

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE FA 440 4054/85 TA. 1920/87 OF W.D. No. 4054/85

NAME OF THE PARTIES Anho K. Kumar Applicant

Versus

U.C.I. Ltd. Respondent

Part A.

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11	Any Papper / Notices / Powers / H.C. sheet	
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15		
16		
17		
18		

CERTIFICATE

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

This file received from record room without 1/30 sta.

Dated 15.9.11

Counter Signed.....

[Signature]
15/9/11

Section Officer/In charge

[Signature]
Signature of the
Dealing Assistant

Central Administrative Tribunal

Lucknow Bench

INDEX SHEET

Cause Title T.A. 1920/87 of 1993

Name of the Parties Ashok Kumar Applicant

Versus

Union of India Respondents

Part A.E.C.

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ORDER SHEET

HYDERABAD

OFFICE REPORT

(1)

An Application has been filed in this
Tribunal for transferring the case No. 1920/07 (T)
of - to the Circuit Bench Lucknow.

If approved, 26th April 1988 may
kindly be fixed for ^{Admission} hearing at Circuit Bench
Lucknow. In this regard the notices may be sent
to the parties counsel.

ksn! List this case on 26th April
1988 before Circuit Bench Lucknow for
admission.

[Signature]
D.R.

(2)

26.6.00

Hon. Justice S.Z. Hasan, V.C
Hon. A. Zohn, A.M

Admit,
Issue notice to rebels who
can file reply by 4.7.00 &
R.A. by 11.7.00 before the D.R.(J)
Circuit Bench at Lucknow.

Sd/-
Am

Sd/
V.C.

[Signature]

1920-87 (T) (L)

Ashok Kumar vs. U. of J.
Order sheet.

(A)
2

10/7/06/

Registrar

X

(3)

MISS. A. Kaur on behalf of Shri V.K. Chandhary, Advocate for the respondent is present and none appeared for the applicant. Time for filing reply is being allowed by 26/11/88. The case is very old one. Reply must be filed by that date.

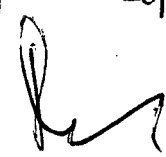
26/11/88

Registrar

D.R

26/11/88

On the request of applicant's Counsel the case is adjourned to 20.9.89 for reply.

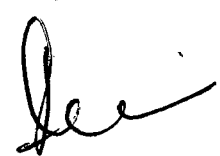


D.R

D.R

20.9.89

On the request of applicant the case is adjourned to 24.10.89 for reply.



Applicant's Counsel
opposed. Reply not filed
Fix & reply 21.11.88

24/10/89

A
3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW

A/S

O.A./T.A. No. 1920 1987 (T)

Ashok Kr.

Applicant(s)

Versus

U.O.L

Respondent(s)

Sr. No.	Date	Orders
6	21/11/89	No sitting. Adjourned to 21-12-89 for filing Reply. This is the last opportunity fish 21/11/89
7	21/12/89	No sitting. Adjourned to 25-1-89 for R.A. Reply filed today h 21/12
8	25-1-89	Applicant present. Rejoinder filed - by 29.3.89 + Hearing 25/1/89
9	29/3/89	Hon' Mr. D.S. Mishra, A.M. Hon' Mr. D.K. Agarwal, J.M. Shri V.K. Chaudhary learned counsel for the respondents is present. On the request received from the learned counsel for the applicant the case is adjourned to 4-5-89 for hearing. J.M. A.M.

19.3.1990

Hon. Mr. L.K. Agrawal, J.M.
Hon. Mr. K. Obayya, A.M.

19
4

Shri. P.N. Bajpai, for the applicant
 is present. None for the respondents. The
 case is not reached. Therefore, adjourned
 it.

List it for hearing on 16.7.1990.

A.M.

J.M.
 J.M.

sd.

16-7-90 No sitting Adj. to 24/9/90

24.9.90 No sitting Adj. to 14.12-90

14.12.90

case not reached Adj. to 14.2.91
 for hearing.

14.2.91

— No sitting Adj. to 29.4.91

29.4.91

No sitting Adj. to 5.8.91
 J.

Received
 Obayya
 13/4/91
 13/6/91
 13/9/91
 13/9/91

1 2
P
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

T.A. 1920/87

(Writ Petition No. 4054/85)

Ashok Kumar

Applicant

versus

Union of India & others

Respondents.

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

Hon. Mr. K. Obayya, Adm. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C.)

The petitioner was appointed as casual labour on 18.1.1983 in the R.M.S. According to the applicant there was no complaint or adverse remark against him, but vide order dated 27.4.1985 ^{He Respondents} terminated the services of the applicant. It was directed that the salary will be paid in lieu of notice. The applicant has contended that the Postal Department is an Industry within the meaning of Industrial Disputes Act and the termination would be retrenchment under section 2 (oo) and as such the termination order is illegal but his services have been terminated retaining his juniors. He has given the names of his juniors. There is no denial by the respondents that the juniors have been retained. They contend that the Industrial Disputes Act is not applicable and stated that the conduct of the applicant has not been found good. He was an accused in Criminal offences under sections 147/148/149/307 of I.P.C. recorded in register maintained

A
32
KAT
A/S

at Police Station and the case was under trial and that he was found guilty for beating Shri Sukh Mangal Singh, Sorting Assistant at Lucknow.

2. The applicant may be a casual labour. If his services were terminated by way of punishment, opportunity should have been given to him. We take it that it may be by way of punishment, but so far as termination of service of petitioner retaining the juniors are concerned, the same is violative of Article 14 of the Constitution of India. In this way the order is arbitrary and cannot sustain. The respondents are directed to re-engage the applicant on priority and preference basis, the applicant will be first appointed and thereafter only any outsider will be appointed and the age bar will not stand in the way, as the respondents are themselves responsible for putting an end to his services. No order as to costs.

A.M.

V.C.

Lucknow Dated: 5.8.91.

CIVIL SIDE
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case W.P. 4054-85

Name of parties Ashok Kumar vs. Union of India

Date of institution 16-8-85

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 Annexes and affidavit	15-		102.00			
	2.	Power	1-		5.00			
	3-	Comm. 9553 (W) of 85 for stay						
	4-	ackd ch	1-					
	5-	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 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-13(K)

5111

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

Writ petition No. 4054-85 of 1985.

Ashok Kumar Petitioner.

Versus

The Union of India... .. Opposite parties.

I N D E X .

Sl.No. Subject. Page No.

1. Copy of the Writ petition 1to 8.
2. Annexure No.1. termination order dated 27.4.1985. 9
3. Annexure No.2 F.I.R. 10 and 11
4. Affidavit. 12 and 13
5. Vakalat Nama. 14.

Lucknow dated

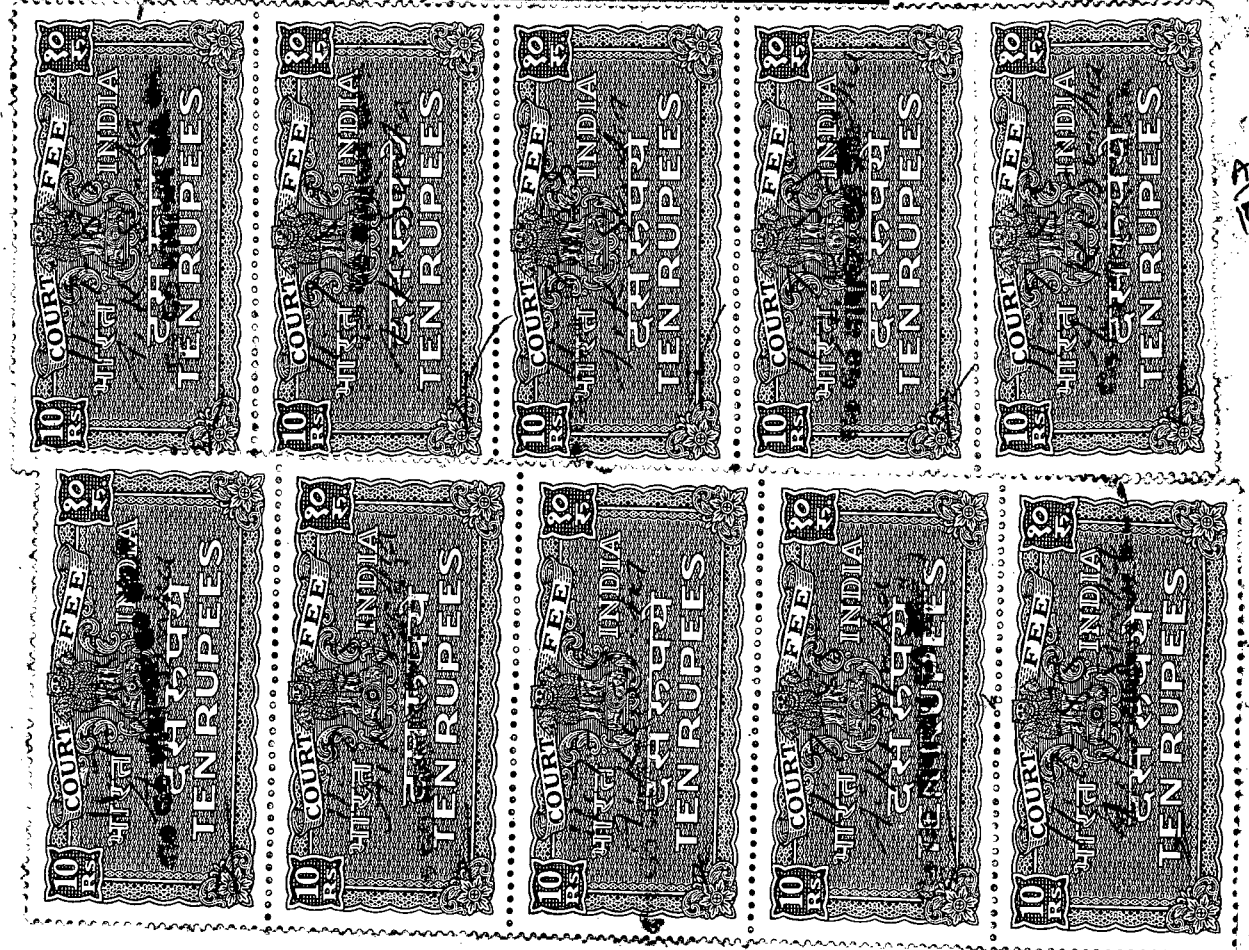
S.P. Singh.
Advocate.

Counsel for the Petitioner.

W.P. 4054-85

In The Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow.



1052/201006
2
11/7

1- Ashok Kumar , aged about 28 years Son of
Shamshear Bahadur Resident of 266/129,
Nai Basti , Bhadeva, Lucknow.

.....Petitioner.

Versus.

1- The Union of India.
2- Suprintendent-R.M.S., Lucknow Division,
Lucknow.

.....Opposite parties.

WRIT PETITION UNDER ARTICLE 226, CONSTITUTION
OF INDIA.



अशोक कुमार

The petitioner most respectfully begs to

(2)

state as follows:-

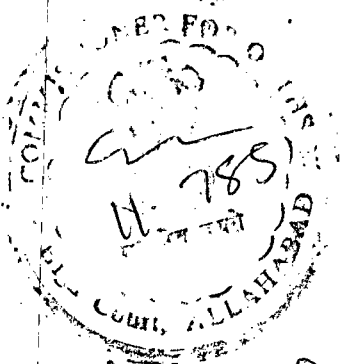
1- That the petitioner was appointed as casual labour on 18-1-1983, and no appointment letter was issued to the petitioner.

2- That the work and conduct of the petitioner was always good and there were no complaint nor any adverse remarks in the character roll of the petitioner and if any same has never been communicated to the petitioner so far.

3- That the opposite party No.2 vide Memo NO R-2/Z/16/AKS/84-85 at Lucknow, 27-4-1985 ordered the immediate termination of engagement with/effect on administrative grounds and one month Wages equivalent to one Month pay was also ordered to be paid forth with in lieu of the notice. The true copy of the Termination order DATED 27.4.84 DATED "21.01.86" IS BEING FILED HERE WITH AS Annexure No.1 to the writ petition.

4- That Section 2 (oo) of Industrial Dispute Act, of 1947 defines the retrenchment as below:-

(oo) Retrenchment' means the termination by the employer of the service of a work-



27/4/84 (27.4.84)

(3)

man for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action but does not include-

- (a) Voluntary retirement of the workman; or ¹²
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or
- (bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry of of such contract being terminated under a stipulation in that behalf contained therein; or
- (c) Termination of the service of a workman on the ground of ~~xx~~ continued ill-health.

And as such the termination of the petitioner ^{amounts to} ~~is~~ retrenchment as provided in the Industrial Dispute Act, 1947.

5- That according to the Section 25 F (b) of the Industrial Dispute Act, 1947 a workman ^{Cannot be retrenched} has ^{checked} been paid, at the time of ^{he} retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months; ~~and~~ but in the case of the petitioner the very perusal of the order dated 27-4-1985 shows that no compensation was allowed to the petitioner which is a

2014/04/27

(4)

condition precedent to the retrenchment and ^{as}
such the order is bad and illegal.

6- THAT Section 25 F (c) that notice in the
prescribed manner should also be served on appro-
priate Government or such authority as specified
by the appropriate Government by notification in
the official Gazette ~~xxxxxx~~ but in the case of
the petitioner no notice was served which is a
condition precedent to the retrenchment.

7- THAT Section 25 (B) of the Industrial
Dispute Act, 1947 defines continuous service
according to which where a workman has completed
240 days in one Calendar year, he will be deemed
to be in continuous service and the petitioner
has worked ^{for} more than 680 days as such he will be
deemed to have been ⁱⁿ continuous service of the
opposite parties.

8- THAT no seniority list was published
prior to termination of the petitioner as required
under the Rules.

9- THAT the following persons who are junior
to the petitioner and whose work and conduct are
also not good have been retained in the services
while the services of the petitioner has been
terminated in the garb of the simplistic order.

Name	Days.
1- Ashok Kumar Srivastava	680.

Zonotagata All India

(8)

salery to the petitioner.

3-

To issue a Writ , order or direction
in favour of the petitioner as this
fit
Hon'ble Court thinks/and proper in
the end of justice.

4-

The cost of the petition be allowed in
favour of the petitioner.

Lucknow dated

S.P. Singh

S.P. Singh
(S.P. Singh)
Advocate.

COUNSEL FOR THE PETITIONER.

(7)

D- BECAUSE, the principle of ~~law~~ last come first go has not been followed by the Opposite party No.2

E- BECAUSE, the termination of the petitioner services is a retrenchment as defined Under section 2 (OO) of Industrial Dispute Act, 1947.

F- BECAUSE, the order of termination is arbitrary, Malafidy, Discriminatory and illegal.

Relief.

Wherefore, it is most respectfully prayed that the following reliefs may kindly be granted.:-

1- To issue a writ order or direction in nature of Certiorari, quashing the Annexure No.1 passed by opposite party No.2 , dated 27.4.1985.

2- To issue a writ order or direction in the nature Mandamus Commanding the opposite parties to take the petitioner on duty and take the work and pay

22nd June 1985

16/12

इन दि आनरेबिल हाई कोर्ट आफ ज्यूडीकेवर ऐट इलाहाबाद ।

॥ लखनऊ बेंच ॥ लखनऊ ।

रिट पिटिशन नं०-----आफ 1985

1/19

आशोक कुमार

पिटिशनर

वकील

यूनियन आफ इण्डिया

ओपाटीनि

ऐनेकजर नं०- 2
लललललललललललल

सरकार ----- ब ----- दिलीप कुमार एफ०आई०आर

क्रिम० नं० 306 अ/स० 379 आई०पी०सी०

एफ०आर० नं० - 307

डेटेड - 21-3-85 टाइम 9 बजे से पहले

रि०- 21-3-85 11-45 बजे

प्लेस - आर०एम०एस०, लखनऊ ।

वादी मुकुटधारी लाल इंचार्ज मेल एजेंट, लखनऊ आर०एम०एस०

बनस आता

मजरावाना - कागजात

आई०ओ० वी०आर० सिंह

नकल तहरीब

एफ०आई०आर०

श्रीमान थाना अध्यक्ष महोदय, जी०आर०पी० चारबाग लखनऊ

महोदय सक्रिय निवेदन यह है कि दिनांक 21-3-85 को 8-45

एयर मेल साटिंग आफिस लालबाग लखनऊसे 102 दिनांक 20-3-85

से गोरखपुर आर०एम०एस० को मेल बैग^{हमें} मिला जिसके ऊपर दोहरी सील लगी हुई थी सिद्ध होने पर वह बैग 9-00 खोला गया

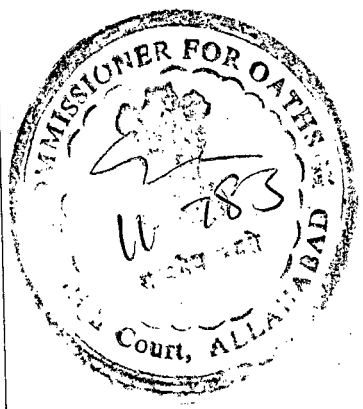
तो उसके अन्दर जो रजिस्टर बैग प्राप्त हुआ उसके 200 अन्य

पंजीकृत पत्र एक पंजीकृत बन्डल एक हाई वैल्यू मनीआडर और 3

बन्डल मनीआडर प्राप्त हुए परन्तु रजिस्टर लिस्ट का टोटल वाला

पेज का एक टुकड़ा मिला जिसका बीमा नं० 7-75 और 115 अंकित

81200 Gme Dhaba



In The Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow.

Writ Petition No. of 1985.

Ashok Kumar Singh.....Petitioner.

Versus

The Union of India..... Opposite parties.

ANNEXURE NO.*1

INDIA DEPARTMENT OF POSTS
OFFICE OF THE SUPERINTENDENT RMS, LW, DN: LUCKNOW
MEMO NO.R-2/Z/16/AKS/84-85 dated at LKO, the 27.4.85

The engagement of Shri Ashok Kumar S/o

Shri Shamsheer Bahadur, Casual Labourer attached

to HRD RMS, LW, Division, Lucknow, is hereby ordered
to be terminated with immediate effect on the

administrative grounds.

An amount of Rs 294/- (Rupees Two Hundred

ninety four only equivalent to one month's, in lieu
of the notice. This is in accordance with the

instructions contained in the DG P&T Communication

49-58/84-SPB-I 12.2.85 endorsed vide PWG UP Circle,
Lucknow N Restt/R-39/V/8 dated 20.3.1985.

Sd/-

Superintendent

RMS, LW, Division, Lucknow.

Copy to :-

162

HRD/AWRD A/C LW, DN: Lucknow for information and necessary action, compliance should be reported to this office immediately.

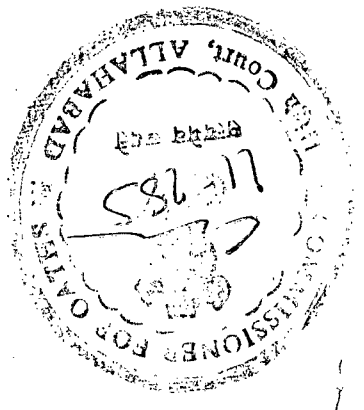
3. Shri Ashok Kumar Casual Labourer through HRD RMS, LW, Division, Lucknow.

2. PWG UP Circle, Lucknow for information.

566 Office copy and spare.

VKM/ST

true copy.



2/5/85

11/5

11/5

(A)
17 11 13

है जो नहीं मिले उसके अलावा भी कोई बीमा नहीं प्राप्त हुआ ।
इस प्रकार उपरोक्त दोनों चीजें तथा इसके अतिरिक्त और भी
बीमों जो इस लिस्ट में दर्ज रहे होंगी, की चोरी साबित होती
है कृपया तुरन्त प्रथम सूचना दर्ज करें और अक्लिम्ब जांव पड़ताल
प्रारम्भ करें विभागीय जांव में सहयोग करें ।

A/20

एक इन्स्पेक्टर दो कानिस्टेबल मुकैया करने की कृपा करें यह बैग निम्न
व्यक्तियों की उपस्थिति में खोला गया ।

- 1- मुकुटधारी लाल इंचार्ज/मेल
- 2- मोहन लाल एम/क्यू
- 3- दिनेश कुमार मिश्रा एम/एम
- 4- रमेश चन्द्र इंचार्ज मे/एजेंट ।

ह0 मुकुटधारी लाल ।

आपक (कु) 12 अक्टूबर
॥ सत्य प्रतिलिपि ॥

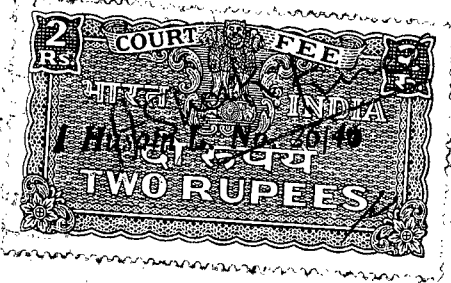


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18 12/14

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

Writ petition No. _____ of 1985.

1985
AFFIDAVIT
29/7
HIGH COURT
ALLAHABAD



Ashok Kumar.....Petitioner.

Versus

The Union of India.....Opposite parties.

A F F I D A V I T.

I, Ashok Kumar aged about 28 years son
of Shamsher Bahadur R/o 266/129, Nai
Basti Bhadeva, Lucknow. do hereby solemnly
affirm and state on oath as follows;-

1- That the deponent is the petitioner in
the above noted petition so he is well acquainted
with the facts deposed here to under.

2- That the contents of paragraph of the
accompanying petition ³ are 1 to ³ 13 are
personal knowledge and those of paras ¹⁰ are
believe to be true and those of paras ¹⁴ are based
on legal advice.

3- That the Annexure no.1 and 2 are the
true copies of the originals.

Lucknow dated 11 July

Bhisham Singh
Deponent

U-785
ALLAHABAD

(P)
219
13/15

VERIFICATION.

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

Lucknow dated

11^S 7/1985.

S. P. Singh
Deponent

[Signature]

I, identified the deponent who has signed before me.

S. P. Singh
Advocate.

Solemnly affirmed before me 11.7.85

on June 1985 at 10.40 a.m./p.m.

by Sri Ashok Kumar who is identified by the
Sri S. P. Singh Advocate High court, Allahabad
Lucknow bench Lucknow.

[Signature]

I have satisfied my self by examining the deponent that he has understand the contents of this affidavit which have been explained.

S. P. Singh

OATH COMMISSIONER
High Court, Allahabad
Lucknow Bench

No. 29/232
Date 11.7.85

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

W.P. No. 4

1985-14

ब अदालत श्रीमान्

महोदय

[वादी] अपीलान्त

प्रतिवादी [रिस्पाडेन्ट]



वकालतनामा

Ashok Kumar

वादी (अपीलान्त)

Petitioner

Union of India बनाम प्रतिवादी (रिस्पाडेन्ट)
नं० मुकद्दमा सन् पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री S.P. Singh

(Adv.) Arvind Kumar Sharma वकील

Gopal Krishna and son, J.K. Kulshrestha महोदय

नाम अदालत
मुकद्दमा नं०
नाम फरीकन
बनाम

को अपन 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 जबाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या 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 हूँ 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 [Signature]

साक्षी (गवाह)

साक्षी (गवाह)

विनीत

महोदय

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स्वीकृत Y.K. KULSHRESTHA

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

TA No. 1920/87(T)

Ashok Kumar ... Petitioner

Versus.

Union of India and others Opposite parties.

COUNTER AFFIDAVIT ON BEHALF OF OPP. PARTIES.

I, J.R. Kamal, Supdt. of R.M.S. L.W.

Division, Lucknow, aged about 57 years

son of Shri *Chithan Ram*

do hereby solemnly affirm and state as under:-

1. That the deponent is Opposite party no.2 in the above noted Writ petition and he is also authorised to file this counter affidavit on behalf of other Opposite parties.

2. That the deponent has read and understood the contents of the writ petition filed by the petitioner as well as the facts deposed to herein under in reply thereof.

3. That the contents of para 1 of the writ petition are not correctly stated and in reply it is submitted that the petitioner was not



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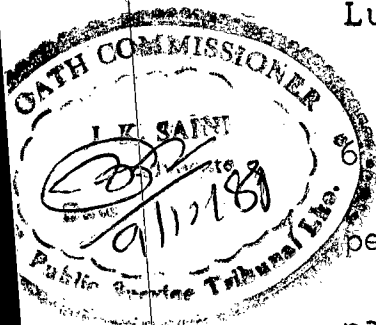
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appointed but approved as casual labourer to be engaged whenever necessary on duty vide SRM 'LV' Memo No. B SRM/Con/OS/83 dated 17.1.83.

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4. That in reply to the contents of para 2(i) of the writ petition it is submitted that the conduct of the petitioner found not good. He was an accused in Criminal offences under Sections 147/148/149/307 of I.P.C., recorded in Register No.8 for the village Kasimpur Biruha, maintained by Police Station Goshain ganj, Lucknow. The case is under trial in the Court of A.S.S. VIII, Lucknow.

5. That in reply to the contents of para 2(ii) of the writ petition it is submitted that the petitioner was found guilty for beating Shri Sukh Mangal Singh Sorting Assistant at Lucknow (Air Mail Sorting Office, Lucknow) on 7.1.85.



6. That the contents of para 3 of the writ petition are admitted to the extent that the amount paid to the petitioner was equivalent to one month's wages.

7. That the contents of para 4 to 7 of the writ petition are incorrect as stated and in reply

Annexed
9/12/88

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it is submitted that the petition was not in connection with retrenchment from the service as alleged but his candidature was terminated after following the usual procedure prescribed by the Department. The provision of the Industrial Disputes Act are not applicable in his case.

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8. That the contents of para 8 of the writ petition are incorrect as alleged and in reply it is submitted that there is no such provision exist in the rules of the Department.

9. That the contents of para 9 of the writ petition are not admitted as there is no adverse report about the work and conduct of any other official named in the para under reply.

10. That the contents of para 10 of the writ petition are not admitted as the provisions of Industrial Disputes Act are not applicable in the case of the petitioner.



That in reply to the contents of para 11 of the writ petition it is submitted that there is no such provisions to disclose administrative grounds to petitioner. Engagement of Shri Ashok Kumar, Casual labourer attached to HRO RMS 'LU' Division,

Amended
9/12/88

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Lucknow, was ordered to be terminated on the administrative grounds. An amount of, Rs.249/- equivalent to one month's wages was paid to him in accordance with the instructions contained in the Director General, P&T Communication No.49-58/84-SPB-1 dated 12.2.85.

12. That the contents of para 12 of the writ petition, the reply given against para 2 of the writ petition are reiterated.

13. That the contents of para 13 of the writ petition are not admitted as Shri Dilip Kumar is involved in a theft case, which is under police investigation. The termination of engagements of the petitioner has no concern with the case of Shri Dilip Kumar as stated by the petitioner.

14. That in reply to the contents of para 14 of the writ petition and it is submitted that the petitioner had not availed the opportunity to file an appeal against the orders to his higher authorities of the Department of Posts. The facts of the case which warranted termination of engage-



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ments are as under:-

(a) That a report from Shri Sukh Mangal

Singh, Sorting Assistant, Lucknow, Air Mail

Sorting regarding beating to him by

Shri Ashok Kumar Srivastava and others

on 7.1.85 was received by the deponent.

(b) On enquiry it was found that

Shri Ashok Kumar, the petitioner was

guilty of beating the complainants.

15. That the grounds taken by the petitioner

are not tenable in the eyes of law and the

~~xxx~~ petitioner is not entitled to any reliefs

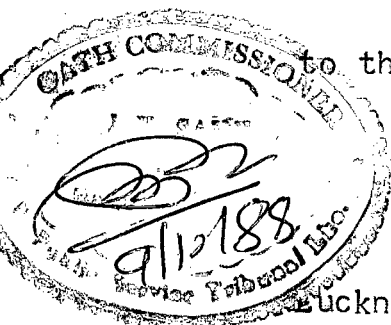
as sought.

16. That in view of the facts and circumstances

stated above, the writ petition filed by the

petitioner is liable to be dismissed with costs

to the opposite parties.



Superintendent
Deponent
QMS 'LW' Div., Lucknow 9/12/88

Dated: 9 Dec. 1988.

91/28

knowledge, those of paragraphs 14 to 14-
are believed by me to be true on the basis of
records and information gathered and those of
paragraphs 15 to 16 are also
believed by me to be true on the basis of legal
advice. No part of this affidavit is false and
nothing material has been concealed.

Donned
Superintendent
Deponent
RMS 'LW' Divn., Lucknow

Lucknow,

Dated: 09 Dec. 1988

I identify the deponent who has

signed before me and is also personally known to me

and signed on 9/14/88 at Lucknow am/pm

in the Court compound at Lucknow.

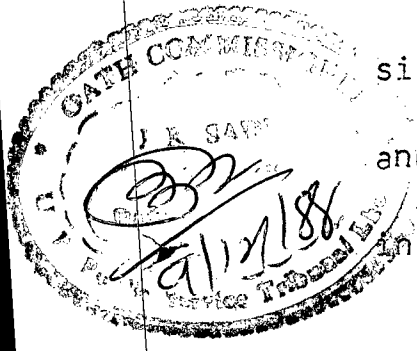
(Signature)

(V. K. CHAUDHARI)

Advocate, High Court
Counsel for the Opp. parties.

Lucknow,

Dated: 09 Dec. 88



CR 54 PM
6:00 PM
I have satisfied myself that the deponent who is identified by me in my office today
Clerk to the Court, is the same person who has signed this affidavit which has been read out and
signed by me. Received fee of Rs. 100/-

Jugur Kishore Saini
Adm.
Commissioner, Lucknow

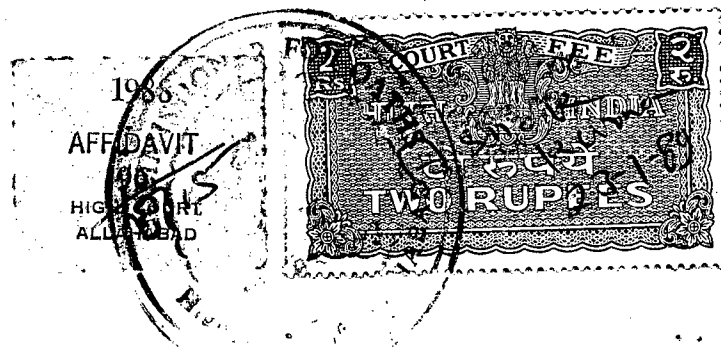
9/12/88

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In the Central Administrative Tribunal
Additional Bench Allahabad Circuit
Bench - Lucknow.

Registration no.T 1920 of 1987
Fixed for 24.10.88

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Ashok Kumar ... Applicant

Vs.

Union of India & Others Opp. parties

Rejoinder Affidavit

I, Ashok Kumar, aged about 21 years
S/O Sri Shamsheer Bahadur, R/O, 266/82, Nai
Basti Bhadewan, Lucknow, do hereby solemnly
affirm as under:-

1. That the deponent is the petitioner
in the above noted petition. He had read the
Counter Affidavit filed on behalf of the Opp.
Parties.

2. That the contents of para 1^{of C.A.} are
denied for want of knowledge.

3. That the contents of para 2 of the C.A.
are denied, for want of knowledge.

4. That the contents of para 3 of the
C.A. are denied. The facts mentioned in para 1
of the Petition are reiterated. It is wrong to
say that the Petitioner was not appointed, but
was approved as Casual Labour. Further the



Signature

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contents of para 3 of the petition are reiterated. The Juniors to the deponent in the list mentioned in para under reply are still working against the regular post. The deponent is also entitled to get the regular post without any effect of termination order.

5. That the contents of para 4 of the C.A. are denied. There is no material on the record to prove that the work and conduct of the deponent was not good. It is true that the deponent was implicated in the criminal case, but he has been acquitted in the case by the Court of First Additional Session Judge Lucknow, vide Judgement dated 5.5.86. The copy of the Judgement is filed herewith as Annexure-R-A1 to this Rejoinder Affidavit. The deponent is entitled to be reinstated in service as the only reason of termination was the criminal case.

6. That the contents of para 5 of the C.A. are denied. The allegations of beating to Sri Shukhmangal Singh are false. The person who were found guilty in the matter were placed under suspension, but the deponent was neither suspended nor charged. If the reasons of termination of the deponent was the case of beating to Sri Sukhmangal, then the compliance Art. 311(2) of the Constitution of India was necessary. The order of termination is liable to be quashed on this ground alone.

7. That the contents of para 6 of the C.A. are admitted to the extent of payment of one



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month salary, but rest of the contents are denied. The order of termination was by way of punishment.

8. That the contents of para 7 of the C.A. are denied. The contents of para 4 to 7 of the Petition are reiterated. The services have been terminated in an arbitrary manner. The enquiry was necessary, if the services have been terminated due to the case of Sri Sukh-mangal Singh and due to the criminal case. The enquiry is being held against two other persons and is still pending. The provisions of Industrial Dispute Act are applicable and the deponent could not be terminated from the services in the manner adopted by the Opp. Parties.

9. That the contents of para 8 of the C.A. are denied. The contents of para 8 of the Petition are reiterated. The juniors have been retained which is a violation of Art. 14 & 16 of the Constitution of India.

10. That the contents of para 9 of the C.A. are denied. The report against the deponent if any has not been disclosed, hence the comparison could not be made. The Opp. parties are required to produce the Character Roll of the Deponent and other juniors of the list referred in para -3 of the W.S. to clarify the position.

11. That the contents of para 10 of the C.A. are denied. The contents of para 10 of the Petition are reiterated.



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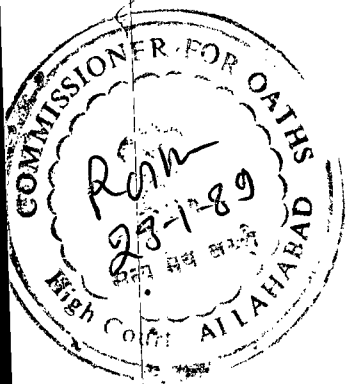
12. That the contents of para 11 of the C.A. are denied. The reasons of termination must be disclosed in the written Statement as held by the Hon'ble Supreme Court in case of Sri D.B. Vilappa- Vs.- The Manager, Govt. Press & Others. The reasons were necessary to be disclosed to reach the Hon'ble Tribunal on the correct conclusion and to ascertain the nature of the termination.

13. That the contents of para 12 of the C.A. are denied. The contents of para 12 of the Petition are reiterated.

14. That the contents of para 13 of the C.A. are denied. The retention of Sri Dilip Kumar in service in connection with the theft case is discrimination with the petitioner.. The reasons of termination were the misconduct including the reasons stated in para 13 of the Petition. The contents of para 13 of the Petition are ~~reiterated~~ reiterated.

15. That the contents of para 14 of the C. A are denied. The departmental remedy was not necessary to exhaust before filing the Petition under Art.226 of the Constitution of India. The Petition was admitted and this point could not be raised now before the Hon'ble Tribunal. The enquiry was necessary if the reasons of termination were the same which have been disclosed in para under reply. The enquiry is being held against two other employees in the same case.

16. That the contents of para 15 of the



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केवल नक़ल की फीस के लिए

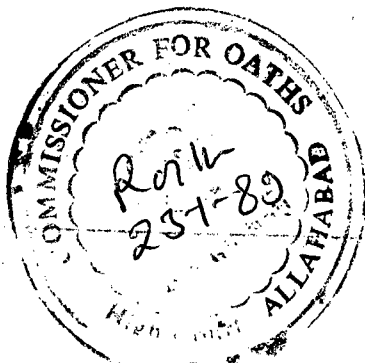
आवश्यक स्टाम्प सहित प्रार्थना पत्र देने की तारीख Date on which application is made for copy accom- panied by the requisite stamps.	नोटिस बोर्ड पर नक़ल तैयार होने की सूचना की तारीख Date of posting notice on notice board.	नक़ल वापिस दिए जाने की तारीख Date of delivery of copy.	नक़ल वापिस देने वाले अधिकारी का हस्ताक्षर Signature of official deliver- ing copy.



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

Crl. Appeal No. 320 of 86.

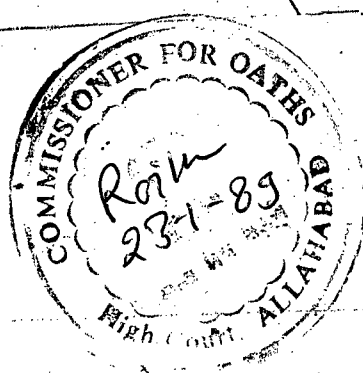
State

Vs

Kripa Shankar 2 ors.

Expt 7
L.H. 7 Sess. et al.
5/5/86 attached.

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C.A. are denied. The Petition is not only maintainable, it is liable to be allowed with cost on the grounds taken in para ~~unxxxxxxxixx~~ 15 of the Petition.

17. That the contents of para 16 of the C.A. are denied. The Petition is liable to be allowed with cost, and the deponent is entitled to get the reliefs claimed.

Dated: 23.1.89

Sri Ashok Kumar
Deponent.

Verification.

I, the above named deponent do hereby verify that the contents of paras 1 to 5, 7,, & 11 of the R.A. are true to my knowledge and the contents of paras 6, 8 to 10 and 12 to 17 of the R.A. are believed by me to be true. Nothing material has been concealed and no part of it is false, so help me God.

Signed and verified today this the 23rd day of Jan. 1989, in the Court Compound at Lucknow.

Sri Ashok Kumar
Deponent.

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

P.N. Bajpai
(P.N. Bajpai)
Advocate.

Solemnly affirmed before me on 23.1.89

at 5 A.M./P.M. by the deponent Sri Ashok Kumar, the above named deponent, who is identified by Sri P.N. Bajpai, Advocate, High Court of Judicature at Allahabad. (Lucknow Bench) Lucknow.

I have satisfied myself by examining the deponent that he understands the contents of this Affidavit which has been read over and explained by me.



Raj Kumar
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In the Magistrate Court of 1st Additional Sessions Judge, Lucknow.

Present: Sri R.N. Tewari, Judge.

Sessions Trial No. 270 of 1981.

State. Prosecutor.

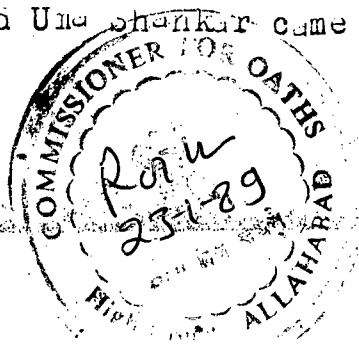
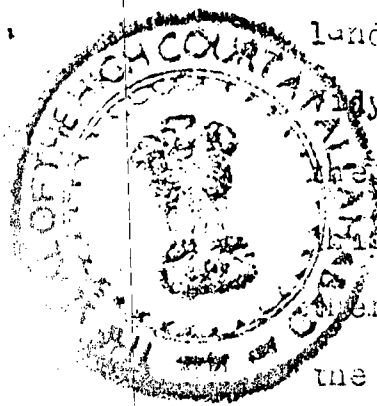
Versus

Kripa Shankar and others. Accused.

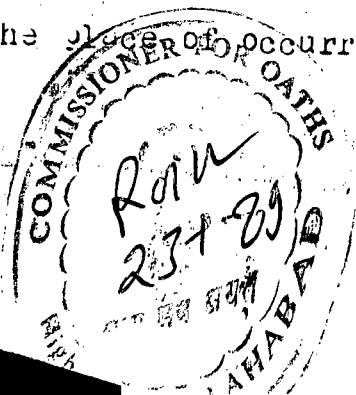
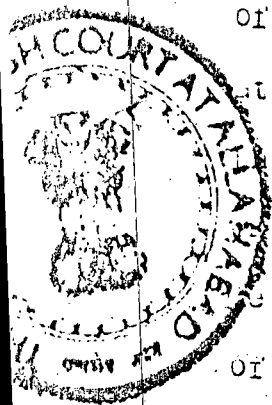
J U D G M E N T.

Accused Kripa Shankar, Uma Shankar, Hari Shankar, Sia Ram, Jagat Narain, Satya Narain, Subhash, Shiv Narain, Ashok, Maya Shankar and Brij Behari have been committed to the Court of Sessions to stand trial under secs. 147/148 and 307 read with sec. 149, I.P.C by the Munsif Magistrate, Lucknow on 30.6.82. My predecessor in office Sri B.L. Sachdeva, framed the charges against the accused. Hari Shankar, Sia Ram, Jagat Narain, Satya Narain, Subhash, Sheo Narain, Ashok and Maya Shankar stand charged under sec. 147 and 307 read with sec. 149, I.P.C and the accused Kripa Shankar, Uma Shankar, and Brij Behari stand charged under Sec. 148, 307 read with sec. 149, I.P.C. They all pleaded not guilty.

The prosecution case as detailed in written report (Ext. Ka-1) lodged by Rajendra Prasad is that the complainant and Uma Shankar son of Indra Bahadur of the village got the land of Gram Samaj entered in the name of Shankar Madhyamik Adyalaya. The complainant fixed pegs to tie his cattles on the Gram Samaj land. Uma Shankar and Kripa Shankar ploughed this field and sowed Urd. Since then there is enmity between them. On 22.9.80 at about 8.30 p.m. the father and mother of the complainant were sitting on the door outside the house of Panna Lal. Accused Uma Shankar came armed with double barrel



gun near the door of his house. Accused Kripa Shankar was accompanying him. He was armed with country made pistol. They started abusing his father and said "Sale tumhari wajah se sab logon ne abadi par khoontey gadey nain." His mother stopped them from abusing. In the meantime other companions and accused Kripa Shankar namely Brij Behari Bhanja of Kripa Shankar armed with raffle, Satya Narain, Sia Ram, Hari Shankar, Maya Shankar, Shiv Narain, Jagat Narain, and Subhash, who were armed with lathi and dandas came there with the common intention to kill him and his family members. Accused Uma Shankar fired with this gun which struck his mother. Hearing the noise of firing the cousin of complainant Harish Chandra reached there. Kripa Shankar fired with his country made pistol on Harish Chandra. On the hue and cry the persons of the neighbourhood family Vinod, Ram Nath, Ram Samujh, Bajrang etc. came there. The complainant took the injured namely his mother and Harish Chandra to the Police station and lodged the report. Check report Ex.Ka.-3 was prepared on the basis of the said written report. Its entry was made in the G.L. at Serial No. 40 on 22.9.80, Extract of which is Ext. Ka-4. The investigation was given to S.I. Vishwa Nath Singh (No. 4). The case was registered in his presence at 10.30 P.M. He was given the investigation and he recorded the statement of the complainant Rajendra Prasad and Laila on the Police station. Then he proceeded to the Hospital Golein Haj and recorded the statement of the injured Smt. Prabhu Dei and Harish Chandra and then proceeded to the place of occurrence in the night. Since it was dark he could not investigate further. On the next day he recorded the statement of Panda Lal in the morning and then seeing the place of occurrence he prepared the



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site plan (Ext. Ka.-2), took the blood stained and simple earth, sealed them in separate containers and prepared its Form Ex. Ka-

3. He also collected the Tikli and sealed it and prepared its

Form Ext. Ka.- 4. He also recorded the statement of witnesses

Mewa Lal, Bhagwati, Ram Naresn Ram Nath and Ram Samajh. On

26.9.80 he got the injury report. The injuries of Harish

Chandra are as follows:-

1. 2 gun shot wounds on the left cheek in an area of 4 cm x 2 cm all the wounds are 1/4 cm x 1/4 cm x muscle deep on the left cheek.

2. Three gun shot wounds in an area of 4 cm x 1 cm on the left palm and fingers.

All the injuries were fresh, simple and caused by short fire arm.

The injuries found on the person of Smt. Prabhu Dei

are as follows:-

Two gun shot wounds in an area of 4 cm x 4 cm on the front abdomen, 3 cms above the umbilicus. Both the wounds are about 1/4 cm x 1/4 cm. x not probe.

Multiple gun shot wound in an area of 10 cm x 6 cm on the right front of thigh. All wounds are about 1/4 x 1/4 cm.

Through and through three gun shot wounds on the left front of thigh.



32nd June

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All the injuries caused by some fire arm object.
Injury no. 1 was kept under observation.

On 15.11.60 he received the X-ray report and thereafter he completed the investigation and submitted the charge sheet Ext. Ka-5 against the accused.

The prosecution has examined P.W.1 Rajendra Prasad, P.W.2 Harish Chandra, P.W.3 Smt. Prabhu Dei, P.W.4 S.I. Vishwa Nath Singh, P.W.5 S.K. Yagava, Pharmacist, Balrampur Hospital, Lucknow and P.W.6 constable Chandra Bhai Tripathi.

The accused says Shankar has stated that he was in Lucknow on the date of alleged occurrence and has falsely been implicated on account of enmity. Brij Behari Lal has also taken the plea of alibi and has stated that on the date of occurrence he was on duty in Lucknow. Accused Hari Shankar has also stated that on the date of alleged occurrence he was in Lucknow. The remaining accused have stated that they have falsely been implicated on account of enmity. On behalf of the accused Kripa Shankar two papers Ext. Kha-1 and Kha-2 have been filed.

According to the complainant Rajendra Prasad (P.W.1) the alleged occurrence took place on account of the fact that the complainant had fixed pegs on the land belonging to Shankar Laghu Madhyamic Vidyalaya. This land was entered in the name of the school at the time when the

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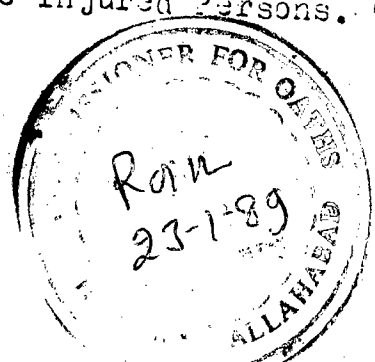
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Father of accused Kripa Shankar was Pradhan. The accused Kripa Shankar uprooted the pegs and sown 'Urd'. Since then there is enmity between them. The version of the complainant is that the accused complained to the complainant that on his account the villagers have also fixed their pegs on the said land and abused the parents of the complainant. The accused have also taken the plea that they have been implicated on account of enmity as such the enmity between the parties is admitted and it is in this back ground. It is to be seen whether the alleged occurrence took place as narrated by the prosecution. Rajendra Prasad (P.W.1) has stated that accused Maya Shankar is a teacher in Lucknow Inter College and accused Hari Shankar is in service at Lucknow, Haresn Kumar is the brother of the accused Kripa Shankar, Gup Shankar and Maya Shankar. He is Advocate and all of them mostly reside in Lucknow and come to village only on holidays. Brij Benari also resides in Lucknow and in service. there. Accused Jagat Narain is also in service at Lucknow and he is a daily passenger.

The only point for consideration is that how far the prosecution has succeeded in proving the guilt of the accused. The witnesses namely Rajendra Prasad (P.W.3) are the eye witnesses of the occurrence out of which P.W.2 Harish Chandra and P.W.3 Smt. Prabhu Dei are injured persons. They have stated that the

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accused Uma Shankar, Kripa Shankar and Brij Behari were armed xx with double barrel gun, pistol and rifle respectively at the time of incident. They further alleged that the said accused when came armed at his door, this witness and his mother Smt. Prabhu Dei alongwith his father were at the door of his house. The accused started rebuking them and on protest by Smt. Prabhu Dei, accused Uma Shankar fired at his mother causing fire arm injury on her person. The witness also stated that on alarm, his cousin brother Harish Chandra alongwith others arrived on the spot and Harish Chandra received fire arm injuries by pistol at the hands of Kripa Shankar accused. The injured Harish Chandra (P.W.2) resides in the neighbourhood of the complainant.

Rajendra Prasad (P.W.1) has stated that there was electric light in his house as well as in the house of Harish Chandra (P.W.2) The witness Harish Chandra (P.W.2) and Smt. Prabhu Dei (P.W.3) ~~xxxxxx~~ both have fully corroborated the statement of Rajendra Prasad (P.W.1) on the above noted points. They have stated that at the door of the complainant the accused Uma Shankar Kripa Shankar and Brij Behari being armed with double barrel gun, pistol and rifle arrived at the complainant's door, rebuked them ..



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and on protest fired at them causing injuries on the person of Harish Chandra (P.W.2) and Smt. Prabhu Dei (P.W.3) All the aforesaid accused are named in the F.I.R. and belong to the same village as that of the complainant. It has neither been suggested on behalf of the defence that they were not identified on the spot as the assailants, nor there is any such indication in the cross-examination of the prosecution witnesses.

In this case P.W.2 Hari Chandra and P.W.3 Smt. Prabhu Dei who are related to each other, are injured persons. Evidence of injured persons indicating that they were attacked by the aforesaid three accused with deadly weapons, finds support from the injury reports Ex.A-6 and K-7 which go to show that the said injured received injuries of fire arms. As such the ocular version of the incident by the injured person is of great value in assessing whether the prosecution is able to establish guilt of the accused. The evidence of injured persons cannot be brushed aside on the ground of their being interested persons. Their evidence receives ample corroboration from medical evidence on the record.

It may be pointed out that on behalf of the defence in the cross-examination of Harish Chandra (P.W.2) at page 3 it was suggested that there was feast or festival on the day of occurrence at the door of complainant and the people assembled



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~~A~~
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~~46~~

The seal of the Commonwealth of Massachusetts is visible in the bottom right corner of the document. It features a Native American figure holding a bow and arrow, surrounded by a circular border with the text "SIGILLUM REIPUBLICÆ MASSACHUSETTENSIS".

statement also makes

COMMISSIONER FOR OATHS
Roh
23-1-89
ATTAHAD

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9.

presence of the aforesaid eight accused on the spot.

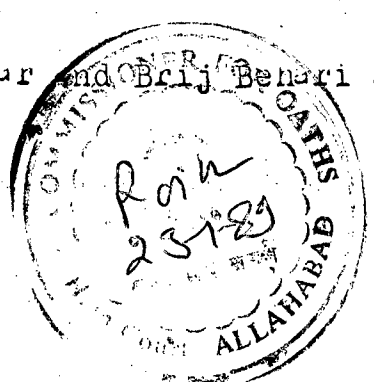
In view of all this evidence on record the accused Hari Shankar, Siya Ram, Jagat Narain, Subhash, Anoop Narain, Ashok and Maya Shankar are entitled to benefit of doubt and are hereby acquitted of the charges framed against them.

The accused Uma Shankar, Kripa Shankar and Brij Benari who were armed with deadly weapons are guilty of the offence under Sec. 324, IPC read with Sec. 34, IPC for voluntarily causing simple hurt by dangerous weapon on the person of Sgt. Prabhu Bai (P.W. 5) and Harish Chandra (P.W. 2) and are each convicted thereunder. The said three accused are entitled to acquittal under Sec. 307/149, IPC and 148, IPC and 147, IPC.

As the three accused are being convicted under Sec. 324 read with Sec. 34, IPC which is minor offence to the charges framed against them, there is no need to amend the charges. The accused be taken into custody forthwith.

Sd/- R.N. Tewari
(R.N. Tewari)
1st. Addl. Sessions Judge,
Lucknow.
May 5, 1986.

Heard on the point of sentence. As the accused used deadly weapons, they deserve no leniency on the point of sentence. I, therefore, direct that the accused namely Uma Shankar, Kripa Shankar and Brij Benari are each sentenced to



12 May 1986

undergo rigorous imprisonment for three years.

O R D E R.

Accused Uma Shankar, Kripa Shankar and Brij Behari are hereby convicted under Sec. 324 read with Sec. 34, IPC and each of them is sentenced to undergo rigorous imprisonment for a period of three years. They were on bail and were taken into custody after holding them guilty. They shall be sent to jail forthwith to serve out the sentence passed against them. Their bail bonds are cancelled and sureties are discharged.

Accused Hari Shankar, Siya Ram, Jagat Narain, Satya Narain, Subhash, Sheo Narain, Ashok and Maya Shankar are each found not guilty of the charges framed against them. They are on bail. They need not surrender to their bail bonds which stand cancelled and sureties are discharged.

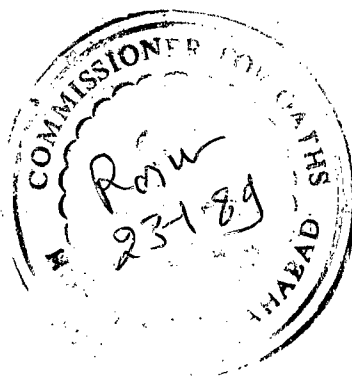
There is no material exhibit in this case.

Sd/- R.N. Tewari
(R.N. Tewari)
1st. Addl. Sess. Judge,
Lucknow.
May 5, 1986.

Judgment signed, dated and pronounced in the open Court today.

Sd/- R.N. Tewari
(R.N. Tewari)
1st. Addl. Sessions Judge,
Lucknow.
May 5, 1986.

S.K.D.



Ex. Dues
18/1/89

man me

वीरेन्द्र कुमार चौधरी

अपर केन्द्रीय सरकार स्थायी अधिवक्ता
उच्च न्यायालय लखनऊ बेंच

V. K. Chaudhari

Addl. Central Govt. Standing Counsel
HIGH COURT, LUCKNOW BENCH.

पत्र सं०
Letter No.



सत्यमेव जयते

दूरभाष [High Court 33640] उ० न्याया०
Phones [Residence 34986] निवास
निवास एवं चेम्बर
14/629 बरफ खाना, नई बस्ती (अलंकार
सिनेमा के पास) लखनऊ पिन - 226001
Residence Cum Chamber
14/629 Baraf Khana Nai Basti
(Near Alankar Cinema)
Lucknow. Pin Code - 226001

दिनांक/Date 03 - 5 - 1989

Hon'ble

The/Vice Chairmand and
Administrative Member,
Central Administrative Tribunal
Circuit Bench, Lucknow.

Subject: ADJOURNMENT OF THE CASES.

Hon'ble Sirs,

I am unable to attend this Hon'ble Tribunal
today the 4th May 1989 due to some personal work
outside Lucknow. Please adjourn the case of
Dularey Lal vs- Vineet Kumar and if any other
case fixed for hearing. However I am filing
reply to the objections in the case of Dularey Lal
as per direction of this Hon'ble Tribunal.
I shall be highly obliged for the accommodation.

Thanking you,

Yours Sincerely,

(VK Chaudhari)

SLN (14125/886) K.K. Sinha -

(CM/SP/29/42) Dularey Lal

(K.S.A.H)

(11) 04/57/89 (W) S.A.H. Acharya

(8) 74/1920/87 (T) Ashok Kumar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH Circuit Bench

23-A, Thornhill Road, Allahabad-211001

Circuit Bench
Gandhi Bhawan (opp. Residency) Lko

No. CAT/ALLAHABAD/Jud Bhawan (Opp. Residency)

T.A.No. _____ Of 198 .(T)

TA.1920/87

Applicant's

Versus
Ashok Kumar

Respondent's

To

Union of India

Superintendent, R.M.S.
Lucknow Division, Lucknow.

Whereas the marginally noted cases has been transferred by
High Court Lko under the provision of the Administrative
Tribunal Act (No. 13 of 1985) and registered in this Tribunal as
High Court Lko
above.

Writ Petition No. 4054/85

Of 198 . Of the

Court of High Court Lko arising out

of Order dated Lko passed by

High Court

in Lko

the matter will be heard and decided in your absence .

The Tribunal has fixed date

of 4-7 1988. The for filing
Reply and Respondent by 11-7-88
hearing of the matter.

If no appearance is
made on your behalf by your
some one duly authorised to

to Act and pled on your behalf

Given under my hand seal of the Tribunal this _____
day of 22/4 1988.

22/4/11

DEPUTY REGISTRAR

J.K. Soni

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Circuit ~~ALLAHABAD~~ BENCH

~~23-A, Thornhill Road, Allahabad-211004,~~

Grandhi Bhawan (Opp Residency)

No. CAT/Alld/Jud/

Dated the & _____

T.A.No. 1920 Of 1987 (T)

Ashok Kumar Applicant's

Versus
Union of India Respondent's

To

Superintendent, R.M.S.
Lucknow Division, Lucknow.

Whereas the marginally noted cases has been transferred by
High Court Uo. under the provision of the Administrative
Tribunal Act (No. 13 of 1985) and registered in this Tribunal as
above.

Writ Petition No. 4054-85
Of 198 . Of the
Court of High Court arising out
of Order dated Uo passed by
in _____

34

the matter will be heard and decided in your absence .

The Tribunal has fixed date
of 4-7 1988. The for filing
Reply and Rejoinder by 11-7-88.
hearing of the matter.

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

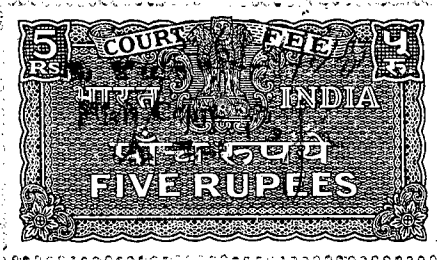
Given under my hand seal of the Tribunal this _____
day of 20/4 1988 .

DEPUTY REGISTRAR

Pr. S. N.

In the Honble Administrator's Court
ब अवालत श्रीमान (Addl. Bench) Allahabad महोदय
वादी अपीलान्त
प्रतिवादी रैस्पाडेन्ट

वकालतनामा



T. 1920/87

Ashok Kumar

वादी (अपीलान्त)

Union of India + others बनाम

प्रतिवादी (रैस्पाडेन्ट)

नं० मुकद्दमा सन् पेशी की ता० १२ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री प्रयाग नारायण बाजपेयी एडवोकेट एवं श्री कार्तिकेय बाजपेयी एडवोकेट भैरौ जी रोड, लखनऊ महोदय

नाम अवालत
मुकद्दमा नं०
नाम फरीकान

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लीटावें 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 हमारी विपक्षी (फरीकसानो) 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 तरफा मेरे खिलाफ फंसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Accepted.
J. M. J. B.
26-4-88

हस्ताक्षर डॉ. जे. ए. मुन्शी (श्रीवास्तव)

साक्षी (गवाह) साक्षी (गवाह)

दिनांक 26 महीना 11 सन् १९८८ ई०

Accepted.
K. B. J. B.
26-4-88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
Circuit (ALLAHABAD BENCH) Lucknow.
25-A Thornhill Road, Allahabad-211001.
Gandhi Bhawan (Opposite Landmark) Lucknow.

REGD.

No./CAT/ALLO/ 29430

Dated _____ 198

Transfer Application No. 1920/27 of 198 (T)

Ashok Kumar

APPLICANT

VERSUS

Union of India & others

RESPONDENT(S)

To, Ashok Kumar Srivastava, R/o 82 Bhadara
Aishbagh Lucknow.

WHEREAS the marginally noted case has been transferred
by High Court Lucknow. under the
provisions of the Administrative Tribunal Act (No.13 of 1985) and
registered in this Tribunal as above.

W.O. No. 4054 of 1985
of the Court on High Court-LKO
arising out of the order dated _____
passed by _____

The Tribunal has fixed the
date of 26/4/88 for

the hearing of the matter.

If no appearance is made on your

behalf by yourself, your pleader
or by someones duly authorised to
act and plead on your behalf;

the matter will be heard and decided in your absence.

Given under my hand and seal of the Tribunal on
the _____ day of 18/4/88

[Signature]
DEPUTY REGISTRAR.

श्रीमान डिप्टी मजिस्ट्रेट मधोदप

(Signature)

सेक्टर २ इमिग्रेशन इन्स्पेक्टर
इलाहाबाद

८०१

26/4/88
140

T.A. 20-1987 (T)

अशोक कुमार (जीवातक बनाम) मात संबंध

विषय -

उपरोक्त पक्षों की लखनऊ फ़ास
मिल आदेशों के अन्तर्गत
देख प्रमाण पत्र।

मधोदप जी,

जिलेदन यह है कि प्रार्थी
को बाद श्रीमान जी के आदेशों
विचारित है।

प्रार्थी एक गरीब परिवार (आस्थापन)
है जिससे लखनऊ से इलाहाबाद
आने जाने में काफी व्यय करना
पड़ता है, प्रार्थी को जारी रखित
दस्तावेज है।

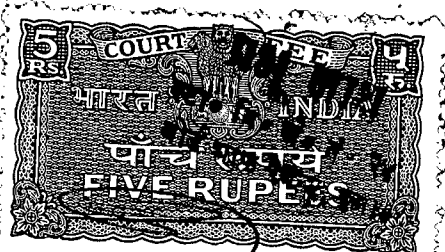
अतः आप से प्रार्थना है
की प्रार्थी को बाद लखनऊ में
स्थानांतरित करने की कृपा करें
महान कृपा होगी।

विनोद

18/4/88

(प्रार्थी)

अशोक कुमार (जीवातक बनाम)



193/27
27
K

वकालतनामा

बअदालत The Central Administrative Tribunal
Allahabad

नम्बर मुकदमा

Application no T. 1920 of 1987

नम्बर इजारा

सन् १९

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सन् १९

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मुद्दै

Ashok Kumar
Private Law

बनाम

Union of India

अपीलान्त

मुद्दालेह

मैं

Ashok Kumar Private Law

मैं हम

Ramgar Behar Private Law

निवासी

266/82, Bhawan, Lucknow - 4

श्री R. K. Tewari, Advocate, 154, Purshottamnagar
Allahabad - 16

को उपरोक्त मुकदमे की पैरवी के लिये मेहनताना अदा करने का बचन देकर मैं / हम अपना वकील नियुक्त करता हूँ / करते हैं। उन वकील महोदय को मैं / हम यह अधिकार देता हूँ / देते हैं कि वह मुकदमे में मेरी ओर से पैरवी करें आवश्यक सवाल पूछें, जवाब दें और बहस करें दस्तावेज व कागजात अदालत में दाखिल करें, व वापस लेवें पंचनामा उपस्थित करें, पंच नियुक्त करें यदि आवश्यकता हो तो पंच निर्णय का लिखित विरोध करें, सुलहनामा दाखिल करें, दावा स्वीकर करें, उठा लेवें और डिग्री प्राप्त हो जाय तो उसे जारी करावे, डिग्री का रुपया व खर्चा, हर्जाना का रुपया या किसी दूसरे तरह का रुपया व खर्चा, जो अदालत से मुझे / हमें मिलने वाला हो वसूल करें, मेरी / हमारी ओर से अदालत में दाखिल करें, कोर्टफीस व स्टाम्प देवे या वापिस लेवें, रसीद ले लेवें प्रमाणित करें, नकल प्राप्त करें, अदालत की अनुमति से मिसिल का मुआयना करें, आवश्यकता होने पर मुकदमा स्थापित करावें व इस मुकदमे के सम्बन्ध में दूसरे काम जो जरूरी समझें पैरवी के लिए अपनी ओर से कोई दूसरा वकील नियुक्त करें यदि आवश्यकता हो तो अपील या निगरानी दायर करें और अपील निगरानी की अदालत में पैरवी करें और यह भी बचन देता हूँ / देते हैं कि यदि मैं / हम पूरी फीस या खर्च न अदा करूँ / करें तो वकील साहेब व उनके क्लर्क बहस व पैरवी के लिये बाध्य न होंगे।

इस अधिकार पत्र के अनुसार उक्त वकील महोदय इस मुकदमे के सम्बन्ध में जो कुछ काम करेंगे वह सब अदालत में स्वयं मेरा / हमारा किया हुआ समझा जायेगा और वह मुझे / हमें सदैव ही मेरे / हमारे किये के समान सक्ता मान्य होगा।

तारीख

29 माह 2

सन् १९८७ ई०

स्वीकार है

हस्ताक्षर

Accepted
R. K. Tewari

Ashok Kumar Private Law

हस्ताक्षर

गवाह

गवाह

सन्

बनाम

अदालत

मुकदमा नं०

29/2/88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
23-A, THORNHILL ROAD, ALLAHABAD-211001

*

No. CAT/A11d/

Dated 10/2/1988

Transfer Application No. 1920 of 1987 (T)

Ashok Kumar

APPLICANT(S)

Versus

Union of India & others

RESPONDENT(S)

Ashok Kumar, S/o. Sh. Shamsheer
No. Bahadur, R/o 266/129, Nai Basti,
Bhadra, Lucknow.

WHEREAS the marginally noted cases has
has been transferred by High Court Lko under the
provision of the Administrative Tribunal 1 Act (No.13
of 1985) and registered in this Tribunal as above.

Writ petition 4054 of
1985 of the Court of High
Court Lko arising out of
order dated

The Tribunal has fixed
date of 29-2-1988
the hearing of the mat-
er.

passed by
in

If no appearance is
MADE ON YOUR behalf by
your some one duly auth-
orised to

and plad on your behalf, the matter will be heard
and decided in your absence.

Given under my hand seal of the Tribunal
this 18/1/1988 day of

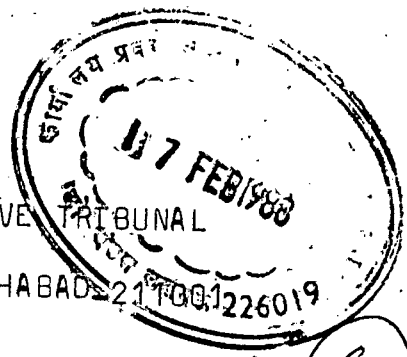
The Union of India through
Superintendent - A. M. S. Lucknow
Division, Lucknow.

DEPUTY REGISTRAR

as

as
A. S. S. S.
18/1

27423
22/02/88
R/o
Missundhast
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
23-A, THORNHILL ROAD, ALLAHABAD-201001226019



*

No. CAT/A11d/

Dated 10/2/88 C/81

Transfer Application No. 1920 of 1987 (T)

Ashok Kumar APPLICANT(S)

Versus

Union of India & others RESPONDENTS
① The Union of India through
No. Superintendent R.M.S. Lucknow.
Division Lucknow.

WHEREAS the marginally noted cases has
has been transferred by High Court Lko under the
provision of the Administrative Tribunal 1 Act (No.13
of 1985) and registered in this Tribunal as above.

Writ petition 405-4 of
1985 of the Court of High
Court Lko arising out of

order dated _____

passed by _____

in _____

The Tribunal has fixed
date of 29-2 1988
the hearing of the matt=
er.

If no appearance is
MADE ON YOUR behalf by
your some one duly auth=
orised to

act and plad on your behalf, the matter will be heard
and decided in your absence.

Given under my hand seal of the Tribunal
this _____ day of 18/1 1988

DEPUTY REGISTRAR

SOCT)
for D.A.

as

1980

T.A. No. 1920/87

C
82

सेवा के

सीमान्त संवर्धन एंडा (महोदयजी) 8/5
महोदयजी 5/5/87 को प्रेषित
उत्तरावांच

महोदयजी 1920 - 1987(T)

महोदयजी

निवेदन यह कि प्रार्थना क्र. 266/129
महोदयजी ने मही 26/12 को प्रार्थना
अपने महोदय 266/82 महोदयजी 26/12

अतः सीमान्त जी से प्रार्थना की गई
प्रार्थना को महोदयजी या नोटिस आता
प्रार्थना को महोदयजी महोदयजी प्रार्थना
हो जाए, महोदयजी महोदयजी

महोदयजी
8/2/88

प्रार्थना

अशोक कुमार श्रीवास्तव
266/82 महोदयजी
महोदयजी

So(T)

Keep on Record

DR (T)

8-2-88

8/2/88