.No. | Date | Office Report | Orders |
|--------|-------------------------------|---------------------|---|
| | <u>OR</u> Submitted to him | (27) <u>2-9-94</u> | No sitting a.D. B. adf to 3.10.94 Doc |
| | | (28) <u>3/10/94</u> | Hon. Mr. Justice B.C. Saxena, V.C. Hon. Mr. V.K. Seth, A.M. ----- When the case was called out the learned counsel for the applicant has not appeared. The O.A. may placed in sine-die list and put up for hearing. |
| | | (nair) | A.M. Bor V.C. |
| | | (29) <u>16-4-98</u> | No sitting of DB. adf. to 20-5-98. V.K. Seth Doc |
| | | (30) <u>20-5-98</u> | Hon. Mr. D.C. Verma, J.M. Hon. Mr. S. Dey, A.M. For applicant's Sri R.S. Dwivedi base holder for Sri B. Pandey For respondent: Dr. D. Chandra C.A. was filed in March 1997 but no R.A. has been filed till date. Applicant is allowed 2 weeks time by way of last opportunity and further time shall be given as the case is very old. List for hearing on 2-7-98. |

Case listed for
16-4-98 for order
as per order of 10-12-97
Hon. Mr. V.C.

No RA filed
till date
20/4

04.1-99

No setting of DB and,
to 25.2-99.

bol.

25.2.99. No setting of DB
and to 13.4.99

BOL

13.4.99

Hon'ble Mr. D.C. Verma, J.M.

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

None for the appellant.

For respondents Mr. Chandan
is present. Heard. order reserved.

A.M.

J.M.

06-5-99

Hon'ble Mr. D.C. Verma, J.M.

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

Order pronounced in the open court, today.

A.M.

J.M.

T-A. 1911/87

PL

(31) 2-7-98

OR

Submitted for ^{Loamy}

No sitting of D.B. case
adj to 12-8-98.

B
BOL

6/8/98.

(32) 12-8-98

No sitting of D.B. case
to 08-10-98.

1/11
BOL

(33) 08-10-98

No sitting of D.B. case is
adj. to 04-1-99 for hearing.

BOL

(34) 04-1-99

No sitting of D.B. case
to 25-2-99.

1/11
BOL

(35) 25-2-99. No setting of D.B.
adj to 13-4-99

1/11
BOL

(26)

13.4.99

Hon'ble Mr. D.C. Verma, J.M.

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

None for the applicant.

For respondents Mr. S. Chandra,
is present. Heard. Order reserved.

A.M.

J.M.

(37)

06-5-99

Hon'ble Mr. D. C. Verma, J.M.

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

Order pronounced in the open Court, today.

A.M.

J.M.

judgement copy 5/5/99
prepared. On 17/5/99
and file sent to deo
for copy 17/5/99
judge 17/5/99

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:

LUCKNOW BENCH, LUCKNOW.

Original Application No. of 1998.

T.A.R.A./C.C.P.No. ~~467~~ 87 of 1998.
1911

Date of Decision: 6.5.99

Ramu.....Applicant

None Advocate for applicant

Versus

.....*C.O.I. 205*..... Respondents

.....*D.D. Choudhary*..... Advocate for
Respondents

CORAM

HON'BLE MR. *D.C. Vasme JM*

HON'BLE MR. *A.K. Mishra, Jy.*

1. Whether reporter of local papers may be allowed to see the judgment.
2. To be referred to the reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether to be circulated to other benches ?

[Signature]
Vice chairman/member

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

LUCKNOW

Lucknow this the 06th day of May, 99.

T.A. No. 1911/87(W.P. No. 3545/85)

HON. MR.D.C. VERMA, MEMBER(J)

HON. MR. A.K. MISRA, MEMBER(A)

Ramu aged about 24 years, son of late Sri Sri Ram, resident of Salig Ram Ka mandir, Nawaiya Ganesh Ganj, Lucknow.

Petitioner.

None for applicant.

versus

1. Union of India through its Secretary, P&T Department Civil Secretariat, New Delhi.
2. Director General, Postal Services New Delhi.
3. Post Master General, Postal Head Quarter, P.M.G. Office, Lucknow.
4. Senior Superintendent, Railway Mail Services 'O' Division, Lucknow.

Respondents.

By Advocate Dr. Dinesh Chandra.

O R D E R

HON. MR. D.C. VERMA, MEMBER(J)


In this case the applicant has challenged the notice dated 27.5.85 (Annexure 2 to the O.A.) and for a direction to reinstate the applicant on the post he was serving. A further direction has been sought to regularise the applicant on a group D post by virtue of a circular dated 13.10.83 (Annexure-1 to the O.A.) with all service benefits, seniority promotion etc.

2. Initially, the applicant had filed it as a writ petition No. 3545/85 before the Lucknow Bench of Hon. High Court. The writ petition thereafter was transferred to the Tribunal and registered as T.A. No. 1911/87.



3. Brief facts of the case are that the applicant was initially engaged as a casual labour in the P&T Department as skilled Mazdoor in existing vacancy. From December 1978 to 27th May 85, the applicant claims to have worked continuously without break. The applicant was paid daily wages as per circular issued in this respect from time to time. The applicant claims to have worked for about 1200 days but instead of regularisation of his services, the applicant was served with a notice Annexure 2 dated 27.5.85 not to engage the applicant, till further orders. Hence this O.A.

4. The respondents's case is that the applicant was engaged as a casual labour in December 1978 for disposal of work of casual and occasional nature. The applicant was not engaged against any post or existing vacancy. The engagement was given to the applicant when the work was available. The work and conduct of the applicant was found below satisfactory level. The applicant had in a drunken state entered forcibly in the office, forcibly snatched the attendance register, Rubber stamp etc. and threw them in the toilet. The applicant also misbehaved ^{with} Head Assistant and used abusive and unparliamentary language. In view thereof, by order dated 4.12.85 it was directed that the name of the applicant be removed and struck off his name from the list of outsiders. The compliance was made by the order of the same date (Annexure R-2) and a copy of the same was given to the applicant and signature obtained. As per the respondents case the applicant was not engaged thereafter, w.e.f. 5.12.84. A further case of the respondents is that the applicant was only a daily wager and was not continuously engaged. He was not a skilled



labour and was given the work on casual basis, as per the workload and for work of occasional nature.

5. As none has appeared for the applicant with the help of learned counsel for the respondents, pleadings on record and the Annexures attached thereto examined in detail. There is nothing on record to show that the applicant was engaged as skilled labour. There is no document on record to show that ^{the} ~~the~~ engagement of the applicant was against existing vacancy. Mere recital in the O.A, that the applicant was a skilled labour, engaged against an existing vacancy cannot be accepted.

6. The order dated 4.12.84 (Annexure R-2), a copy of which was given to the applicant, the applicant was disengaged and direction was given not to engage him w.e.f. 5.12.84. This order of disengagement dated 4.12.84 (Annexure -2) was never challenged by the applicant. Even in this case, the applicant has not challenged the said order. Thus, unless the order of disengagement dated 4.12.84 (Annexure R-2) is challenged, the question of re-engagement in the background of the said order would not arise. (Secretary to Govt. of India and others vs. Shivram Mahadu Gaikwad (1995 SCC(L&S), 1148).

7. Further claim of the applicant is that he be regularised on Group D post by virtue of the circular dated 13.10.83.

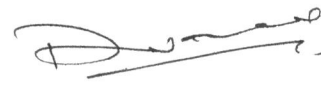
7. The learned counsel for the respondents, has on the other hand drawn attention towards the circular issued by the Department of Posts and has submitted that a casual labour who has put in 240 days in a year, in last two years, becomes eligible to appear in the Departmental Examination. E.D. Employees of the Department who have

B

completed 3 years of services were also eligible to appear in the said examination for recruitment to Group D post. It has been submitted that as per circular E.D. Employees were first selected and unfilled vacancies are given to casual labours who had qualified the same examination. It has been submitted that it is not the case of the applicant that he ever appeared in the said examination for Group D post. The recitals in the counter affidavit show that the Departmental Examinations were held from time to time during the tenure of the petitioner, upto 4.12.84. As the applicant failed to appear in any such examination, the question of his posting as a Group D employee would not arise. Regularisation of services of casual labour is subject to fulfilment of certain conditions on passing of test, satisfactory police verification and medical fitness. The applicant was not engaged after 4.12.84. It is not the case of the applicant that he ever appeared in the test for regularisation prior to 4.12.84. Thus, the applicant cannot claim, as a matter of right to be regularised in a group D post unless he qualifies the test. As the applicant never qualified the test his claim for regularisation on group D post fails.

8. In view of the discussions made above, there is no merit in the O.A. The same is dismissed. Costs easy..


MEMBER(A)


MEMBER(J)

Lucknow; Dated: 06.5.99.

Shakeel/

CIVIL
SIDE
CRIMINAL

GENERAL INDEX

Chapter XLI, Rules 2, 9 and 13

Nature and number of case

W.P. 3545-85

Name of parties

Ramoo vs. Union of India

Date of institution

23.7.85

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 Annexure and affidavit | 25 | | 102-00 | | | |
| | 2- | Power | 1- | | 5-00 | | | |
| | 3- | Order granting of stay | 1- | | 5-00 | | | |
| | 4- | Back Copy | 1- | | - | | | |

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

Date _____

Munsarim
Clerk

Group-A-15(a)

PRT. Maller

5479

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

Writ Petition No. 3545 of 1985

Ramoo

...Petitioner

Versus

Union of India & others

...Opp. Parties

I N D E X

-
- 1- Stay application - - - - - 1
 - 2- Writ Petition - - - - - 2 To 17
 - 3- Annexure No.1
Copy of circular dated 13/14th October, 1983 -- 18 To 20
 - 4- Annexure No.2
Copy of impugned order dt. 27.5.85 - - - 21
 - 5- Annexure No.3
Copy of circular dt. 1.10.84 - - - - 22
 - 6- Annexure No.4
Copy of circular dt. 12.2.85 - - - - 23
 - 7- Affidavit - - - - - 24 To 25
 - 8- Vakalat NAMA - - - - - 26
-

Place: Lucknow.

Dated

Raju/-

22/7/05

(R.B. Pandey)
Advocate

Counsel for the petitioner

(R. B. PANDEY)
Advocate

Ramoo

20

2

(2)

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

Writ Petition No. 3545 of 1985



5 of 2 of post
22/7

Ramoo,
aged about 24 years,
son of Late Sri Sri Ram,
resident of Salig Ram Ka Mandir,
Nawaiya Ganesh Ganj,
Lucknow.

....PETITIONER

Versus

- 1- Union of India through its Secretary,
P&T Department,
Civil Secretariat,
New Delhi.
- 2- Director General,
Postal Service, of India,
New Delhi.
- 3- Post Master General,
Postal Head Quarter,
P.M.G. Office,
Lucknow.
- 4- Senior Superintendent,
Railway Mail Service,
'O' Division,
Lucknow.

....OPP. PARTIES

WRIT PETITION UNDER ART. 226
OF THE CONSTITUTION OF INDIA



Ramu

Notice for 23/7/88
Received copy for a.p. No 104

Obseances
22.7.88

COS, H. N. T. Kari
Adm.

Senior Central Govt Standing Counsel
High Court of Uttar Pradesh
at
Lucknow,

Impressed
5 Adhesive
Total

Correct but final Court fee receipt
will be made on receipt of lower
Court record.
In time up to
Papers filed. Copy of P. S.
should also be filed.
Single - Bench.

Last Dops order du 22 27-5-88
Lucknow

Jeannet
23/7

(8
M)

Hon. B. Kumar J.
Hon. G. B. Singh J.

List this petition
for admission in the
second week of Aug, 1988
along with writ petition No.
2741/85. The counsel for
the opposite party shall
seek instructions in
the meantime

Received
23-7-88
a

Hon. Justice K. Nath, v.c.
Hon. K. J. Raman, A.M.

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

This petition is
accordingly dismissed for
default.

A.M. v.c.

29.1.90
M.

P. L.

(3)

The Hon'ble Chief Justice and other companion judges of the aforesaid High Court;

The petitioner above named respectfully prays as under:-

1- That the petitioner was initially engaged in capacity of casual labour in P. & T department as skilled Mazdoor in existing vacancy. from December, 1978 and continuously worked up to 27.5.85 without a single day break in service.

2- That the daily wages of the petitioner are fixed by the competent authority through its many circulars issued time to time and at present existing rates are as under;

(i) Rs 9.80p for the incumbents who has successfully completed more than 240days.

(ii) Rs 13.80p for the incumbent who has successfully completed more than 720days.

(iii) Rs 18.40p for the incumbent who has successfully completed more than 1200days.

3- That according to the schedule of wages as already fixed, ~~and~~ the petitioner has already completed 1200 days without a single day break in service and he is getting at the rate of Rs 18.40p and now by virtue of many circulars issued time to time by the Opposite Party No. 2 the petitioner is deserving to be regularised



Ramu

Contd. . .

29/1/90

^{the above}

Before we sign ~~the~~ order
Shri R. B. Pandey appears
and makes an application
for opportunity to argue the
case. However he says that
he has ~~not~~ receiving
instructions from the applicant
despite repeated efforts and
that a notice may be
sent directly to the
applicant. Without exempting
the learned Counsel from
~~the~~ his responsibility, we
direct that a notice may
be sent by registered post
to the applicant by name
and list the case for final
hearing on 8/3/90.

W.R.

A.M.

Dr

V.C.

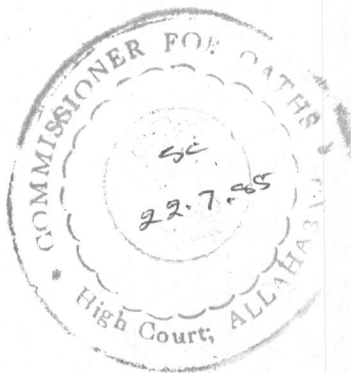
R

in class 'D' service.

4- That as already narrated in the above paras of this Writ Petition, that the petitioner as Skilled Mazdoor in the department had rendered a very beautiful performance without any unsuitability misconduct or inefficiency from his own part, but it is surprising that the Opp. Party No. 4 instead of regularise the services of the petitioner by virtue of harassment, he issued an order by which the services of the petitioner came to an end without any reason and rhyme.

5- That vide a circular No. 49014/7/83 Estt(6)/13th October, 1983 the Opposite Party No. 2 issued a circular in mandatory provision for regularisation to casual labours in group 'D' post and what ever the condition laid down in the circular the petitioners are fulfilling all those qualifications but the Opposite Party No. 3 and 4 did not honour the mandatory provision of circular and the regularisation of the petitioners services in group 'D' post has yet not been made. It has further laid down in this circular dated 13th October, 1983 that the employees recruited before 21.3.79 are deserving for regularisation in group 'D' post.

6- That the humble petitioner has already completed all the condition laid down in circular for regularisation in group 'D' post but the same has not been implemented by



Ramu

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Kb
X/S

(5)-

Opposite Party No. 3 and 4 in case of the petitioner. A true copy of circular dated 13th October, 1983 is filed herewith as ANNEXURE No.1 to this Writ Petition.

7- That it would also very pertinent in this regard that the necessary provision laid down in many other circulars issued time to time by Opposite Party No. 2 regarding termination of such an incumbent who has been engaged as Casual Labour in the department and the same mandatory provision has been violated by Opposite Party No. 4 and on dated 27.5.1985 the said Opposite Party No. 4 arbitrarily issued an order by which the services of the petitioner came to an end though it is not a termination order according to law and the said order by which the petitioner has been thrown out from the department has also not served upon to the petitioner and any how the communication of the said letter has been made by one Sri R.S. Shukla on same very day i.e. 27.5.1985 who is totally incompetent to pass any order like termination against the petitioner. A true copy of the impugned order by which the services of the petitioners came to an end is also filed here with as ANNEXURE No.2 to this Writ Petition.



8- That as already narrated in the above paras of this writ petition, this fact

Ramu

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(6)

would also very necessary to mention that the petitioner is skilled labour in the department and he successfully rendered his services since very long time also he has successfully completed the existing days of more than 1200, and the vacancies are still existing on which the petitioner was working. The Opposite Party No. 4 under mala-fide intention wants to engage his chose persons for wrongfull gain after ignoring all the rules regulation and requirements in this regard. Thus it is crystal clear that the Opposite Party No. 4 in arbitrary manner adopting the theory of pick and choose, also in intention to engage his chose persons in said capacity for the purposes of wrongfull gain as already narrated above. Thus the impugned order by which the petitioner has been thrown out from employment without any reason and rhyme is highly illegal punitive bias and capricious in character.



9- That in regards the termination of casual Mazdoor the Opposite Party No. 2 time to time issued circulars. In this regard the circular No. 269/130/78-Stn New Delhi I dated 1.10.1984 was issued by Opposite Party No. 2 in which mandatory provision has laid down that the incumbents in said capacity like casual labours who have completed atleast a period of 240 days in a year their services cannot be terminated by virtue of simplicitor termination order without giving notice or

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one months pay admissible in rule.

10- That it appears a clear intention of Opposite Party No. 2 to minimise the services of such casual mazdoors who have successfully completed atleast existing period of 240 days to be deserved in class 'D' post with further intention that the termination of said incumbent can only be made according to the provision laid down for the termination of temporary employees. It is not understood that how and in which capacity the Opposite Party No. 4 arbitrarily after ignoring the mandatory provision of circular passed the impugned order against the petitioner which resulted that the petitioner now not in the employment of department in view of Annexure No. 2. A true copy of the circular dated 1.10.1984 is also filed here with as ANNEXURE No.3 to this Writ Petition.

11- That the Opposite Party No. 2 was a higher and wellfair authority in the department further issued a circular on dated 12.2.1985 in the same consequence and reiterated the provision laid down in the circular dated 1.10.1984. In this regard the another circular No. DGP&T No. 45/54/84-SPD-1 dated 12.2.1985 the Opposite Party No. 2 further directed by issuing this circular to all the authorities within their control for implementation of their said circular. In this circular it is also clearly laid down that the casual

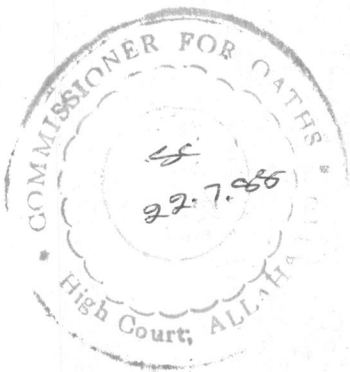


Ramu

labours who have served in the department for atleast a total period of 240 days in a year their services cannot be terminated by the department without giving him one months notice, or in lieu their of the payment of one month salary. A copy of this latest circular dated 12.2.1985 is also filed herewith as ANNEXURE No. IV to this Writ Petition.

12- That as already mentioned the continuous service of the petitioner in the department since from a long time without a single day break in service the petitioner is going to be overage for the employment in the other department, and there is no further avenue of appointment if the regularisation of their services in the department is not being made. In this regard it is further stated that the Opposite Party No. 4 only under malafide intention in arbitrary manner acted against the petitioner and thrown out him from employment, while the petitioner as narrated is deserving candidate for regularisation by virtue of mandatory provision issued time to time by higher authorities.

13- That in law the impugned notice what ever communicated to the petitioner by an incompetent authority cannot be said any order of termination according to the law and as already narrated a copy of the original



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order by competent authority has also not been served upon the petitioner. Thus it is crystal clear that in case of the petitioner the malafide intention has deliberately adopted after ignoring all the mandatory provision given in circular issued time to time by Opp. Party No. 2 the highest authority of the department. Thus it can be said clearly that the Opposite Party No. 3 and 4 committed wrong dishonoured and disobeyed the order of higher authority passed time to time and the impugned notice by which the services of the petitioners came to an end as highly illegal punishment in the eyes of law.

14- That regarding the employment, it is well settled view of law that the employment is the fundamental guarantee of all incumbent by virtue of provision laid down in the constitution of INDIA. The humble petitioner there after engaged and started career as a casual labour in the department in due hope that his services will be regularised and they will start their further career accordingly but the Opposite Parties No. 4 under prejudice intention terminated the services of the petitioner by issuing the impugned notice as Annexure No. 2 to this Writ Petition on dated 27.5.84. This intention of Opposite Party No. 4 is highly arbitrary biased capricious in character and amounting harassment and punishment for petitioner and also damaging the own career of petitioners in violation of fundamental guaran-



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tee provided by the constitution of India.

15- That the act of Opposite Party No. 4 by which the services of the petitioner has been thrown out illegally is also violating the mandatory provision of Art. 14 and 16 of the Constitution of India along with its fundamental guarantee in violation of Art. 16 of the constitution of India. The Opposite Party No. 4 under discriminatory treatment acted against the petitioners only in intention to engage his own choice persons.

16- That the entire factual position narrated in this writ petition, it is ample clear that the petitioner as completed successfully more than 1200 days in the department in capacity of Casual Mazdoor his services are deserving to be regularised, but the Opposite Party No. 4 did not act according^{ly} to the mandatory provision given through many circulars issued time to time by Opposite Party No. 2 and as such the impugned notice by which the petitioner are governing and thrown out from employment is highly illegal arbitrary punishment in the eyes of law.

17- That as already narrated vide circular dated 13th October, 1983 it is further laid down by appropriate authority Opposite Party No. 2 that the employees who recruited before 21.3.1979 be regularised in Group 'D' post and in the same consequence it is further



Ram

laid down that none of the fresh appointment recruitment or engagement be made on the post of Casual Mazdoor till then the services of those incumbents who are working before 31.3.1979 not be regularised. The Opp. Party No. 4 by their own personal intention time to time engaged many casual labours in the year 1983 and 84 and they are still retaining within the service, but the petitioners have been thrown out i.e. clear violation of Art. 14 and 16 of the Constitution of India.

18- That the Opposite Party No. 4 committed further illegality and they did not regularise the services of the petitioners while the petitioner is most senior casual mazdoors in the department in violation of circular dated 13th October, 1983 (Annexure No.1) to this Writ Petition.

19- That the many juniors than the petitioner are still retaining in the department, while they have engaged much after than to petitioner, and the petitioners services have been came to an end is discriminatory under malafide intention in violation of Art. 14 and 16 of the Constitution of India. The date of appointment of the juniors as Casual Mazdoor are as under; to prove this fact that the petitioners were highly discriminatory in illegal manner;



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| Sl.No. | Name | Date of Joining |
|--------|-------------------------------|-----------------|
| 1. | Sri Narendra KUMar Srivastava | 7.3.83 |
| 2. | Sri Bodh Prakash | 23.3.83 |
| 3. | Sri K.K.Singh | 7.12.83 |
| 4. | Sri V.K.Singh | 11.3.83 |
| 5. | Sri Ram Kumar | 14.3.83 |
| 6. | Sri Baboo Lal III | 8.12.83 |
| 7. | Sri Ram Saroop | 7.3.84 |
| 8. | Sri Ram Chandra Bhriguwansi | 7.3.83 |
| 9. | Sri Dinesh Kumar Misra | 8.12.83 |
| 10. | Sri H.K.Misra | 7.12.83 |
| 11. | Sri Sheo Prasad | 12.3.83 |

20- That it would also not out of place to mention in this connection that the petitioner already engaged for the job are still existing in the department and also the same very post against the petitioner was working is still existing and the opposite Party No. 4 deliberately wants to engage some fresh persons, on the post of Casual Mazdoor for his wrongfull gain. Thus the deliberately malafide intention of Opposite Party No. 4 is highly illegal against the petitioner in violation of every Government service rule and every canon of law, rule of natural justice and fundamental guarantee given by the Constitution of India.

21- That in this consequence, it is further stated that no retrenchment, abolishment has been made by appropriate authority, i.e. Opposite Party No. 2, thus the Opposite Party



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No. 4 has no legal right to throw out the employment of petitioner without any such policy framed by the Opposite Party No. 2 the intention of Opposite Party No. 2 by virtue of many circular issued time to time also filed in this Writ Petition, is to regularise the services of those casual mazdoors, who have successfully completed 1200 days in the department, but the Opposite Party No. 2 and 4 did not honour and totally disobeyed the same provision is highly illegal and bad in law.

22- That the petitioner is also having necessary educational qualification and experience for regularisation in class 'D' post by virtue of mandatory provision given in circular dated 13th October, 1983. Thus the act of Opposite Party No. 4 is highly illegal and against the intention of circular which is totally bad in law.

23- That the petitioner due to illness of his mother " as she was hospitalised" did not make approach to this Hon'ble High Court along with other petitioners and the similar nature of case of 11 persons in which this Hon'ble High Court has already passed the stay order in Writ Petition No. 2741/85 on 10-6-85. This Writ Petition of the humble petitioner also connected with the above said Writ Petition and mean while the same order be issued.



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24- That the petitioner by aggrieving the impugned notice dated 27.5.65 by which their services has been came to an end have no alternative remedy except to file this writ petition after pressing the following many other grounds:-

G R O U N D S

i- Because the petitioner is more senior successfully completed more than 1200 days on the post of Casual Mazdoor and by virtue of mandatory circular he is legally entitled to be regularised on class 'D' post. Thus the act of Opposite Party No. 4 by issuing the impugned notice is highly illegal, bad in law.

ii- Because the Opposite Party No. 4 has also not acted according to the mandatory provision given in circular and as such the impugned notice is highly illegal violating the provision laid down in circular dated 1.10.1984 and 12.2.1985 (Annexure No 3&4).

iii- Because neither one month notice nor the pay in lieu there of has been paid to petitioner. Thus the impugned notice without any reason and rhyme and foundation is highly illegal bad in law.

iv- Because the petitioner has remedred succesfully more than 1200 days in capacity

Ramu

Casual Mazdoor in the department without a single day break in service also without any inefficiency or unsuitability. Thus he is deserving to be regularised in said post and impugned notice is highly illegal bad in law amounting punishment.

v- Because the impugned notice dated 27.5.1984 has not served upon the petitioner and by virtue of a mere communication made by incompetent authority known as R.S. Shukla arrangement clerk is highly illegal, not according to law and the said impugned notice cannot be said any order like termination.

vi- Because by virtue of impugned notice the petitioner's services has come to an end. Thus it is highly illegal bad in law and violating every canon of service rules.

vii- Because many juniors as already mentioned than the petitioner are still retaining in service while the senior most petitioner has been throwned out from employment is highly illegal, discriminatory in violation of Article, 14 and 16 of the Constitution of India.

viii- Because the meritorious services of the petitioner has not been considered by Opposite Party No. 4 accordingly.

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ix- Because none of the retrenchment or abolishment has been made by appropriate authority. Thus the impugned notice to throw out the petitioner from employment is highly illegal, bad in law.

x- Because the petitioner as skilled casual mazdoors was working in the department since very long time and his services has illegally been thrown out while the unskilled casual labourers are still working which is totally discriminatory, arbitrary bad in law in violation of Article 14 and 16 of the Constitution of India read with principle of natural justice.

xi- Because the impugned notice of termination is also clearly violating the mandatory provision of circulars.

xii- Because the impugned notice dated 27.5.1984 is arbitrary beyond jurisdiction and issued by totally an incompetent authority in violation of mandatory provision, which is supporting to petitioner's claim.

P R A Y E R

Wherefore, the petitioner prays for following reliefs:-

(A) That this Hon'ble Court may please to issue;

A writ, direction/order in nature of

Ramu

certiorari quashing the impugned notice dated 27.5.1985 contained in Annexure NO. 2 to this Writ Petition and the petitioner be reinstated on their own post with all service benefit.

(B) A writ, direction/order in nature of mandamus commanding ^{to OPs} with direction to Opposite Parties that the services of the petitioner be regularised in class 'D' post by virtue of circular dated 13th October, 1983 contained in Annexure No. 1 along with all service benefit, seniority promotion etc.


(C) A writ, writs, direction/order what ever this Hon'ble High Court be deemed fit and proper be also awarded to petitioner along with cost of this Writ Petition against Opposite Parties.

Place: Lucknow.

Dated ²² 13/7/85

Ramu

Petitioner


(R.B. Pandey)
Advocate
Counsel for the petitioner

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

Writ petition No. _____ of 1985
Ramu & Others.Petitioners

Versus

Union of India & othersOpp.Parties

ANNEXURE NO. 1

Letter NO. 49014/7/83- Estt (6) dated 13th
October, 1983

Subject:- Regularisation of Casual Employees in
Group 'D' posts.

Ministry of Home Affairs the under-
signed is directed to say that as per the inst-
ructions issued by this department from time
to time, casual employees recruited before 2
21-3-1979 in various ministries department's
and attached and subordinate offices of the
Government of India may be regularised in
Group 'D' post subject to the following cond-
itions:-

- 1- A daily wage worker should have put in
at least 240 days of service as such (including
broken periods of service) during each of the
two preceding years (4 Years in the case of
part time casual workers) on the date of app-
ointment against a regular Group 'D' post.
- 2- A daily wage worker should be eligible
in respect of maximum age limit on the date of
appointment to the regular post. For this purpose,



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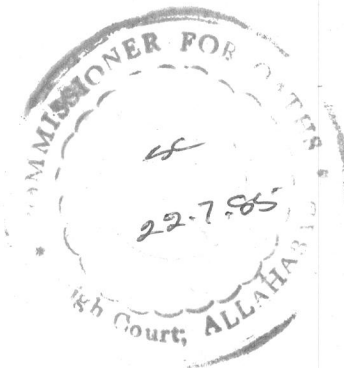
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the period spent by him as daily wage worker is deducted from his actual age.

3. A daily wage worker should possess the minimum educational qualification prescribed for the post.

It is also stipulated in para 1 (d) of O.M. No. 490/4/77 Estt (G) dated 10th October, 1979 that casual employees who are engaged till 20th March, 1979 other-wise than through the employment exchange and who are eligible in all other respects may be regularised without insisting on the condition referred to in para 1(d) (i) of Arom of 21st March, 1979. It has been brought to the notice of this Department that in certain cases, casual employees, through recruited through employment exchanges, had already crossed the upper age limit prescribed for appointment to group 'D' post, with the result, that facility for regularisation cannot be made available to them. In view of the fact that the casual employees belong to the economically weaker section of the society and with a view to avoid undue hardship of them, it has been decided that such of the casual employees as were recruited in various Ministries, Departments and their attached and subordinate offices before 21.3.79 may be considered for regularisation in Group 'D' posts even though they may have crossed the age limit prescribed for the post provided they are other

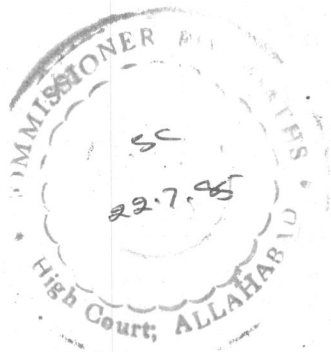


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wise eligible for regularisation.

The Ministry of Finance Etc. are requested to take appropriate action to regularise the eligible casual employees in group 'D' posts in accordance with decision mentioned above. Their attention is, However, invited to para 1(a) of this Department's Om No. 49014/4/79-E Estt (G) dated 21.3.1979. Where in it was stated that there was a ban on recruitment of casual employees for regular nature of work and the various Ministries etc. were advised not to engage persons on daily wage basis against such regular post. These instructions are still in force and it is requested that they may be followed scrupulously all concerned.

True Copy.



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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW.

Writ petition No.

of 1985

Ramoo & Others

....Petitioners

Versus

Union of India & Others

...Opp. Parties

ANNEXURE NO. 2

The following O/S should not be engaged
till further order vide S.S.R.M. (O) Division
Lucknow letter No. 13-1./14-G/OS/83 Dated 27 .5.85.

- 1- S.S. Kushwaha
- 2- Bindesh Chaubey
- 3- Ramoo
- 4- Raj Kumar Bajpai
- 5- Azad Ali
- 6- Rajesh Chandra Towari
- 7- Kunwar Bahadur Singh
- 8- Ramesh Eumar Tripathi
- 9- Suresh Chandra Savita
- 10- O.P. Pandey
- 11- Gaj Raj Singh
- 12- Jitendra Kumar Verma
- 13- Surendra Kumar
- 14- Hari Har Pandey

Ramoo

Sd/- R.S. Shukla
Arrangement Clerk . Cl IV-
27.5.85



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

Writ petition No. of 1985

Ramoo & OthersPetitioners

Versus

Union of India & Others ...Opp.Parties

ANNEXURE NO. 3

Notice of Termination in respect of Casual
 Daily Rated Mazdoors in the P&T Department.

No. 269/130/78-Sin New Delhi I, the 1.10.1984.

In order to implement certain judgements in respect of Casual Mazdoors, the question of lesuing a notice of one month of payment of wages in lieu there of to casual mazdoors whose services are terminated by the Department, has been engaing the attention of this Directorate for some time past. It has now been decided that such of the casual mazdoors who decided that such of the casual mazdoors who serve the Deptt. For at least a total period of 240 days in a year and whose services are proposed to be terminated by the Department shall be served a notice of one month before termination of their service or one month wages in lieu there of be paid to them.

2- The above orders take effect from the date of issue.

Ramoo

True Copy



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

Writ Petition No. _____ of 1985

Ramoo & Others

...Petitioners

Versus

Union of India & Others

..Opp. Parties

ANNEXURE NO. 4

Subject:- Procedure to be followed in regard to termination of services of Casual Labourers engaged in Postal Wing.

D.G.P.&T NO. 45/58/84-SPB-I

Dated 12.2.1985

The procedure followed by the Department in terminating the engagement of casual labourers has been adversely noticed by certain judicial bodies. In certain cases termination has been annulled on the ground that proper notice or wages in lieu there of were not given.

The procedure to be followed in terminating the engagement of casual labourers has been examined in this office carefully from all angles and it has been decided that such of the Casual labourers who have served the Department for at least a total period of 240 days in a year and whose continued engagement is not considered necessary shall be served a notice of one month before terminating their services or, alternatively, one months' wages in lieu there of will be paid to them.

These orders will come into force from the date of issue.

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH LUCKNOW

Writ Petition No. of 1985

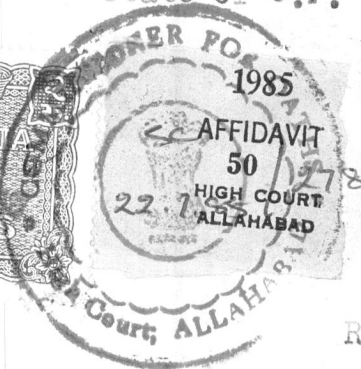
Ramoo

...Petitioner

Versus

State of U.P. & others

...Opp. Parties



Affidavit

Ramoo, aged about 24 years, son of Sri (Late) Sri Ram, R/O Salig Ram Ka Mandir Nawaiya Ganesh Ganj, Lucknow do hereby solemnly affirm and state on oath as under:-

1- That the deponent is the petitioner in the above noted Writ Petition and is well acquainted with the facts of the case.

2- That the contents of paras 1 to 8, 10, 11, 12, 13, 19, 20, 23, of the annexed writ petition are true to my personal knowledge., and those of paras 14, 15, 16, 17, 18, 21, 22, 24, of the annexed Writ Petition are true on the basis of ^{legal advice} information as received.

3- That the annexures enclosed with this writ petition are true copies of their originals.

Place: Luc know.

Dated 22/7/85

Ramoo
DEPONENT



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VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 to 3 of this affidavit are true to my personal knowledge.

Nothing material has been concealed, so help me God.

Signed and verified on this day of July, 1985 at Lucknow.

22/7/85

Ram
DEPONENT



I, identify the above named deponent who has signed before me.

[Signature]
(R. B. Pandey)
Advocate

Solemnly affirmed before me on 22.7.85 at 10 a.m./p.m. by the deponent ^{Ram} who has identified by Sri R. N. PANDEY, Advocate, High Court.

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

(OATH COMMISSIONER)
[Signature]
S. Chhabra

Advocate Oath Commissioner
Allahabad High Court,
Lucknow Bench, Lucknow
No. 50/278/85
Date 22.7.85

(26)

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

ब अदालत श्रीमान

महोदय

वादी (मुद्दई)

प्रतिवादी

(मुद्दाअलेह)

का



Joint Petition No

जयमलराम

Ramoo — — — — वादी (मुद्दई)

बनाम

Union of India & others — प्रतिवादी (मुद्दाअलेह)

नं मुद्दमा सन १९८५ पेशी की ता १९८५ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

R. B. PANDEY एडवोकेट
महोदय
वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर ये डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से दाखिल करे और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकसानो) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें या कोई वकील महोदय द्वारा की गई वह सब कार्यवाही हमको हर्बदा स्वीकार है और होगी इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

Ramoo

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

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महीना

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| | |
|---------------|-------|
| नाम वरिष्ठ... | |
| म. मुद्दमा... | |
| माम करीब... | |

[Handwritten signatures and initials]

C. M. 135- App No 8499 (a)

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

Writ Petition No. 3548 1985

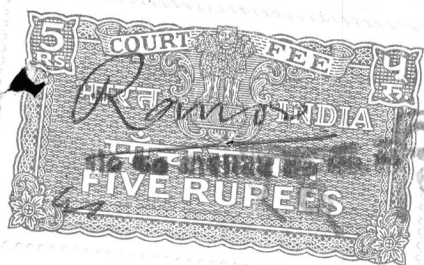
Ramoo

...Petitioner

Versus

Union of India & others

...Opp. Parties



किया

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8/27/85

STAY APPLICATION

That in view of the fact and circumstances, already narrated in the Writ Petition, along with its affidavit and annexures enclosed, it is most respectfully prayed that this Hon'ble High Court may please be stayed the operation of the impugned notice dated 27.5.1985 contained in Annexure No. 2 till pendency of this Writ Petition in the interest of Justice.

Place: Lucknow.

Dated: 29 July: 1985

(R.B. Pandey)
Advocate

Counsel for the petitioner

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P.

No.

3545

of 198

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vs.

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| Date | Note of progress of proceedings and routine orders | Date of which case is adjourned |
|---------|---|---------------------------------|
| 1 | 2 | 3 |
| 23-7-85 | <p>Scn B Kumar,) Scn G.B. Singh,)</p> <p>Wd this petition for admission in the week common second week of Aug 1985 - - -</p> <p>the meantime -</p> <p>Scd. B Kumar Scd. G.B. Singh 23-7-85</p> <p>cm. An No 8499 QD 85</p> | |
| 23-7-85 | <p>Scn B Kumar,) Scn G.B. Singh,)</p> <p>Wd along with the W.P.</p> <p>Scd. B Kumar Scd. G.B. Singh 23-7-85</p> | |
| 9-8-85 | <p>fixed hall an App 0499 (W) Dr for Admission Hilal Hilal</p> <p>for 9.8.85</p> | <p>for Bench 2nd 9.8.85</p> |

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, By, Registrar (1)

LUCKNOW.

MISC. APPLICATION NO. 624/97 OF 199 .

On behalf of Respondents.

In
CASE NO. TA. 1911 of 1987(T)

RamooPetitioner.

Versus

Union of India & Others Respondents.

Application for Condonation of delay.

Respectfully SHEWETH;

1. That Counter-affidavit in the above case could not be filed with the time allotted by the Hon'ble Tribunal as copy of the Writ Petition was not available in the office of the Sr. Superintendent , R.M.S. 'C' Division.
2. That after great difficulties a copy of the Writ Petition could be obtained and comments were prepared on the basis of relevant office records.
3. That on receipt of the comments the Counter-affidavit has been drafted and after its approval the same is being filed without any further delay.
4. That the delay in filing the Counter-affidavit is bonafide and is liable to be condoned.

-; PRAYER ;-

Wherefore it is respectfully prayed that for the facts & circumstances indicated above the delay in filing the Counter-affidavit may kindly be condoned and it may be taken on record.

D. Chandra
(Counsel for Respondents)

R- 163/97

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,

LUCKNOW.

By, Registrar (/)

Application for Dismissal of O.A.

mlr 625/97
By Respondents.

In

O.A.NO.TA. 1911 OF 1987(7)

RamooPetitioner.

Versus

Union of India & Others Respondents.

Respectfully SHEWETH;

That for the facts and circumstances mentioned in the accompanying Counter-affidavit the O.A. is liable to be dismissed at the admission stage.

-; PRAYER ;-

Wherefore for the facts & circumstances indicated in the accompanying affidavit it is respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the above O.A. at the admission stage for which act of kindness the respondents shall remain grateful.

D. S. - 20

(Counsel for Respondents)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, Dy. Registrar (S)

LUCKNOW.

COUNTER-Rd AFFIDAVIT ON BEHALF OF RESPONDENTS.

In

T.A. NO. 1911/87 (T)

(W.P. NO. 3546/85)

RamooPetitioner.

Versus

Union of India & ⁰OthersRespondents.

I, Jitendra Gupta, Sr. Superintendent of R.M.S.'O' Division,
Lucknow do hereby solemnly affirm and state as under :-

1. That the deponent has read the above Writ Petition and has understood the contents thereof.
2. That the deponent as well conversant with the facts of the case deposed hereinafter.
3. That in order that the Hon'ble Tribunal may appreciate the submissions made hereinafter in their true perspective it is worthwhile to give a brief history of the case as under :-

;- BRIEF HISTORY OF THE CASE ;-

Shri Ramoo was engaged as Casual Labour in the Department in the month of December, 1978 for disposal of the work of Casual and occasional nature as and when the work was available. He was not engaged against

[Signature]

Contd....2/-

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XUS

Dy. Registrar ()

any post, appointment or vacancy. His work and conduct was found below satisfactory level. As evident from the incidence of 3-12-84 ~~in~~ given in Annexure R-1 to this C.A., he entered the office premises of Lucknow R.M.S. Set-3 dtd. 3-12-84 in a state of drunkenness and forcibly asked the Head Stg. Asstt. to engage him as extra on duty. His apparent physical as well as mental state was found not fit to engage him for the work. He entered into unwarranted quarrel with the Head Stg. Asstt., forcibly snatched the attendance register, Head Stg. Asstt's daily report, the rubber stamp of the set and discretely threw them in the toilet. He misbehaved with the Head Stg. Asstt. and used abusive and unparliamentary language for the Head Stg. Asstt. The attendance register, daily report of the Head Stg. Asstt. and rubber stamp of the set were finally recovered after a thorough search from the toilet. This incidence was investigated by the Superintendent (Stg), Lucknow RMS, who made a report against the Petitioner vide letter No. Dy/B-2/1-C/84 dtd. 4-12-84 with recommendation for striking off his name from the list of outsiders and not to engage him further. Accordingly the petitioner ^{not} was engaged after 4-12-84.

PARA-WISE COMMENTS ON THE WRIT PETITION.

Para-1:- That the contents of para-1 of the Writ Petition are not admitted. It is submitted that the petitioner used to be engaged as Casual labour in the Department for the work of casual and occasional nature and not as skilled labour. He was never engaged against any appointment or vacancy. The statement of the petitioner that he was engaged upto 26-5-85 is not correct. He was not engaged in the Department in any capacity after 4-12-84. His claim that he was engaged continuously upto 27-5-85 is factually incorrect.

[Signature]

Contd...3/-

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1/4

Dr. H. S. (1)

Para-2:- That the contents of para-2 of the W.P. are not admitted.

Circulars were issued from time to time by competent authorities of the department for the revision of the rates of Casual labours as shown in Sub Paras (1), (ii) and 3 (iii) of the Writ Petition, but these rates were to be applied under certain laid down conditions in the respective circulars subject to fulfilment of conditions given hereafter :-

- (a) These orders were applicable only in cases of full time casual labours.
- (b) In case where revised rates were found less than then current local rates, the local rates may continue to apply.
- (c) The benefits of increased daily wages would not be admissible to casual mazdoors in whose case the continuous spell of duty are separated by the period of more than six months.

Para-3:- That the contents of para-3 of the Writ Petition are not admitted and hence denied and in reply it is submitted that Merely because a person has put in minimum 240 days in each year in last two years does not automatically make him qualified to be appointed in Group 'D' service. It only makes him eligible to appear in the departmental examinations. Besides eligible casual labourers, E.D. Employees of the department, who completed 3 years service were also eligible to appear in the same examination for the recruitment of Group 'D'. The ED employees were first selected and unfilled vacancy after absorbing all qualified E.D. employees, the Casual labour who had qualified in the same examination were selected to fill up the remaining vacancies, subject to satisfactory Police Verification and Medical Fitness. Departmental examinations were held from time to time during the tenure of

[Signature]

Contd....4/-

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By, Deputy Secy

the petitioners engagement upto 4-12-84 it was his option to appear therein and he could have got the benefits of the scheme.

Para-4:- That the contents of Para-4 of the Writ Petition are not admitted and hence denied and in reply it is submitted that the petitioner was not a skilled labour. ~~xxxxxxxxxx~~ As regards regularisation of his service, it was not automatic and contents of reply vide para-3 of the W.P. as above are reiterated. The allegation of the petitioner of meeting any harassment by the respondent No. 4 are an after thought and therefore denied. His statement that his services were not * utilised after 27-5-85 is also not correct. His services, were not utilised after 5-12-84 given in Annexure R-1 which formed sufficient and reasonable ground not to engage him further in the wider interest of the service decorum.

Para-5: That whereas contents of the circular as quoted in Para-5 of the W.P. are not disputed but petitioner's allegation of non-regularisation of his service in the Group 'D' post are not admitted and hence denied and in reply it is submitted that regularisation of service in Group 'D' post are subject to fulfilment of certain conditions, and reply to para-3 of the W.P. as given above are once again reiterated.

Para-6: That the contents of Para-6 of the W.P. are not admitted and reply to para-3 and 5 of the W.P. as above are again reiterated. The allegation of the petitioner labelled against respondents No. 3 & 4 are not acceptable and hence denied.



Contd....5/-

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Dr. D. D. D. D.

Para-7:- That the contents of Para-7 of the Writ Petition are not admitted and hence denied and in reply it is submitted that the orders dated. 27-5-85 ordering not to utilise the services of the petitioner has no bearing in view of the earlier orders issued vide Annexure R-2 which categorically ordered stopping his further engagement from 5-12-84 and accordingly petitioner was never engaged thereafter. It is evident that order dated. 4-12-84 vide Annexure R-2 had been served upon the petitioner and his signature obtained in token of having served the said order dtd. 4-12-84. However, merely inadvertant inclusion of his name in the order dtd. 27-5-85 amongst others may not be a ground that the petitioners services had been utilised in any way after 4-12-84.

Para-8:- That the contents of para-8 of the Writ Petition are not admitted and hence denied and in reply it is submitted that the petitioner's claim of being a skilled labour and that he had put service against any vacant post are incorrect. The petitioner was merely a casual labour and he used to be engaged for the work of Casual and occasional nature as and when available. As his work and conduct was not found satisfactory as evident from the contents of Annexure R-1, he was not engaged after 4-12-84 and he was informed in writing accordingly vide letter given as Annexure R-2. The allegation of petitioner against respondent No. 4 of malafide intention for wrongful personal gain based on the orders dtd. 27-5-85 (Annexure-2 to the original Writ Petition) are unfounded, without any substance and without any relevance and defamatory and the respondents request the Hon'ble C.A.T. to take the notice against the petitioner.



Contd... 6/-

settled and in 1881

Para-10:-

Para-113:-

Para-12:-

Contd. ... 7/-

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Dr. Beglwar (77)

8/49

respondent No.4 is baseless and devoid of any merit.

Para-17:- That contents of Para-17 of the Writ Petition are not admitted and hence denied and reply to Para-16 of the Writ Petition as given above is reiterated.

Para-18:- That the contents of Para-18 of the Writ Petition is not admitted and hence denied and reply to Para-16 above is once again reiterated.

Para-19:- That the contents of Para-19 of the Writ Petition are not admitted and hence denied and in reply it is submitted that allegations of the Petitioner against respondent No.4 are devoid of facts. As is evident from the contents of Annexures R-1 & R-2 of the C.A., action of the respondent No.4 in not engaging the petitioner in consequence was fully justified and there is no violation of any law under the constitution of India. Action against the petitioner for not utilising his services after 4-12-84 was taken on its individual merit and cannot be linked with other casual labours who continued as casual labour even after 5-12-84 on their individual merits and demerits.

Para-20:- That the contents of Para-20 of the Writ Petition are not admitted and hence denied and in reply it is submitted that allegations of petitioner against respondents are baseless and devoid of any fact. In this connection reply to Para-13 are reiterated.



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Para-21:- That the contents of Para-21 of the Writ Petition are not admitted and hence denied and in reply it is submitted that the question of retrenchment does not apply as the petitioner was not employed against any appointment of the establishments permanent or temporary; but was engaged for disposal of work of Casual and occasional nature.

Para-22:- That the contents of Para-22 of the Writ Petition are not admitted and hence denied and in reply it is submitted that regularisation of Casual Labour in Gr. 'D' services was not automatic. In this context reply to Para-3 of the Writ Petition as given against Para-3 of this C.A.

Para-23:- That the contents of Para-23 of W.P. read with S.S.R.M(O) Division, Lucknow letter NO.8-1/14-0/OS/83 dtd.27-5-85 and in the context of Writ Petition No.2741/85 of 18-6-85 may not be applied in the case of petitioner as he was not engaged after 4-12-84. It is prayed that petitioner's case be distinguished from the case under W.P. NO.2741/85 dtd.18-6-85.

Para-24:- It is prayed that the case of the petitioner be decided separate from the Case under W.P. No.2741/85 dtd.18-6-85 as given in reply to para-23 of W.P. as above as the order dt.27-5-85 does not apply in case of the petitioner as he was not on the engagement subsequent to 05-12-84.


5. That the " Grounds " urged in the various paras (i) to (xii)

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20. September 1993


of the Writ Petition are wrong & misconceived as have been adequately dealt with in the above paragraphs and need no further comments.

6. That for the facts & Circumstances indicated above the petitioner is not entitled to any relief prayed for in the Writ Petition.


Sr Superintendent
R. M. S. O' Dn, Lucknow-226004
(DEPONENT)
रे. डा. छ. 'अ' ह. न.
लखनऊ - 226004

-; VERIFICATION ;-

I, the deponent above named, do hereby verify that the contents of paras 1 are true to my personal knowledge and those of paras 2 to 6 are based on records and legal advice which I believe to be true. No part of it is false and nothing material has been suppressed. ~~No help needed.~~


Sr Superintendent
R. M. S. O' Dn, Lucknow-226004
(DEPONENT)
प्रवर अवकाश
रे. डा. छ. 'अ' ह. न.
लखनऊ - 226004

T.A. 1911/87(7)

c-1

Ramesh Chandra

Dr. Bhatnagar (S)

Amr. R1

A/S

POSTS & TELEGRAPHS DEPARTMENT

From:

Superintendent(Stg),
Lucknow RMS
Lucknow-19

To:

Shri S.Dux Srivastava,
SRD, RMS 'D' Dn.,
Lucknow-19

No. Dy/D-2/1-C/84 dated at Lw the 4.12.1984

It has been reported to this office that Shri Ramu D/S MM entered the office in Lucknow RMS/3 dt. 3.12.84 in a drinking condition. He forced the HSA to engage him as Extra. Being in the drinking condition he was not engaged. He forcibly signed the attendance register and Daily Report. Then he took away the attendance register of Group 'D' official, the daily report Rubber Stamp of HSA and spare register and secretly threw them in the Latrine. After a great search these articles were recovered. He abused the HSA with unparliamentary language. With great difficulty he could be made out from the office. Please remove him immediately and also strike off his name from the list of outsiders and report compliance at once.

Sd/-

Superintendent(Stg)
Lucknow RMS,
Lucknow-19

Copy to the SSRM 'D' Dn., Lucknow for information
& necessary action and approval.

T.A. 1911/82(1)

Ramoo y. v. o. 1 + On

C-2

Inc R.2

ANNEXURE C-3

INDIAN POSTS & TELEGRAPHS DEPARTMENT
Office of the Sub Record Officer,
RMS 'D' Dn.,
Lucknow-19

To,

The SRM(Stg),
Lucknow RMS

No. AC-2/D/C/Dscp/84 dated 4.12.84

Ref:

Your office memo no. Dy/B-2/1-C/84 dt.
4.12.84

In compliance to your office memo under reference Shri Ramoo O/s has been removed and his name has been struck off from the list of O/s w.e.f. 5.12.84. All the Head Sorters & Mail Agents are being instructed not to engage him w.e.f. 5.12.84 with remarks on the staff memos and attendance registers.

Shri Ramoo O/s has also been informed accordingly by obtaining his signatures on the memo under reference on 4.12.84. Imp.

Sd/-

Sub Record Officer,
RMS 'D' Dn., Lucknow-1

Copy to SSRM 'D' Dn., Lucknow for information.

Sd/-

Sub Record Officer,
RMS 'D' Dn., Lucknow

U.P.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

No. CAT/LKO/Ju01/ 4598 To 4602

Dated : 18/3/93

Registration No. 7.A.174/87 (7)

Ramoo

Applicant

VERSUS

Union of India & others

Respondents

- ① Ramoo Foster Ramell Chandra, Srivastava, Dugawana Police Chauki Ke Zamane, Lucknow
 - ② Union of India through its Secretary, P.T. Department, Civil Secretariat, New Delhi
 - ③ Director General, Postal Services, of India, New Delhi
 - ④ Post master General, Postal Head quarter, P.M.G. office, Lucknow
 - ⑤ Senior Superintendent Railway Mail Service 'O' Division, Lucknow
- 66 Issue notice for 15-11-93 for final hearing.

Please take notice that the applicant above named has presented an application a copy of X thereof is enclosed herewith, which has been registered in this Tribunal has fixed X day of X show-cause as to why the petition be not admitted. Counter may be filed within X weeks. Rejoinder, if any, to be ~~XIX~~ filed within X weeks thereafter.

If, no appearance is made on your behalf, you pleader of by some on duly authorised to Act and plead on your behalf in the said application, it will be heard and decided in your absence. Given my hand and the seal of the Tribunal this 19th day of Feb-93 199 .

Behandas

For Dy. Registrar

(m.m.)

19/7/93

Before the Deputy Registrar, Central Board of Secondary Education
Zuckerman

Application for Supply of Copy of T.A. No. 1911/87(I)

Ramos v/s Union of Teachers & Others.

Respected Sir,

It is respectfully requested that a

Copy of the claim petition No. T.A. No. 1911/87(I) Ramos v/s Union of Teachers may kindly be furnished to me.

Indian Poll Order No. 3 12 199857. In
B 2/- and Poll order No. 4-29-973083 for
B 20/- ~~in~~ and Poll order No. 29-973083 for
B 3/- are enclosed.

D. Ganes

Dr. Dinesh Ganes
Addl. Secy - Secy. Standing Order
Lucknow

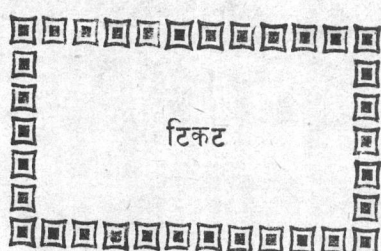
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ब अदालत श्रीमान् *In Control Adm. Tribunal* महोदय
Lucknow Bench

[वादी अपीलान्त]
प्रतिवादी [रेस्पाडेन्ट]

वकालतनामा



(वादी अपीलान्त)

Ram. 10.1.1 बनाम

(प्रतिवादी रेस्पाडेन्ट)

नं. मुकद्दमा *T.A. 1911/87* पेशी की ता० १९ ई०

उपर लिखे मुकद्दमा में अपनी ओर से श्री *दिनेश चन्द*

वकील महोदय एडवोकेट

नाम अदालत
मुकद्दमा नं०
नाम फरीकन

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

हस्ताक्षर *दिनेश चन्द*

साक्षी (गवाह) (गवाह)

दिनांक महिना

स्वीकृत

100922-100922-100922
R.M.S. O'D. Lucknow

IN. THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH
Gandhi Bhawan, Opp. Residency, Lucknow

No. CAT/AMB/Transfer/

7A-1911/87
3435

Dated the

19/2/90

Ramesh

APPLICANT'S

VERSUS

Union of India

RESPONDENT'S

① To Ramesh D/o Late Shri Ram - 8/10
Sahang Ram ka mander Malwarya
Ganesh Gang Lucknow

Whereas the marginally noted cases has been transferred
by H.C. 115 under the provision of the Administrative
Tribunal Act XIII of 1985 and registered in this Tribunal as above

Writ Petition No. 3545/85
of 1990. of the Court of

H.C. 115
arising out of order dated

passed by

in

The Tribunal has fixed date of
8/3/90 1990. The hearing
of the matter.

If no appearance is made on your
behalf by your some one duly authorised
to Act and plead on your behalf.

The matter will be heard and decided in your absence.
given under my hand seal of the Tribunal this 15
day of 2 1990.

dinesh/

DE
DEPUTY REGISTRAR

*Dissement
Larkmen*

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

48 *01C*

T.A.No. 1911 of 1987

No.CAT/A11d/Jud *11242-43* dated the

20/7/88
Rampoo

APPLICANT(S)

VERSUS

Union of India

RESPONDENT(S)

TO

- 1- Shri R.E. Pandey, Advocate, Lucknow High Court
Lucknow.
- 2- Chief Standing Counsel, Lucknow High Court
Lucknow.

Whereas the marginally noted cases has been transferred by

H.C.LKO Under the provision of the
Administrative Tribunal Act XIII of 1985 and registered in this Tribunal
as above.

Writ Petition No. 3545
of 198
of the Lucknow High Court, Lucknow

The Tribunal has fixed date of
23-12-1989 1989. The
hearing of the matter at Gandhi
Bhawan, Opp. Residency, Lucknow.

If no appearance is made on your
behalf by your name one duly authorised to
act and plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this
day of August 1989.

dinesh/

[Signature]
DEPUTY REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH

Gandhi Bhawan, Dist. Residency, Lucknow

7A: 1911/87

No. CAT/Alld/Transfer/ 3435 Dated the 19/2/90

Ramoo

APPLICANT'S

VERSUS

Union of Jodha

RESPONDENT'S

①

To

Ramoo No. Late, Shri Ram Ali
Sahing Ram ka. mander Hawaya
Ganesh Ganj Lucknow

(Sud)

(Sudh)

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

Writ Petition No. 3545/88 The Tribunal has fixed date of
of 1990. of the Court of 8/3/90 1990. The hearing
H C K of the matter.

arising out of order dated If no appearance is made on your
 passed by behalf by your some one duly authorised
 to Act and plead on your behalf.

in

The matter will be heard and decided in your absence.
given under my hand seal of the Tribunal this 17
day of 2 1990.

dinesh/

DEPUTY REGISTRAR